



September 6, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Unlicensed Operation in the TV Broadcast Bands: ET Docket No. 04-186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band: ET Docket No. 02-380

Dear Chairman Martin:

On behalf of television broadcasters serving Spanish language viewers nationwide, we write regarding the potentially harmful proposal before the Federal Communications Commission that would permit the introduction of unlicensed personal and portable transmitting devices in the digital broadcast spectrum. As you know, the digital broadcast spectrum will be the sole, permanent home of television broadcasting commencing on February 17, 2009, and any interference to broadcast operations within that spectrum will result in a loss of service to over-the-air television viewers on particular channels. Because of this very tangible and significant threat of interference to Hispanic television viewers, large numbers of whom continue to be over-the-air viewers, we urge the FCC not to allow the wholesale introduction of untold numbers of personal and portable unlicensed devices into the television band until it can be conclusively demonstrated that they will not interfere with broadcast operations.

Our networks and local stations have been working in partnership with the federal government and consumer organizations so that no one loses the ability to view television due to the impending transition from analog to digital transmission of over-the-air broadcast signals. Our companies have each expended many millions of dollars upgrading our facilities for the DTV transition. Hispanic viewers will face unique challenges in the digital transition and we are also dedicating substantial resources to ensure that Hispanic viewers across the country are fully informed of the process and timing for the transition. The proposal pending before the Commission, however, serves to undermine these efforts and jeopardize the successful DTV transition with particularly serious consequences for Spanish language viewers across the country.

Since Hispanic households have always relied more heavily on over-the-air reception than the general population, this interference will have a disproportionately harmful impact on Hispanic viewers. These Hispanic viewers rely on over-the-air analog television for their local news, emergency information and other local programming. For example, in Houston nearly 459,852 homes (23.2%) receive signals over the air. Of these over-the-air homes, 290,000 (58.9%) are Hispanic homes. This pattern is repeated in many markets across the country. Interference from these devices will disenfranchise large segments of the Hispanic community. In addition, those DTV viewers living in apartments and other multi-family units will be particularly susceptible to interference. In multi-unit dwellings, where residents share walls, electrical wiring and copper water supply pipes and often a single rooftop master antenna, a single unlicensed portable device can cause interference throughout the building. This is particularly problematic for Spanish language over-the-air viewers, as nearly 40% of Hispanic households reside in multiple dwelling units.

The recently released results from the FCC's report, *Initial Evaluation of the Performance of Prototype TV-Band White Devices*, bear out our concerns that personal and portable devices – such as wireless laptops, PDAs and radio-controlled toys – will interfere with DTV reception. Unlicensed device proponents contend that “sensing” technology will prevent interference arising from the use of the devices in so-called “vacant” frequencies adjacent to occupied television channels. The July 31, 2007, report, however, determined that the sample prototype devices submitted to the Commission for evaluation “do not consistently sense or detect TV broadcast or wireless microphone signals.” The tests also found that the transmitter used by the prototype device causes interference to over-the-air TV broadcasting signals. Finally, an analysis of data reported by the FCC in March shows that digital television sets could receive interference from these unlicensed devices operating on a “vacant” adjacent channel in 80-87% of a television station's coverage area.

In light of these findings, the implications for the DTV transition are enormous. Unlike analog television sets, interference to a digital television means not just a degraded picture, but no picture at all. If DTV consumers are subjected to harmful interference from these unlicensed TV band devices, all they will see is a frozen picture or blank screen, meaning an absence of television service.

As you know, Congress has appropriated \$1.5 billion to subsidize the purchase of over-the-air digital to analog converter boxes. Hispanic households – with their greater reliance on over-the-air reception – will need these boxes in order to receive signals on their analog sets after the transition. Personal and portable unlicensed devices, if allowed in the TV spectrum, will interfere with the operation of the converter boxes, thereby undermining this key government program and further compromising continued access to over-the-air television.

It is crucial that the successful transition from analog to digital television remain the top priority of government and industry. Every effort must be made to ensure that Hispanic viewers who rely on over-the-air signals are not left out of the digital transition because their digital TV sets receive interference from unlicensed devices. This interference is permanent and irreparable once these interfering devices are in the marketplace. Therefore, we respectfully request that the FCC

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proceed with the utmost caution in its rulemaking, and not allow personal and portable unlicensed transmitting devices to enter the television broadcast band until it can be demonstrated conclusively that they will not impair over-the-air digital television reception.

Respectfully submitted,

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cc: Members of the Congressional Hispanic Caucus
Members of the Congressional Hispanic Conference
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell
Mr. Julius Knapp, Chief, Office of Engineering and Technology
Ms. Monica Desai, Chief, Media Bureau