

**Congress of the United States**  
**Washington, DC 20515**

March 8, 2010

The Honorable Julius Genachowski, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Dear Chairman Genachowski:

We write to you regarding an issue that has the potential to cause harmful interference to nearly 35 million listeners to satellite radio, including millions with access to satellite radio in their automobiles. The ongoing proceeding to change Wireless Communications Service (WCS) rules, if mismanaged, could result in serious problems to listeners of this nationwide service.

We believe that broadband, including mobile broadband, offers the nation many benefits, and we both have long been proponents of development of new broadband alternatives. But deployment of new broadband services must not threaten other established licensees or cause disruptive interference to millions of existing consumers. The WCS spectrum is already authorized for a variety of fixed broadband services pursuant to established FCC rules and some WCS licensees are currently using the band for this purpose. Those original WCS rules prohibit mobile transmissions on these frequencies, however, specifically because of the threat of interference with satellite radio, which uses the frequencies directly adjacent to WCS. This initial FCC conclusion was based upon a thorough record, and no subsequent engineering advances have solved those interference concerns.

We are particularly worried about the impact a decision to open the WCS spectrum to mobile broadband transmission would have on vehicle owners around the nation. Millions of people have satellite radio access in their cars, and a significant factor in many consumers' choice of vehicle is whether a satellite radio receiver has been installed in a particular model. Mobile broadband interference could render these receivers nearly useless and any interference will cause significant consumer frustration since it would be impossible to isolate the cause of interference to an automobile receiver. At a time when automobile manufacturing is just beginning to rebound from the recent recession, we think it would be very unwise to substantially diminish the utility of a key vehicle feature such as satellite radio.

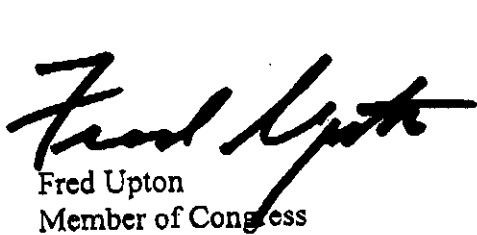
Any steps to open up this spectrum must be taken carefully and with due regard for existing satellite radio services. We expect, at a minimum, that the FCC will continue along its path towards full transparency and accountability by making available to the public any proposed modified rules for mobile use of the WCS spectrum before they are adopted by the Commission. Satellite radio providers, the automakers, consumers, and other interested parties should have an opportunity to thoroughly review and comment upon those rules. The minimal additional time that this process would take is nothing compared to the problems that would result if the new rules are flawed.

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If the FCC reverses its position on mobile use of the WCS spectrum, those new rules must also contain a means whereby any interference to satellite radio listeners, however minimal, would be rectified immediately. That means the new rules should include appropriate mechanisms to recompense satellite radio consumers for any loss of service caused by a mobile broadband device using the WCS spectrum. Of course, the Commission also should consider and adopt any and all other protections for existing satellite radio listeners, including those who have receivers in their vehicles, as the record warrants.

Please keep us informed of the Commission's plan for the WCS spectrum. Thank you for your consideration.

Sincerely,



Fred Upton  
Member of Congress



Mike Rogers  
Member of Congress (m2)

cc: Commissioner Michael Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker