

Congress of the United States
Washington, DC 20510

September 20, 2013

0980

The Honorable Mignon Clyburn
Acting Chairwoman
The Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

Dear Acting Chairwoman Clyburn:

We want to thank you for the leadership you have demonstrated in advancing the Federal Communications Commission's (FCC) implementation of the planned voluntary broadcast television incentive auction. However, we want to ensure that appropriate international coordination with Canada and Mexico and stations along the border move forward. This coordination is expressly required in the Middle Class Tax Relief and Job Creation Act of 2012 and is necessary to avoid harm to television viewers near international borders and to avoid limits on the amount of spectrum recovered for wireless broadband in many major markets. As the FCC works to finalize auction rules, it is essential that this international coordination be addressed expeditiously.

The voluntary broadcast television incentive auction is a critical policy initiative that will, if implemented properly, free up spectrum for wireless broadband, fund a new public safety broadband network for our nation's first responders and reduce our deficit. Coordination with Canada and Mexico will not only help maximize auction revenues, but will also ensure sufficient channel allotments for local broadcasters who continue to serve their local communities.

The Middle Class Tax Relief and Job Creation Act clearly states in Section 6403(b)(1)(B) that reassignment of television channels is "subject to" international coordination. As you know, border coordination problems arose during the digital television (DTV) transition, which occurred over a much longer period than the current auction timeline. It is important that the FCC takes advantage of the insights gained during the DTV transition in carrying out this coordination process.

We thank you for your continued attention to this important matter and request a response clarifying the Commission's understanding of the statutory requirement in Section 6403(b)(1)(B) for international coordination and a status report on discussions with Canada and Mexico.

Sincerely,



Amy Klobuchar
United States Senator



Tammy Baldwin
United States Senator



Jon Tester
United States Senator



Angus S. King
United States Senator



Patrick Leahy
United States Senator



Susan M. Collins
United States Senator



Richard J. Durbin
United States Senator



Barbara Boxer
United States Senator



Robert Casey
United States Senator



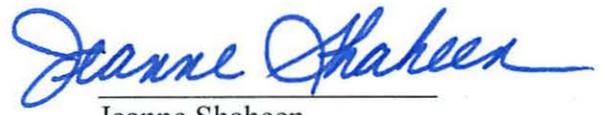
Max Baucus
United States Senator



Ron Johnson
United States Senator



Carl Levin
United States Senator



Jeanne Shaheen
United States Senator



Debbie Stabenow
United States Senator



Kelly Ayotte
United States Senator



Richard Blumenthal
United States Senator



Martin Heinrich
United States Senator



Al Franken
United States Senator

Heidi Heitkamp

Heidi Heitkamp
United States Senator



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

The United States has a long and successful history of close cooperation with Canada and Mexico regarding the use of radio spectrum along our common borders, and we are confident that this cooperation will continue through the incentive auction process. This history includes coordination related to the DTV transition, an experience that FCC staff is applying to our incentive auction coordination efforts. The Commission will continue to adhere to all statutory requirements, while at the same time continuing to abide by our international agreements with both countries.

The Commission and State Department have been engaged in on-going discussions with both Canada and Mexico on border issues related to the incentive auction process. During the summer, I emphasized incentive auction-related coordination in high-level meetings with our Canadian counterparts in Ottawa and Mexican counterparts at the International Telecommunication Union Global Symposium for Regulators in Warsaw. At separate meetings with these counterparts in early November the FCC will reiterate the need to continue spectrum coordination discussions related to the U.S. incentive auction.

As you note, the Spectrum Act in section 6403(b)(1) makes the reassignment and reallocation of the broadcast spectrum "subject to" international coordination. That language is identical to that used by the Commission in describing its handling of the earlier DTV transition, in which the Commission "adopt[ed] our proposed allotments for these stations, *subject to* our continuing negotiations with Canada ...," notwithstanding broadcasters' requests to the contrary. *Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, 22 FCC Red 15581 (2007) at ¶¶ 103-05 (emphasis added); *see also id.*, 13 FCC Red 7418 (1998) at ¶¶ 138-40. Thus, although the Commission has not yet interpreted these provisions in an Order, that precedent – where our international coordination with respect to the DTV transition continued beyond the finalization of allotments – may well be applicable to the Commission's ultimate determination of its statutory authority under the Spectrum Act.

We intend to design an auction, repacking process, and band plan that are sufficiently flexible to facilitate a successful auction and meet our statutory obligation to preserve broadcast service, while taking into account potential international constraints. In the end, I expect the consultations related to the Spectrum Act will ultimately lead to a better designed, and more successful, incentive auction, which will create opportunities for greater spectrum efficiency and band harmonization across North America.

Sincerely,


Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Kelly Ayotte
United States Senate
188 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Ayotte:

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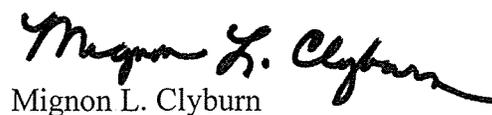
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Sincerely,


Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Max S. Baucus
United States Senate
511 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Baucus:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

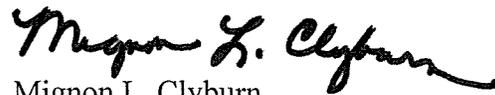
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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Richard Blumenthal
United States Senate
448 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Boxer:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

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Sincerely,



Mignon L. Clyburn

Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Bob Casey, Jr.
United States Senate
393 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

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Page 2—The Honorable Bob Casey, Jr.

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Sincerely,


Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Susan M. Collins
United States Senate
413 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

Mignon L. Clyburn
Acting Chairwoman

The Honorable Richard J. Durbin
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

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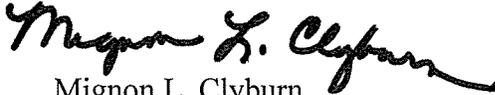
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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

Mignon L. Clyburn
Acting Chairwoman

The Honorable Al Franken
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

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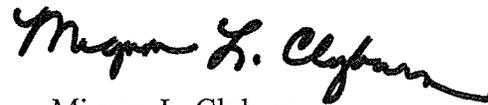
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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Martin Heinrich
United States Senate
B40D Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Heinrich:

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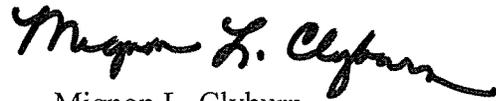
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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

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Acting Chairwoman

The Honorable Ron Johnson
United States Senate
506 Hart Senate Office Building
Washington, D.C. 20510

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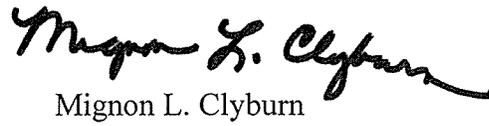
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Sincerely,



Mignon L. Clyburn

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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Patrick J. Leahy
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

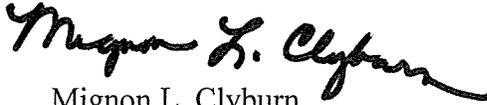
The United States has a long and successful history of close cooperation with Canada and Mexico regarding the use of radio spectrum along our common borders, and we are confident that this cooperation will continue through the incentive auction process. This history includes coordination related to the DTV transition, an experience that FCC staff is applying to our incentive auction coordination efforts. The Commission will continue to adhere to all statutory requirements, while at the same time continuing to abide by our international agreements with both countries.

The Commission and State Department have been engaged in on-going discussions with both Canada and Mexico on border issues related to the incentive auction process. During the summer, I emphasized incentive auction-related coordination in high-level meetings with our Canadian counterparts in Ottawa and Mexican counterparts at the International Telecommunication Union Global Symposium for Regulators in Warsaw. At separate meetings with these counterparts in early November the FCC will reiterate the need to continue spectrum coordination discussions related to the U.S. incentive auction.

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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Carl Levin
United States Senate
269 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

The United States has a long and successful history of close cooperation with Canada and Mexico regarding the use of radio spectrum along our common borders, and we are confident that this cooperation will continue through the incentive auction process. This history includes coordination related to the DTV transition, an experience that FCC staff is applying to our incentive auction coordination efforts. The Commission will continue to adhere to all statutory requirements, while at the same time continuing to abide by our international agreements with both countries.

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FEDERAL COMMUNICATIONS COMMISSION

Mignon L. Clyburn
Acting Chairwoman

October 31, 2013

The Honorable Jeanne Shaheen
United States Senate
520 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Shaheen:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

The United States has a long and successful history of close cooperation with Canada and Mexico regarding the use of radio spectrum along our common borders, and we are confident that this cooperation will continue through the incentive auction process. This history includes coordination related to the DTV transition, an experience that FCC staff is applying to our incentive auction coordination efforts. The Commission will continue to adhere to all statutory requirements, while at the same time continuing to abide by our international agreements with both countries.

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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Debbie Stabenow
United States Senate
133 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

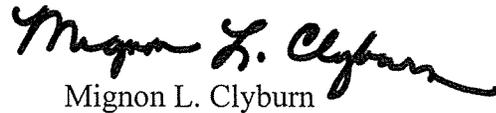
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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Jon Tester
United States Senate
724 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Tester:

Thank you for your letter regarding the international coordination process as it relates to the Spectrum Act incentive auction provisions. International coordination is an important component to our on-going proceeding, and I am pleased to provide an update on the Commission's progress.

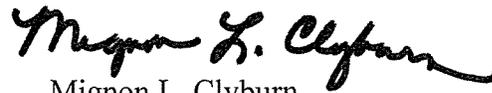
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