United States Senate
WASHINGTON, DC 20510

July 15, 2015

Chairman Thomas Wheeler
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Dear Chairman Wheeler:

We applaud the work of the Federal Communications Commission in conducting a successful auction of the AWS-3 band, which yielded historic revenues, and we are confident that the incentive auction will be met with similar success. As the Commission readies for its July 16 open meeting, we write to urge caution on the proposal to repack full power broadcasters in the "duplex gap" of the new 600 MHz service.

A diverse coalition of broadcasters, tech companies, and consumer advocates have raised concerns that placing broadcasters in the duplex gap will complicate and inhibit live news reporting in major urban areas. Furthermore, the current proposal would deprive millions of Americans of the full benefit of next generation unlicensed technologies, including Wi-Fi, enabled by making three channels available for unlicensed use on a national basis.[1]

As the Commission acknowledged in its May 2014 Order setting the framework for the incentive auction,[2] the Spectrum Act of 2012 represents a carefully crafted compromise among many disparate goals. First and foremost, 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 requires the Commission to preserve the critical role free over-the-air broadcasters play in providing news–particularly local news and emergency information–to all Americans. Finally, Congress recognized that the FCC must continue to encourage innovation and meet the equally expanding demand for next generation unlicensed service by encouraging unlicensed spectrum access in the guard bands, including the duplex gap, on a non-interfering basis.

It appears to be the consensus of a broad swath of stakeholders that the Commission should generally try to avoid placing broadcasters anywhere in the 600 MHz band when possible, but if the Commission must relocate a broadcaster to the 600 MHz band, it should place the broadcaster where its presence will cause the least amount of interference to 600 MHz licensees. We urge you to adopt this broad industry consensus

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

[2] Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, Report and Order, 29 FCC Red 6567 ("2014 Framework Order").

of wireless bidders, broadcasters, tech companies, news organizations, and consumer groups.

Preserving the duplex gap for nationwide unlicensed access and wireless microphone use will protect live news coverage and enable the development of next generation unlicensed technologies, which is essential to meet the goals of the Spectrum Act. Thank you for your consideration.

Sincerely,

CORY A. BOOKER
United States Senator

MARCO RUBIO
United States Senator

CHARLES E. SCHUMER
United States Senator

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 1, 2015

The Honorable Cory Booker
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter regarding repacking full-power TV broadcasters in the 600 MHz Band following the Incentive Auction.

I share your view that that unlicensed spectrum is an important catalyst for innovation, and the Commission has taken a wide range of actions to make more spectrum available for unlicensed use. Specifically in the context of the incentive auction, the Commission has authorized unlicensed use of Channel 37, the guard bands, and duplex gap that will be part of the new 600 MHz band plan after the auction. Additionally, the Commission proposed to set aside one vacant channel in the TV band for unlicensed use.

As you note, our auction system could assign some TV broadcasters to the duplex gap if there is not sufficient channel capacity in the TV band in a market to accommodate all of the broadcasters that wish to remain on the air after the auction. At the same time, we also adopted a cap on the ability of the system to assign stations to the wireless band to limit impairments to the spectrum being made available for wireless broadband use – unlicensed as well as licensed. The Commission staff analysis indicated that broadcast stations may need to be placed in the duplex gap in only a handful of markets. However, the Commission has proposed to protect a second vacant television channel for unlicensed use and wireless microphones in markets where broadcasters are placed in the duplex gap.

The flexibility to assign some TV stations to the wireless band is important because we do not know in advance how many broadcasters in each market will elect to participate in the auction. If we did not have the flexibility to assign some stations to the wireless band, including the duplex gap, our ability to repurpose 600 MHz spectrum for wireless broadband would be limited because we would have to make the TV band big enough in every market to accommodate the market with the greatest number of stations remaining on the air, even if a smaller TV band would be sufficient for the vast majority of the country.

As you note, stakeholders voiced their concerns associated with assigning TV stations to the duplex gap. The Commission carefully considered their views, and I believe the rules we adopted strike the appropriate balance between providing the necessary flexibility for a successful auction and preserving spectrum for unlicensed use.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 1, 2015

The Honorable Marco Rubio
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Rubio:

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 1, 2015

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

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Sincerely,

Tom Wheeler