

July 21, 2009

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Development of a National Broadband Plan for Our Future;
GN Docket No. 09-51**

Dear Ms. Dortch:

The Association for Maximum Service Television, Inc. (“MSTV”) and the National Association of Broadcasters (“NAB”) support and applaud the Commission’s efforts to create a National Broadband Plan. The broadcast community stands ready to work with the Commission in setting a path towards broadband service that is universal and affordable.

Just as local television stations use the Nation’s airwaves to deliver local news, weather, emergency, and other vital information to the public, they have embraced broadband and other new digital technologies to serve their local communities. As a result, today consumers with a broadband connection have access to an ever-increasing array of online content and services from their local television stations, including online video and other IP-based services. The online activities of local television stations complement the even wider array of services that they are able to make available to the public following the completion of the transition to digital television.

Yet too often, consumers — particularly in rural areas — do not have, or cannot afford, access to the broadband connections necessary to reach online services. As MSTV and NAB have advocated, particularly in connection with the *TV White Spaces* proceeding, one way to improve connectivity in rural areas is through use of “white spaces” spectrum between television channels for fixed broadband access.¹

Because the broadcast bands are more open in rural markets, with appropriate technical protections fixed broadband services can operate in this spectrum without undermining consumers’ access to free, over-the-air digital television or new mobile video services.² Notably,

¹ See, e.g., Joint Reply Comments of MSTV and NAB, ET Docket Nos. 04-186 and 02-380, at 5 (March 2, 2007) (supporting the introduction of fixed devices into the TV white spaces to “provide new broadband services, especially to rural and underserved areas of the United States”).

² These protections include a prohibition on operation in the channels immediately adjacent to an occupied television channel (the “first adjacent channels”), as the Commission recognized in its *Second Report and Order* in (continued...)

other parties that have addressed white-space use in connection with this proceeding have focused on its utility in rural areas.³ The Canadian government has authorized licensed use of television spectrum for broadband access solely in “rural and remote” areas, similarly reflecting the fact that — unlike in urban markets where virtually all of the broadcast spectrum is used for delivery of free, digital television service to the public and licensed infrastructure such as wireless microphones — in rural areas there is typically sufficient white-space spectrum for fixed wireless broadband access.⁴

Use of the white spaces for fixed broadband should not be confused with use of the white spaces for unlicensed mobile (*a.k.a.* “personal/portable) devices. Whereas “fixed” wireless broadband could help provide consumers in rural areas with reliable broadband access, mobile unlicensed devices do not themselves make broadband access available. Indeed, in addition to degrading consumers’ access to digital television, unpredictable interference from unlicensed mobile devices may have the unintended effect of precluding use of the white-space spectrum for fixed broadband access.

In short, there is no necessary nexus between implementing a national broadband strategy and fostering a system of unlicensed mobile devices in the TV band. Accordingly, as the Commission considers the role of white spaces in this proceeding, it should focus on how the white spaces may be used to make fixed wireless broadband access available in rural areas on an interference-free basis, while protecting the public’s free, over-the-air television service.

Television broadcasters can be an important component in the deployment of our national broadband system. Based on our knowledge of the broadcast spectrum and experience with digital television reception, MSTV and NAB look forward to working with the Commission in these efforts.

Sincerely,

Jane Mago
Executive Vice President
and General Counsel
NAB

David L. Donovan
President
MSTV

the *TV White Spaces* proceeding. *Second Report and Order and Memorandum Opinion and Order*, ET Docket Nos. 04-186 and 02-380, 23 FCC Rcd 16807 (rel. Nov. 14, 2008), at ¶ 10.

³ See, e.g., Comments of Public Knowledge, Media Access Project, the New America Foundation, and U.S. PIRG, at 32 (June 8, 2009) (“Rural areas would have more white spaces compared to urban regions due to presence of fewer broadcasting channels there”); Comments of Wireless Communications Association International, at 47 (June 8, 2009).

⁴ See Interim Technical Guidelines for Remote Rural Broadband Systems Operating in the Band 512-698 MHz (TV Channels 21-51), Industry Canada (rel. March 2007).