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

December 11, 2012

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski,

Earlier this year, 40 Members of the House of Representatives joined us on a bipartisan letter to Conferees on the Payroll Tax Cut Conference Committee, urging them to protect public access to unlicensed spectrum. Through our efforts and the support of entrepreneurs and innovators around the nation, the compromise included in the Middle Class Tax Relief and Job Creation Act of 2012 preserved, protected and enhanced access to this innovative public resource.

As the Federal Communications Commission (FCC) considers proposed rules implementing an incentive auction of broadcast television spectrum, the agency has a responsibility to adhere to the statute – recognizing the enormous economic value of both licensed and unlicensed spectrum in the television band. We support the proposed rulemaking adopted on September 28, 2012, as it recognizes that nationwide guard bands needed for interference protection can simultaneously provide unlicensed access, ensuring that every megahertz of spectrum is used efficiently. We also believe the Commission should implement the incentive auction and resulting reorganization of the band in a manner that optimizes the value of both licensed and unlicensed spectrum access.

In the nine months since the legislation was signed into law, we've seen several examples of the public benefits that unlicensed brings to consumers and businesses, as well as what lies ahead. A few examples include:

- During Hurricane Sandy, when many wireless phone networks were overloaded or completely inoperable, Wi-Fi provided access to the Internet for critical news and information.

- In September, Nottoway County, Virginia became the first FCC certified TV white spaces (TVWS) rural broadband deployment. One of the nation's more than 1,500 small business WISPs is using TVWS to extend connectivity to this heavily forested and mostly unserved area, including the Fort Pickett Army National Guard base.

- In August, Florida-based Spectrum Bridge, Inc. announced the launch of a TV White Space Certification Program that will assist radio manufacturers as they prepare for FCC approval of TVWS radios.

- In July, a cross-section of the unlicensed ecosystem convened at Stanford University, bringing together application developers, chip manufacturers, database developers, investors, academics, press and policymakers to discuss the extraordinary progress in the industry and hear from the innovators and engineers on the front lines of these developments.

- In June, AIR.U (Advanced Internet Regions University), a coalition of over 500 educational institutions announced an initiative using TVWS that would bring high-speed broadband to colleges and universities with limited existing service.

Following successful testing in Cambridge, England, the Cambridge TV White Spaces Consortium issued a recommendation to Ofcom, the U.K's telecommunications regulator, encouraging the agency to issue proposed regulations allowing for the use of TVWS. As U.S. mobile data traffic continues to increase, we cannot afford to fall behind other nations in the race to deploy new and innovative unlicensed technologies.

Thank you for your leadership and continued efforts to drive a 21st century spectrum policy.

Sincerely,

Anna G. Eshoo
Member of Congress

Darrell Issa
Member of Congress

cc: Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai