

Congress of the United States
Washington, DC 20515

March 8, 2010

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Genachowski:

We write to you regarding an issue that has the potential to cause harmful interference to nearly 35 million listeners to satellite radio, including millions with access to satellite radio in their automobiles. The ongoing proceeding to change Wireless Communications Service (WCS) rules, if mismanaged, could result in serious problems to listeners of this nationwide service.

We believe that broadband, including mobile broadband, offers the nation many benefits, and we both have long been proponents of development of new broadband alternatives. But deployment of new broadband services must not threaten other established licensees or cause disruptive interference to millions of existing consumers. The WCS spectrum is already authorized for a variety of fixed broadband services pursuant to established FCC rules and some WCS licensees are currently using the band for this purpose. Those original WCS rules prohibit mobile transmissions on these frequencies, however, specifically because of the threat of interference with satellite radio, which uses the frequencies directly adjacent to WCS. This initial FCC conclusion was based upon a thorough record, and no subsequent engineering advances have solved those interference concerns.

We are particularly worried about the impact a decision to open the WCS spectrum to mobile broadband transmission would have on vehicle owners around the nation. Millions of people have satellite radio access in their cars, and a significant factor in many consumers' choice of vehicle is whether a satellite radio receiver has been installed in a particular model. Mobile broadband interference could render these receivers nearly useless and any interference will cause significant consumer frustration since it would be impossible to isolate the cause of interference to an automobile receiver. At a time when automobile manufacturing is just beginning to rebound from the recent recession, we think it would be very unwise to substantially diminish the utility of a key vehicle feature such as satellite radio.

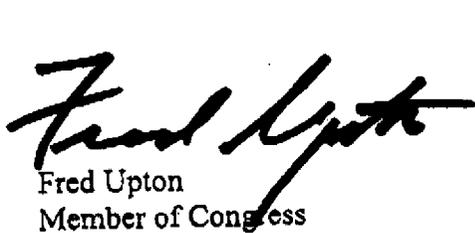
Any steps to open up this spectrum must be taken carefully and with due regard for existing satellite radio services. We expect, at a minimum, that the FCC will continue along its path towards full transparency and accountability by making available to the public any proposed modified rules for mobile use of the WCS spectrum before they are adopted by the Commission. Satellite radio providers, the automakers, consumers, and other interested parties should have an opportunity to thoroughly review and comment upon those rules. The minimal additional time that this process would take is nothing compared to the problems that would result if the new rules are flawed.

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If the FCC reverses its position on mobile use of the WCS spectrum, those new rules must also contain a means whereby any interference to satellite radio listeners, however minimal, would be rectified immediately. That means the new rules should include appropriate mechanisms to recompense satellite radio consumers for any loss of service caused by a mobile broadband device using the WCS spectrum. Of course, the Commission also should consider and adopt any and all other protections for existing satellite radio listeners, including those who have receivers in their vehicles, as the record warrants.

Please keep us informed of the Commission's plan for the WCS spectrum. Thank you for your consideration.

Sincerely,



Fred Upton
Member of Congress



Mike Rogers
Member of Congress (m2)

cc: Commissioner Michael Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 20, 2010

The Honorable Fred Upton
U.S. House of Representatives
2183 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Upton:

Thank you for your letter regarding the Wireless Communications Service (WCS) proceeding currently pending before the Commission. I share your view about the benefits that wireless broadband service will bring to the public, and want to assure you that we remain committed to conducting this and any Commission proceeding transparently and with full public participation.

The Commission is actively engaged in addressing interference issues that might exist between WCS and the Satellite Digital Audio Radio Service (SDARS). Commission staff released a *Public Notice* on April 2, 2010, to supplement the record with public comments on draft interference rules for the WCS and SDARS. The draft rules include provisions to minimize the risk of harmful interference to SDARS from mobile WCS operation. Comments on the draft rules are due by April 16, 2010. I am enclosing a copy of the *Notice* for your information.

My goals are to resolve the WCS/SDARS proceeding as expeditiously as possible in order to determine the appropriate balance of technical parameters that will enable WCS licensees to offer new mobile services to the public while preserving high quality SDARS service. We will place your letter in the record to consider as part of our deliberations.

I appreciate your interest in this very important matter. If you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski".

Julius Genachowski

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 20, 2010

The Honorable Mike Rogers
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for your letter regarding the Wireless Communications Service (WCS) proceeding currently pending before the Commission. I share your view about the benefits that wireless broadband service will bring to the public, and want to assure you that we remain committed to conducting this and any Commission proceeding transparently and with full public participation.

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Julius Genachowski

Enclosure