

United States Senate

WASHINGTON, DC 20510

August 4, 2015

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, AU Docket No. 14-252; Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones, MB Docket No. 15-146

Dear Chairman Wheeler:

Last week you testified before the House Energy & Commerce Committee that, "The Incentive Auction will be the most complex in Commission history," and that while conducting the auction, "the Commission must balance a range of goals that Congress established, goals that are sometimes competing." We commend your leadership thus far in laying the groundwork for the many rules and policy decisions that are necessary to execute this historic undertaking. However, we write today to express serious concern over an issue that has arisen as the Commission grapples with how to most efficiently repack broadcasters following the auction. To maximize the auction's proceeds, it has been reported you are currently considering relocating broadcasters into the "duplex gap", which was established to guard against interference and expand the availability of unlicensed spectrum. We urge your extreme caution in pursuing this course.

Almost every stakeholder in the auction process – broadcasters, public interest groups, and the wireless industry – have raised concerns about the implications of placing full-power broadcasters in the duplex gap. This proposal would deny millions of Americans the innovative promise of unlicensed spectrum and the economic benefit it brings. Furthermore, it would inhibit live news coverage and emergency communications by leaving local broadcasters in some markets with no reserved spectrum for the wireless microphones that are essential to cover breaking news.

In April 2014 you wrote, "Opening up more spectrum for unlicensed use provides economic value to businesses and consumers alike." We enthusiastically agree. As you know, opening up spectrum for unlicensed uses significantly increases the efficiency of all spectrum use and helps to propel leaps forward in technology by providing space to innovate without permission from a commercial license holder. However, in order to act as this catalyst to innovation, unlicensed spectrum must provide entrepreneurs with the opportunity to take advantage of economies of scale. Relocating a full-power broadcaster in the duplex gap would, in effect, remove this spectrum for unlicensed use in

that media market and therefore block millions of potential consumers from accessing next-generation unlicensed services.

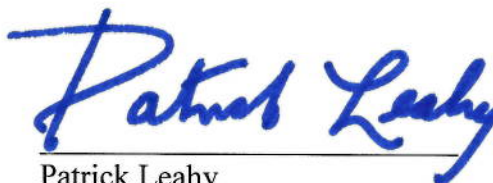
The FCC has witnessed first-hand the changes our communications revolution is having on our country, our culture, our economy. There is no sector of our economy more dynamic and vibrant than communications. We have more ways to connect, create, learn and listen to one another than at any other point in history. Yet, in this globally expanding medium broadcasters are still the only truly local media. More than national network news, more than cable news – local broadcasters are the first source Americans turn to when they tune in. When reporting live news events broadcasters rely on wireless microphones, and they were depending on spectrum in the duplex gap to continue using these important reporting tools. Relocating a broadcaster into the duplex gap eliminates the availability of that spectrum for such a use.

As the FCC considers how best to relocate broadcasters during the incentive auction, it must ensure adequate spectrum is available for unlicensed use on a contiguous nation-wide basis, and that local broadcasters can continue to report the news and serve their local communities without undue disruption. If the Commission must relocate full-power broadcasters in the 600 MHz band, it should do so in a way that minimizes interference and negative consequences for unlicensed spectrum use and wireless microphones. Thank you for your consideration.

Sincerely,



Richard Blumenthal
United States Senator



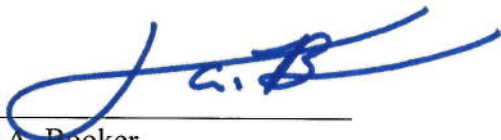
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United States Senator



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