

United States Senate

WASHINGTON, DC 20510-4304

December 19, 2011

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

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Dear Chairman Genachowski:

The National Broadband Plan (“the Plan”) released by the Commission last year set forth a number of important goals regarding wireless spectrum. As you know, I am working with my colleagues to enact landmark spectrum legislation that would reallocate hundreds of megahertz of spectrum for mobile use and provide our nation’s first responders with the spectrum and resources they need to build a nationwide public safety wireless broadband network. While this legislation would help meet many of the goals set forth in the Commission’s National Broadband Plan, there is much the Commission can also do to reach the goal of making more spectrum available for commercial mobile broadband services.

In particular, the following wireless transactions all involve companies seeking to deploy mobile broadband services within underutilized and highly valuable spectrum blocks: the AT&T/Qualcomm transaction, the DISH Network/DBSD/TerreStar acquisition, and the announced Verizon/SpectrumCo transaction.¹ I urge the Commission to move expeditiously in its consideration of these transactions.

Mobile broadband is proving to be a disruptive technology that is transforming our world, and the demand for wireless services is growing at a rapid rate. The Commission recognized this when it established in the Plan a headline goal of making 500 megahertz available for mobile use by the year 2020. As stated in the Plan, if government fails to free up adequate spectrum to meet growing demand, the cost “may be higher prices, poorer service, lost productivity, loss of competitive advantage and untapped innovation.”

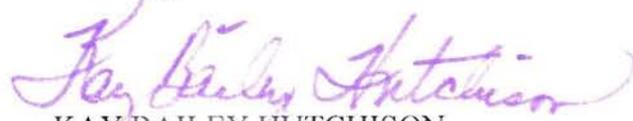
Most of the spectrum involved in the aforementioned transactions is fallow and currently providing little to no value for consumers. If the circumstances warrant the Commission to find that opening up these bands to terrestrial broadband services is in the public interest, these proceedings could go a long way toward reaching the 500 megahertz target. I take no position on the merits of the individual transactions, as I recognize that each proceeding has unique circumstances that require the Commission to carefully consider each one on an individual basis.

¹ While the parties involved in the announced Verizon/SpectrumCo transaction have not yet formally filed a transaction application with the Commission, it is my understanding that the parties intend to do so in the near future.

Instead, I urge the Commission to move as quickly as possible to complete its appropriate review of these transactions in order to further the goals of the National Broadband Plan and to foster more innovation and investment in the highly competitive and dynamic wireless marketplace.

Please treat this letter in conformance with all applicable procedural rules and ethical guidelines.

Sincerely,



KAY BAILEY HUTCHISON

United States Senator

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