

U. S. House of Representatives
Washington, D. C. 20515

1080

October 24, 2013

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

Dear Acting Chairwoman Clyburn:

We write regarding the Commission's statutory mandate under the Middle Class Tax Relief and Job Creation Act of 2010 ("the Act") to coordinate with Canada and Mexico as part of the upcoming voluntary incentive auction of broadcast television frequencies. Coordination with Canada and Mexico is critical to ensuring Americans in border areas do not lose access to free, over-the-air television signals.

In a June 4, 2013, letter to you, Congressman Dingell asked if the Commission believes it must complete international coordination with Mexico and Canada prior to reallocating and reassigning broadcast frequencies. In your July 2, 2013, response to that inquiry, you stated the following:

The Commission intends to adhere to all statutory requirements. 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 RCD 15581 (2007) at ¶¶ 103-05 (emphasis added); *see also id.*, 13 FCC Rcd 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.

Your response implies that the Commission may proceed with the reverse auction and channel allocations prior to having completed negotiations with Canada and Mexico. In the event that the Commission does not complete negotiations with Canada and Mexico prior to reassigning broadcast channels, the Commission must ensure that consumers in border areas continue to have access to the free over-the-air broadcast signals they currently receive, to the extent mandated by the Act. Consequently, we would appreciate a response from you outlining your plans to accomplish that objective.

We thank you for your important attention to this critical issue, and we look forward to your timely response to our inquiry. We all believe that successful implementation of the Act will serve the interests of public safety and support the technological innovation and economic growth associated with greater access to wireless broadband. Nevertheless, we hope to ensure that all Americans retain access to free, over-the-air broadcast signals. These goals are not mutually exclusive and we look forward to continuing to work with you to ensure this realization.

Should you have any questions, you or staff can contact David Grossman in Congresswoman Eshoo's office at 202-225-8104 or Andrew Woelfling in Congressman Dingell's office at 202-225-4071.

Sincerely,



Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce



John D. Dingell
Member of Congress



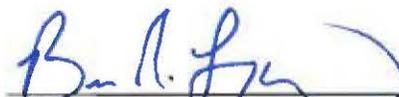
Mike Doyle
Member of Congress



Doris O. Matsui
Member of Congress



Peter Welch
Member of Congress



Ben Ray Lujan
Member of Congress



Bobby L. Rush
Member of Congress



Jim Matheson
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Dingell:

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 in this area.

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 the 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's 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 in any international negotiation, there are several unique stages, and progression from one stage to the next depends on a variety of factors. We anticipate one of the first areas where the United States will reach initial understandings with its Canadian and Mexican counterparts will concern the methodologies to be used for interference scenarios for television and future wireless services.

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. Any such constraints would not result in any statutorily protected (i.e., full power or Class A) stations going off the air unless they chose to do so as part of the reverse auction, but could impact the Commission's ability to clear spectrum.

As with the DTV transition, we want to ensure consumers still have access to over-the-air service to the greatest extent that we can, recognizing that in some cases broadcast stations may voluntarily choose to completely exit the broadcasting business. For those statutorily protected stations that remain on the air following the auction, the Act requires the Commission to make “all reasonable efforts” to preserve their coverage areas and populations served. Commission staff continue to develop recommendations for the full Commission’s consideration based on the record developed in the incentive auction proceeding.

In the end, I expect the international 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 Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

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 in this area.

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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

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

Dear Congressman Doyle:

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 in this area.

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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Ben Ray Luján
U.S. House of Representatives
2446 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Luján:

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 in this area.

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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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Jim Matheson
U.S. House of Representatives
2211 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Matheson:

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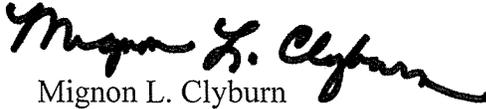
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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Doris O. Matsui
U.S. House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Matsui:

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 in this area.

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FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Bobby L. Rush
U.S. House of Representatives
2268 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rush:

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Sincerely,

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Mignon L. Clyburn



FEDERAL COMMUNICATIONS COMMISSION

October 31, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Welch:

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