

Congress of the United States
Washington, DC 20515

October, 27, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Martin:

We commend you on your consideration of the draft white spaces order and encourage you to adopt final rules that will enable a vibrant white spaces marketplace and deliver new and innovative broadband services to consumers while addressing the needs of incumbent licensees.

The broadband potential offered by the white spaces remains too great an opportunity for there to be any further delay in concluding the proceeding and allocating the spectrum for unlicensed broadband uses. We are simply at a point in time in which we can no longer squander any available broadband opportunities. The Commission must take the next steps to make this spectrum available to our innovators to deliver new and interesting broadband opportunities to all consumers including those that live in underserved and rural areas.”

This proceeding has been underway for over four years. There have been hundreds of comments filed and the Commission has been testing devices since last year. The opposition has raised concerns which have been addressed time and time again in the comment process.

Most recently they have sought to have the Commission place its test report out for public comment even though anyone can comment on the report through the Commission’s ex parte process. Given the importance of broadband access, the length of this proceeding, and the fact that there has been ample opportunity to submit comments, we respectfully ask the Commission to hold to its schedule and adopt final rules at its November meeting.


Lastly, we ask that the rules are sufficiently flexible to allow the emergence of innovative services. The Commission must find the right balance between protecting incumbent users while allowing white space devices to transmit at effective power levels and ensuring that the rules do not unnecessarily limit spectrum use which would be particularly detrimental in urban areas where less spectrum is available than in rural areas.

We again commend the FCC for moving to conclude this proceeding. We look forward to the Commission's adoption of final rules at its November meeting as well as the ultimate delivery of new broadband products and services to consumers.


Sincerely,



JAY INSLEE
Member of Congress



NATHAN DEAL
Member of Congress



TAMMY BALDWIN
Member of Congress



MARSHA BLACKBURN
Member of Congress



MIKE ROGERS
Member of Congress



ANNA ESHOO
Member of Congress

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