

United States Senate

WASHINGTON, D.C. 20510

June 14, 2010

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

Dear Chairman Genachowski:

As you know, this past May marked the 25th anniversary of the Federal Communications Commission's adoption of rules related to the use of spread spectrum modulation on an unlicensed basis. While that might not mean much to most people, what resulted from the Commission's action does. Those rules were instrumental in spurring the development of such technologies as Wi-Fi, Bluetooth, and several other devices we use on a daily basis. Worldwide Wi-Fi shipments alone are expected to surpass 770 million devices by the end of this year.

The FCC is poised to take similar action that will once again unleash wireless innovation. The Commission has already taken the first step but we encourage you to move expeditiously to conclude the TV white spaces proceeding—as recommended in the National Broadband Plan. Almost two years have passed since the Commission issued a final order in its white spaces proceeding and it has been six years since the FCC began the proceeding in May of 2004. Completing all outstanding white space issues quickly and properly will ensure the promise and potential that has been demonstrated in the past becomes fully realized so consumers and the marketplace can once again benefit.

The heart of your broadband plan focuses on releasing the full potential of the nation's spectrum as a platform for innovation and relatively low cost broadband deployment when compared with wired solutions. Toward that end, the agency must pursue a harmonized spectrum strategy of both licensed and unlicensed spectrum deployment efforts that will allow manufacturers and consumers to construct multiple paths to the Internet and utilize new devices for communications. Completion of the "white spaces" proceeding can help build momentum in that direction.

As you know, spectrum below 1 Gigahertz is both scarce and valuable. Today, the TV white spaces remain a viable option for unlicensed use below 1 GHz and jump-starting a period of innovation that could equal or surpass what we have seen with Wi-Fi. Due to the propagation characteristics of the frequencies, unlicensed broadband devices will be able to cover a far wider service area in rural areas than the range in which unlicensed devices operate today thus providing an opportunity to narrow the "digital divide" that unfortunately continues to exist.

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White space spectrum will also provide greater capacity to offload consumer data traffic in congested cell sites through the use of technologies such as Femtocells.” A recent Cisco Visual Network Index report indicated approximately 60 percent of mobile data use is done inside and at least 23 percent of smartphone traffic could be offloaded onto fixed wireline networks by 2014.

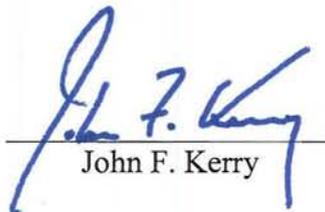
The FCC has many difficult issues before it and must ensure that new white spaces technologies can emerge while protecting licensed users. Wireless microphones pose some challenges. These microphones are used for performing arts, places of worship, and schools and provide a valuable audio tool to users and their audiences. However, a number of these microphones have operated illegally on TV spectrum and such unauthorized behavior should not continue to be allowed—the FCC must better enforce the rules it implements.

In the evaluation of proposals regarding the operation of wireless microphones, these devices may be best suited to be authorized under Part 15 just like nearly all unlicensed telecommunications devices. Given the numerous spectrum-based services and cohabitation that exist today, we urge you to strike the right balance between allowing these and other valuable devices to operate while ensuring there is adequate spectrum available to facilitate national markets for white spaces devices or services. Missing this equilibrium would limit the potential for this technology to contribute to our fundamental goal of nationwide broadband at competitive and affordable rates.

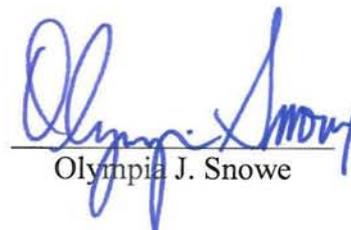
It should be noted that geolocation technology coupled with a database should adequately protect users and additional spectrum sensing capabilities should only be required when absolutely necessary since such requirement would unduly drive up the cost of white space devices and deter low cost deployment opportunities.

We request that you prioritize action on white spaces and urge the FCC to adhere to its Broadband Action Agenda and complete final rules in the third quarter of 2010.

Sincerely,



John F. Kerry



Olympia J. Snowe

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