

Congress of the United States
Washington, DC 20515

February 28, 2013

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

Dear Mr. Chairman,

We write to you today in regards to the Notice of Proposed Rulemaking (NPRM) adopted by the Federal Communications Commission (FCC) in the matter of “Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions” which seeks comments on proposals to implement the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act). It is critical to our nation’s economy and the vibrancy of our communications infrastructure that the Spectrum Act (PL: 112-96) be implemented by the FCC with precision and according to Congressional intent.

As you are no doubt aware, this legislation includes specific safeguards designed to protect Ohioans that rely on over-the-air television. As you implement the incentive auction, we ask that the Commission pay close attention to our Ohio constituents and their access to local broadcast television services.

We believe that America’s communications infrastructure should not only include the fastest 4G networks, but also the most innovative broadcast system in the world. The Spectrum Act was landmark legislation by authorizing voluntary incentive spectrum auctions which will help fulfill one of the National Broadband Plan goals and alleviate the spectrum crunch identified by the Commission. The increasing use of smartphones and tablets has led to an exponential growth in the demand for commercial mobile spectrum, a demand that far exceeds available supply. However, it is of the utmost importance that the FCC protects the public’s ability to receive free television from local stations that remain on-the-air after the auction.

We applaud your attention to detail in this extremely complicated Notice of Proposed Rulemaking (NPRM), and believe it is important that the FCC include even greater specificity in a number of areas as it advances this rulemaking, especially on how the Commission plans to coordinate with the Canadian and Mexican governments when repacking television stations along our country’s northern and southern borders. This is of particular concern because of the potential for loss of service to our constituents in the Cleveland-Akron, Toledo and Youngstown television markets that could result from coordinating frequencies with Canadian broadcasters. Today, these media markets must coordinate interference protections with already congested markets such as Detroit, Erie, and Buffalo which leaves very little room for error with the Canadian government.

In Ohio, our diverse population has a strong reliance on over-the-air television, including over one million Ohioans who rely exclusively on free local television to get their news, information and weather, many of whom rely on in-language and in-culture broadcast programming. As witnessed four short years ago during our Nation's transition to digital television, moving television stations has the ability to cause consumer disruptions. Therefore, during the repacking of broadcasters, it will be important to minimize coverage area disruption.

Included in the Middle Class Tax Relief and Job Creation Act of 2012 is a \$1.75 billion "TV Broadcaster Relocation Fund" for the Commission to pay for the forced relocation of television broadcasters that opt not to participate in the incentive auction. We strongly encourage the FCC to treat that fund as a framework for the repacking process. The \$1.75 billion fund gives the Commission the necessary flexibility to appropriately reimburse each repacked television station, and hopefully leave some excess resources for the general Treasury.

The FCC's plan should take special care to minimize harmful interference between wireless and broadcast services. No consumer - whether a wireless or broadcast consumer or both - should be left with harmful interference. While moving with all deliberate speed, the FCC should take the necessary time to ensure that no consumer's wireless devices or televisions do not work properly due to harmful interference.

It is critical that the FCC maintain an open process so that all participants are clear on the auction rules and implications as the NPRM and the final rule progresses. Whatever final plan the Commission adopts, it is imperative that the process be fully transparent, disclosing detailed plans to the public at the earliest possible opportunity. Thank you in advance for your timely consideration of our request. We look forward to working with you to ensure the U.S. continues to be the global technological leader and innovator through the promotion of effective spectrum management policies.

Sincerely,



Robert Latta
Member of Congress



Sherrod Brown
United States Senator



Rob Portman
United States Senator



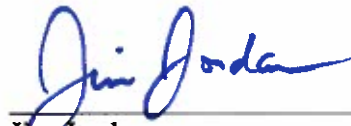
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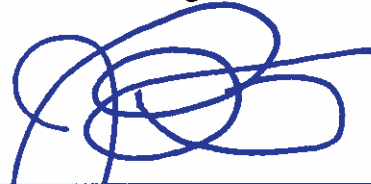
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