



Leadership Conference on Civil Rights

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October 28, 2008

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Martin:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition with nearly 200 member organizations, we write in support of the Federal Communications Commission's (FCC's) proposed ruling to open the empty broadcast television channels (or "white spaces") for public use, which would result in greater availability of broadband internet access. LCCR believes that public access to "white spaces" should be made available if it does not create interference with existing broadcast services.

In the upcoming vote on November 4, the Commission will have the opportunity to take a major step toward expanding affordable broadband access. We believe this will not only trigger major investment and innovation; it will help close the digital divide between those who have access to advanced telecommunications services and those who do not.

We have been following the FCC's process regarding "white spaces," and while it has been contentious, it has also been fair and cautious. We do not support "white spaces" devices that will cause harmful interference to over-the-air broadcasting. Device certification should ensure that no interfering product comes to market. Moreover, the rules and protocols promulgated by the FCC must include specifications for products that do not interfere with over-the-air broadcasting.

We have also been very engaged in the conversation over the digital television transition. There is no evidence to support the argument that the FCC's rule-making on "white spaces" will have any impact on the digital television (DTV) transition. As we understand it, a "white spaces" device cannot be built, certified and deployed before March 2009. Moreover, the white spaces devices under consideration by the FCC will detect the presence of digital broadcasters and avoid interference.

We share a strong interest in ensuring the DTV transition proceeds as smoothly as possible; and we have a strong interest in ensuring that there is no interference with the over-the-air television service so important to our constituents. We are confident that the proposed FCC white spaces order will not impair either of these conditions.

Finally, this decision should not be delayed. We understand that the FCC has been asked

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to seek further public comment and review of the FCC's technical recommendations. The FCC has been working on this proposed ruling for four years. The laboratory and field testing on the "white spaces" prototype devices were conducted over a period of eight months with the engineers from all parties present and observing. The nature of the studies, their findings, and the likely conclusions were extensively debated in the record.

We believe the FCC should vote to open white spaces for public use on November 4. We appreciate your consideration of this important issue. If you have any questions, please contact Nancy Zirkin at 202/263-2880, or Mark Lloyd, Vice President for Strategic Initiatives at 202/466-4281, regarding this or any issue.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

Cc: FCC Commissioner Michael J. Copps
FCC Commissioner Jonathan S. Adelstein
FCC Commissioner Deborah Taylor Tate
FCC Commissioner Robert M. McDowell