



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

December 24, 2009

The Honorable Richard Shelby
United States Senate
304 Russell Senate Office Building
Washington, DC 20510

Dear Senator Shelby:

Thank you for your letter regarding a pending license application and waiver request submitted by the Alabama Educational Television Commission (AETC).

On August 14, 2009, AETC filed an application and waiver request to operate an integrated public safety network throughout Alabama using nine DTV facilities transmitting on unused UHF television band channels. AETC filed its request pursuant to Section 337(c) of the Communications Act of 1934, as amended, which directs the Commission to waive its rules as necessary to permit unassigned frequencies to be used for public safety services when certain statutory criteria are met.

On September 23, 2009, AETC met separately with staff of the Commission's Public Safety and Homeland Security Bureau (PSHSB) and Media Bureau to discuss its pending request. In their meeting with AETC, PSHSB staff requested that AETC provide more detail on how it satisfies the statutory requirements, particularly whether no other spectrum allocated for public safety services is available immediately to satisfy AETC's requested public safety service use. In particular, PSHSB staff suggested that AETC address the availability and suitability of spectrum in the 700 MHz public safety band, which was allocated for television broadcasting prior to completion of the DTV transition but is now designated for public safety communications.

On October 23, 2009, AETC amended its application by providing supplemental information on the availability of the 700 MHz band. Both PSHSB and Media Bureau staff are now evaluating AETC's amended request to determine the overall public safety and DTV implications of its application. The Commission will complete action on this petition as expeditiously as possible.

I appreciate your interest in this important matter. Please let me know if I can of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski", written over a horizontal line.

Julius Genachowski
Chairman