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The Honorable Kevin Martin  
Chairman  
Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554-0001

Dear Chairman Martin:

I am writing to express my deep concern about a proposal to place unlicensed, personal and portable devices on television channels (OET Docket No. 04-186; 02-380). The use of these devices now or in the future poses an unacceptable risk of harmful interference that would permanently undermine over-the-air television in the United States. Interference from personal and portable devices would also be particularly devastating to the millions of Americans who have recently purchased digital television sets or who will receive government subsidized digital-to-analog converter boxes to get ready for the digital television transition. These consumers – already battling confusion over the digital television transition – will be left wondering why the switch left them unable to receive either an analog or a digital signal.

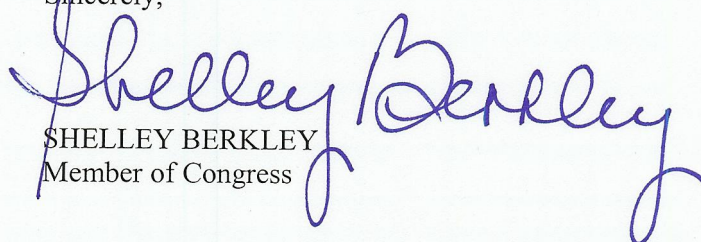
An analysis of the Federal Communication Commission's (FCC) own data shows that digital television sets could receive interference from these unlicensed devices in 80 to 87% of a television station's coverage area. Moreover, the FCC's most recent report, released July 31, 2007, found that a prototype device that supposedly avoided interference by "sensing" the presence of TV signals simply did not work and can cause interference. As you know, even a small amount of interference freezes a digital picture, making it unwatchable.

With millions of unlicensed devices potentially entering the market, interference may come from the apartment next door or from your neighbor down the street, but consumers will never know why their television sets do not work properly. Unlicensed device interference is impossible to police, and once the devices have flooded the market, they will be impossible to retrieve.

I fully support efforts to deliver the promise of broadband to rural America. I believe there are ways to utilize "unused" spectrum through fixed systems that can offer the advantages of broadband to rural consumers without threatening viewers who rely on over-the-air television.

Nearly 21 million homes – one in five of all television-equipped households – rely exclusively on free, over-the-air television broadcasts. A smooth digital transition is of the utmost importance to Congress, to the FCC and to the American people. Please do not jeopardize the success of that transition by permanently undermining digital television.

Sincerely,

  
SHELLEY BERKLEY  
Member of Congress

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Congress of the United States  
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October 3, 2007