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Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
via Electronic Filing

October 28, 2008

Re: Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186)

To Ms. Dortch:

The undersigned organizations represent residents of New York, NY, Washington, DC, Philadelphia, PA, and the Bay Area of California who have little or no access to the Internet. We respectfully submit these comments in the above referenced docket because we share a strong interest in this proceeding and specifically in the recently-concluded Office of Engineering and Technology (OET) testing of portable, unlicensed "white spaces" devices.

We applaud the Commission's thorough review of this matter, including 18 months of engineering tests, and we were pleased to learn that the OET is confident in the ability of these devices to identify unoccupied channels and avoid interference with other broadcasters. While we were hopeful that spectrum sensing alone would be a sufficient identification mechanism, we accept the OET's conclusion that geolocation is required at this time.

The undersigned organizations and our members have a strong interest in this proceeding. Unlicensed, low-power, portable devices operating in the television white spaces have the potential to solve our constituents' problems in gaining access to the Internet. The digital divide that persists in urban areas with respect to home broadband adoption is much less pronounced when considering non-voice data applications on personal/portable devices, such as cellular phones.

Unlike rural areas, which have a serious need to use unoccupied portions of the television band to cover areas where no provider has run wires, the problem in urban areas is not physical access to the Internet. Yet residents of urban areas have broadband usage rates below rural areas, in many instances. 38% of people living in rural sections of the United States now have broadband at home, according to a 2008 report from the Pew Internet & American Life Project.[1] That is the same portion (38.8%) of The Bronx, a borough of New York City, that has broadband access at home, even though nearly the entire

1 John B. Horrigan. Home Broadband Adoption 2008. Washington, DC: Pew Internet & American Life Project, July 2008.

city is covered by both a cable broadband provider and a DSL provider.[2]

For low income households, the situation is even more dire. Nationally, only 25% of adults in households whose annual incomes are less than $20,000 annually have broadband connections.[3] Similarly, just 26% of low-income households in New York City (the only city for which we have data) have high-speed Internet access at home.[4] This is a major problem for the country, as these residents lack an important tool for education, employment, health and civic engagement.

Mobile phones are far more widespread than computers with at-home Internet, especially among the groups currently marginalized from the Internet. Disparities in mobile phone use, even with data services like email or web, are much smaller than at-home Internet connections, in terms of class, race, and age:[5]

- 75% of the population reports owning a cell phone.
- 71% of African Americans have cell phones.
- 61% of people with income under $30,000 have cell phones.
- 50% of people age 65 and older have cell phones.

These mobile phone users are increasingly using their phones for non-voice data applications, including email and Internet search. According to the Pew Internet and American Life Project study, "Mobile Access to Data and Information,"

> More striking is use among African Americans and Latinos. Some 56% of English-speaking Hispanics with a wireless handheld device use a non-voice data or information application on the average day, and 50% of African Americans with wireless handhelds do so. These groups lagged in "desktop" online access in the late 1990s and early part of the decade, but the report shows a very different pattern for wireless access on the go. African Americans and English-speaking Hispanics are more likely than white Americans to use cell phones or PDAs for non-voice data applications.[6]

This pattern of mobile broadband use is true not only for owners of high-end "smart" phones, but also for owners of the most common phones, such as the Motorola RAZR and KRZR. A recent report from AdMob, which serves advertisements to people surfing the Internet on their phones, listed those devices as the first and second most common devices to submit ad requests, ahead of the iPhone and Samsung Instinct.[7]

Internet access on mobile phones brings connectivity to people where they are on devices that they have already decided to pay for. This is a better way to get people online than trying to convince them to buy a new machine and pay for a new service. Unlicensed access to the white spaces for low-power, mobile devices is the most significant step the Commission could take in this direction.

The provision of additional spectrum to the public will also strengthen existing efforts to use fixed

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2 Scarborough Market Research, 2006-2007.
3 John B. Horrigan. Home Broadband Adoption 2008. Washington, DC: Pew Internet & American Life Project, July 2008.
4 New York City Broadband Needs Assessment Study (Discussion Draft, September 6, 2007)
5 Pew Internet & American Life Survey, December 2007.
6 Pew Internet and American Life Project study, "Mobile Access to Data and Information."
7 AdMob Mobile Metrics Report, September 2008.

wireless hotspots and mesh networks to bring low-cost or free Internet access to homes in urban areas. Entities such as Meraki, Wireless Philadelphia, NYCwireless, and the Harlem Wireless Initiative are currently using unlicensed Part 15 spectrum to address the digital divide in our cities. Additional spectrum in the television band would make these networks exponentially more effective, solving the major obstacles of providing in-building coverage or transmitting through foliage. Importantly, only unlicensed access to these airwaves would make them usable for this purpose. If an exclusive license is required, the cost will be prohibitive for these locally-driven and, in many cases, non-profit efforts.

Alternate proposals for use of the white space spectrum will leave many urban residents out in the cold. According to an analysis conducted by the nonpartisan group Free Press, after completion of the digital TV transition in February 2009, fully one-fifth of the television channels in New York City will be unused.[8] However, because these vacant channels are scattered across the dial, it would not be possible for a full-power broadcaster to use them without causing harmful interference to adjacent signals. The only way to make use of this vital public resource is to certify unlicensed, low-power devices.

Further, we would note that in order to fully maximize the benefits of the available spectrum, the permitted power of white space devices should increase over time as the effectiveness of interference-protection mechanisms increase. And, as the sophistication of spectrum sensing grows, the Commission should certify new devices that rely solely on spectrum sensing. These going-forward principles will, in due course, allow the members of the undersigned organizations greater ability to communicate with each other and access critical information.

In sum, providing unlicensed access for mobile devices in the television white spaces offers the most efficient use of the spectrum and the most effective way for the Commission to address the digital divide in urban areas. The needs of urban Americans demand swift action.

Thank you very much for your consideration in this matter. We look forward to working with the Commission to bring everyone in this country the vital information and communication services they need.

Sincerely,

People's Production House
New York, NY
Washington, DC

Media Mobilizing Project
Philadelphia, PA

Media Alliance
Oakland, CA

8 Derek Turner, Free Press, “New York, New York - Public Airwaves for Wireless Broadband.”