

David K. Rehr
President and CEO



May 27, 2008

The Honorable Harry Reid
528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

I'm writing to make you aware of some recent developments in the ongoing campaign by some technology companies that hope to win approval to sell unlicensed personal and portable devices that will operate within portions of the television band.

For more than a year, these companies have tried to convince the Federal Communications Commission (FCC) and members of Congress that they can make devices that will not cause interference to broadcasters, wireless microphone users and other parties that currently use this spectrum. Unfortunately, based upon the results of FCC testing to date, their technical prowess does not match their rhetoric.

In March, the FCC stopped testing a device submitted by Microsoft because it did not work. This was the third time since last July that a Microsoft device has failed to work as advocates said it would. In fact, all devices submitted for testing have experienced significant problems, particularly with respect to their use of sensing mechanisms to detect unused channels. These failures demonstrate that the devices will cause interference to consumers' television reception as well as wireless microphones.

In spite of multiple engineering failures, these companies are pressing ahead with a public relations campaign designed to convince members of Congress and the FCC that their engineering failures should not be the focus of attention.

They would rather you focus on the unrealized benefits of these theoretical, unproven devices rather than the legitimate interference these devices cause to televisions and wireless microphones. In an effort to divert attention from their failed engineering, these companies have joined with other interest groups to establish a lobbying group called the Wireless Innovation Alliance (WIA).

Broadcasters fully support efforts to bridge the digital divide, including promoting broadband deployment in rural areas and we encourage more efficient use of the

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electromagnetic spectrum. In spite of what the WIA has said publicly in recent weeks, our goal is to maintain the integrity of the broadcast spectrum and prevent harmful interference to millions of consumers' televisions and the wireless microphones that stations, sports leagues, churches, theater actors and others use every day.

Broadcasters are a vital lifeline to the communities we serve and viewers rely on television as a means for receiving essential information during times of crisis and emergency.

We believe that a spectrum policy that protects incumbent users and the American consumer from interference can be implemented in such a way to both maximize efficient use of the spectrum and deliver broadband to rural America. If the WIA truly wishes to bridge the digital divide, they should ask the FCC to issue licenses to companies that will operate at power levels and in areas that will not cause interference to incumbent users of the spectrum. Moreover, the FCC should ensure that safeguards are in place that in the event a device causes interference, it can be quickly identified so that the interference can be remedied.

The broadcast industry is not alone in our concerns about WIA's proposal. The Sports Technology Alliance, which includes Major League Baseball, NASCAR, the National Basketball Association, the National Collegiate Athletic Association, the National Football League, the PGA Tour and ESPN filed comments with the FCC where they stated:

"In fact, the devices submitted have yet to demonstrate that they can detect and sense wireless microphone transmissions at real-world, field tested levels – a necessary prerequisite for any sort of spectrum cohabitation arrangement. Given this track record of performance, we see no reason to be confident that the spectrum sensing technologies intended for use in portable devices can provide significant dependable interference protection to wireless microphones and other incumbent users in the band...Now is not the time for the Commission to be distracted by proposals that rely on unproven, yet-to-be-developed technical fixes."

Attached is an article from *The Washington Post's* technology blog highlighting the Sports Technology Alliance's filing on this matter for your review.

Additionally, CTIA -- The Wireless Association -- recently announced its support for a plan to license and auction available spectrum that would protect incumbent users of the spectrum and raise revenue for the federal government while also bringing significant benefits to consumers. The plan states, "[l]icensing TV white-space spectrum will best facilitate the deployment of wireless broadband and other advanced

services, while protecting incumbent from harmful interference. The commission should auction the majority of this spectrum for prompt licensed use.”

The FCC testing to date clearly shows that the use of unlicensed personal and portable devices within the television band has not yet been shown to be safe or effective and, therefore, should not be approved at this time. There are numerous other ways to efficiently use the television spectrum without jeopardizing television broadcasts and the use of wireless microphones.

Thank you for giving me this opportunity to update you on this important issue. Should you have any questions, please feel free to contact me.

Best wishes.

Sincerely,



David K. Rehr

Attachment

Another Jab At 'White Spaces'



Today, several sports leagues, including the **NFL**, **NASCAR**, and **NBA**, formally challenged the "white spaces" proposal put forth by tech companies including **Microsoft** and **Google**.

In a filing, the leagues asked **Federal Communications Commission** require the technology companies that want to sell wireless white space devices to prove that their devices won't interfere with wireless microphones, which already operate in white spaces.

A group of prominent tech companies have proposed using fallow airwaves, known as white spaces, for wireless devices. The FCC is currently testing devices to determine if they can potentially be used by consumers without interfering with nearby signals.

Broadcasters have also opposed the use of white spaces for personal devices because they could get in the way of their signals. The tech companies say their devices should be able to detect existing signals and avoid them. The sports alliance's filing is the latest move in the prolonged back-and-forth on the issue.

Ken Kerschbaumer, executive director of the **Sports Video Group**, said the devices could knock out wireless communications systems like headsets used by coaches, microphones used by referees, and microphones used by journalists.

"Now is not the time for the Commission to be distracted by proposals that rely on unproven, yet-to-be-developed technical fixes," said the Sports Technology Alliance in its filing. The Sports Technology Alliance was formed by the Sports Video Group and is made up of major professional and collegiate U.S. sports leagues.

No word on when the FCC will wrap up testing of the devices, but there will likely be more jabs by each side to keep us from forgetting about it. An [advertising blitz](#) on the issue was launched a couple weeks ago.

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