



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268
Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, AU Docket No. 14-252

July 30, 2015

Dear Ms. Dortch:

On behalf of the City of New York, I write to express my opposition to any change in the rules for the broadcast “incentive auction” that would imperil New Yorkers’ access to unlicensed spectrum in the 600 MHz band. In particular, the proposal to repack full power broadcasters in the “duplex gap” of the new 600 MHz service would inhibit live broadcast production in major urban areas, complicate the use of microphones in live theater, and deprive millions of Americans of the full benefit of next generation Wi-Fi technologies enabled by making three channels available for unlicensed use on a national basis.¹

I am deeply concerned about the potential impact on New York City, one of the media markets the Auction Task Force has indicated would most likely see a broadcaster placed in the duplex gap post auction. If this were to occur, news teams reporting major breaking news in New York might suffer interference on wireless microphones. We might not be able to accommodate the wireless microphone needs of a major sporting event, such as the Super Bowl. Residents would be foreclosed from the full benefit of next generation Wi-Fi devices operating in the TV white spaces. We urge you to consider the important concerns raised by a diverse coalition of broadcasters, tech companies, and consumer advocates and preserve the duplex gap for unlicensed and wireless microphone use.

Mayor de Blasio has set a goal of universal broadband in New York City by 2025. The City has committed to investing \$70 million in wireless corridors over the next ten years to increase competition and reach underserved areas. We recently concluded the City’s first-ever “call for innovations” seeking new approaches to deploying affordable broadband. The viability of white spaces in the New York City market will contribute to the Mayor’s goals for universal broadband and technological innovation. Having a common channel available for unlicensed users in every market nationwide – especially in the country’s

¹ Letter of Broadcaster and Unlicensed Coalition (July 7, 2015). Available at: <http://apps.fcc.gov/ecfs/document/view?id=60001113542>.

largest market: New York City – is essential to encourage private investment in the integrated Wi-Fi chips that will bring greatest value to smartphone users in urban areas.

In addition to the Mayor's broadband goals, the City is a television broadcast license holder (WNYE-TV) contemplating the potential benefits of relinquishing its license in the auction. And the broadcasting and theater industries are vital sectors of the economy. An 11 MHz duplex gap will provide sufficient space for both 802.11af wireless connectivity and wireless microphone use. I also note that the wireless providers that will bid on the newly created licenses have generally opposed placing broadcasters in the duplex gap, where full power broadcasters would create interference problems for already overloaded downlink capacity.² Placing broadcasters in the duplex gap may therefore discourage bidding participation by wireless companies worried about interference to downlink capacity, undermining multiple objectives of the incentive auction.

The Middle Class Tax Relief and Job Creation Act of 2012 calls on the FCC to balance among competing goals: Congress directed the FCC to use a voluntary market mechanism to allocate valuable “low band” spectrum to meet our ever growing need for licensed mobile broadband capacity. Of equal importance, Congress required the Commission to preserve the critical role free over-the-air broadcasters play in providing news to all Americans – particularly local news and emergency information. Finally, Congress recognized that the FCC must continue to encourage innovation and meet the equally expanding demand for next generation Wi-Fi service by encouraging unlicensed spectrum access in the guard bands, including the duplex gap, on a non-interfering basis. As the Commission itself recognized in the 2014 Framework Order, preserving the duplex gap on a nationwide basis is an essential part of meeting these statutory goals.³ I therefore strongly urge you to adopt the broad stakeholder consensus and reject placing broadcasters in the duplex gap.

Sincerely,



Maya Wiley
Counsel to the Mayor
New York City

² See, e.g. Letter of Verizon VP & Deputy General Counsel John T. Scott III (July 6, 2015) (“the Commission should place relocated broadcast stations only in the uplink band and not in the downlink band or duplex gap”).

³ Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd 6567 (“2014 Framework Order”).