

October 18, 2005

Committee on Commerce, Science & Transportation
United States Senate
Washington, DC 20510

Dear Senator:

While the digital television transition legislation soon to be addressed by Senate Commerce Committee raises a number of issues for the undersigned groups, on one crucial element of the bill, we speak with one voice: DTV legislation must expand availability of unlicensed spectrum to promote affordable broadband access.

Congress should set aside portions of the digital broadcast band for unlicensed use *and* direct the FCC to complete its stalled rulemaking to open unassigned TV channels in each market (TV band “white space”) for unlicensed wireless broadband services. Use of these airwaves via an unlicensed wireless broadband platform would be of enormous benefit to consumers, public safety agencies, and small businesses that seek low-cost communications to promote job growth.

Greater availability of unlicensed spectrum in the high-penetration frequencies below 700 MHz will improve our local emergency communications networks, create broadband competition, and help reduce the digital divide by ensuring that low-income, minority and rural households have both universal and affordable high-speed Internet access. From towns as diverse as Chaska, Minnesota, Coffman Cove, Alaska, Granbury, Texas and Philadelphia, Pennsylvania, hundreds of communities are opting to use unlicensed spectrum to facilitate high-speed wireless broadband networks to better serve their residents.

Greater availability of high-quality unlicensed spectrum will also create a booming marketplace for high-speed, high-capacity broadband and the technology and applications that accompany it. Hardware manufacturers, computer software makers, network operators, and Internet service providers all view unlicensed spectrum as a huge economic opportunity.

But the promise of new technology is stymied by our current spectrum policies. The best and most innovative uses of the public’s airwaves are restricted to a tiny sliver of our broadcast spectrum (the 2.4 GHz “Wi-Fi” band) that is shared with more than 250 million consumer gadgets—everything from baby monitors and cordless phones to garage door openers. Moreover, the capital cost of deploying wireless broadband networks is roughly three times higher at 2.4 GHz than below 1 GHz; battery life for mobile devices is shorter; and quality of service (particularly indoor coverage) is considerably worse.

The DTV transition legislation should include two key provisions that, together, will go far in securing spectrum for an unlicensed communications marketplace.

First, and most imperatively, Congress should direct the FCC to complete its work on rules that would open up the “white space” between TV channels that now lies fallow and wasted, for non-interfering unlicensed use. In most rural markets where broadband availability is badly needed, there are more than a dozen empty broadcast channels (in some cases two or three dozen). Using today’s “smart radio” technologies, Congress can leverage this vast swath of dormant public spectrum to generate local economic development (particularly in areas under-served by broadband), enhance our nation’s economic competitiveness, and create opportunities for entrepreneurs.

It is clear that the Commission needs to know that Congress wants the wasted spectrum below Channel 52 reallocated for broadband, subject to strict interference protections for television viewers (which are already outlined by the FCC in its rulemaking). The positive outcomes of this public policy are extraordinary.

Second, Congress should reserve portions of the broadcast bands for unlicensed use. One approach would be to set aside channels 2, 3, and 4 as dedicated unlicensed space. Few broadcasters have selected these channels for digital transmission and they are otherwise dormant. Another approach that would ensure a full range of applications for these new technologies would be to reserve some of the 10 returned analog channels on 700 MHz for unlicensed use, withholding that portion from auction. Reserving three channels (18 MHz) for unlicensed services – and auctioning seven (42 MHz) – would pay dividends to the economy far exceeding any temporary loss of auction revenue.

It is vital that the American people benefit from the public airwaves in specific, concrete ways. The DTV bill may be the Senate’s best opportunity to promote affordable broadband nationwide and close the growing gap between the U.S. and our international competitors. The U.S. has fallen from 3rd to 16th in the world in broadband subscribers in the last few years. We remain among the worst performers in the industrialized world in terms of bit-speeds per dollar paid by the consumer for monthly service. This gap is both unacceptable and unsustainable for our long-term global competitiveness. Access to unlicensed spectrum will help close it.

Any legislation that fails to address the spectrum needs of Americans in the 21st century fails to serve the public interest. The DTV transition represents an historic opportunity to maximize efficient use of public resources to meet public needs. We urge you to ensure that all Americans benefit from it.

Sincerely,

Action Coalition for Media Education (ACME)
Alliance for Community Media
Center for Creative Voices in Media
Center for Digital Democracy
Chicago Media Action
Citizens for Independent Public Broadcasting
Common Assets Defense Fund
Common Cause
Consumer Federation of America
Consumer Project on Technology (CPTech)

Consumers Union
Free Press
Hawaii Consumers
Industry Ears
Media Alliance
Media Access Project
Media Channel
Media Democracy Chicago
National Hispanic Media Coalition
Native Networking Policy Center
New America Foundation
Public Knowledge
Prometheus Radio
Reclaim the Media
U.S. Public Interest Research Group / National Association of State PIRGs