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January 5, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Genachowski:

As the FCC prepares to conclude its effort to develop a national broadband plan that will be the blueprint to providing affordable, high-speed broadband to every American as well as regaining our leadership in global broadband rankings, I wanted to write you about one of the central topics that has emerged—spectrum policy. As one of the main sponsors of S.649, the *Radio Spectrum Inventory Act*, I completely agree that efficient spectrum use and effective spectrum management are essential to achieving the long-term telecommunications needs and goals of this nation. Improved mobility, access, productivity, public safety, and national security are all tangible results of wireless technology.

One of the more prominent issues involved in the FCC's examination of spectrum policy is broadcasters' use of spectrum. While I don't disagree that all options should be on the table as the Commission evaluates spectrum policy, it is imperative that the FCC first clear the table of outstanding spectrum-related items that have lingered at the Commission before extensively exploring other avenues. Concluding these unresolved items could dictate what additional steps the FCC should investigate.

The Commission has several open rulemaking proceedings that appear ready for prompt decisions that could enable the quick roll-out of significant additional spectrum to meet near-to-midterm demand for additional commercial wireless broadband spectrum. These include:

- **WCS band at 2305-2320 MHz and 2345-2360 MHz (WT Docket No. 07-293)** – the Commission has an open rulemaking to address possible interference issues between WCS and SDARS. This issue has been before the FCC for over a decade. It appeared the Commission was poised to act on a rulemaking late last year that would have adopted final technical rules governing spectrum in the WCS band but no action was taken. This lack of resolution has needlessly delayed the deployment of broadband services by the WCS community and therefore should be concluded.
- **AWS-3 block spectrum at 2155-2175 MHz (WT Docket No. 07-195)** – the FCC designated this block for Advanced Wireless Services in 2005 and issued a Notice of

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Proposed Rulemaking in 2007 to develop the service rules. Currently this block is capable of operating either on an unpaired basis or as additional base-to-mobile spectrum for the adjacent AWS-1 band. Some parties advocate that it could be paired with spectrum currently used by Federal agencies at 1755-1775 MHz, thereby expanding the AWS-1 band. The FCC should decide how it will proceed with this band—license now unpaired or work with NTIA to possibly reallocate the 1755-1775 MHz band from Federal to commercial use—so that parties can have greater certainty in moving forward with the business and rollout plans.

- **700 MHz D block at 758-763 MHz and 788-793 MHz (WT Docket No. 06-150 and PS Docket No. 06-229)** – the FCC unsuccessfully attempted to auction this block in 2008 in order to create a public/private partnership with the licensee of the adjacent public safety broadband block to create a nationwide public safety broadband network. The FCC sought comment on potential modifications to the D block rules in 2008, but has yet to act. It goes without saying; this nation has for too long lacked a nationwide public safety network so a decision by the Commission is long overdue on what option—whether it's re-auction, direct allocation, or some other solution—it believes will be most viable for resolving this deficiency.
- **2 GHz Mobile Satellite Service band at 2000-2020 MHz and 2180-2200 MHz (ET Docket No. 00-258 and IB Docket No. 05-221)** – the FCC initially authorized, in 2001, eight new mobile satellite services (MSS) systems to use 70 MHz of spectrum in the 2 GHz band to enable state-of-the-art global and regional mobile satellite systems. In 2005, after several potential operators abandoned plans or failed to meet milestones, the FCC determined that the two remaining operators would each receive 20 MHz of spectrum. Although both operators have launched satellites in this band, neither is yet offering service and one licensee is now in bankruptcy. Given that this spectrum is currently unused, the Commission may want to consider reallocating a portion of this band (possibly up to 20 MHz) to terrestrial mobile uses.
- **H block spectrum at 1915-1920 MHz and 1995-2000 MHz and J block spectrum at 2020-2025 MHz and 2175-2180 MHz (WT Docket No. 04-356)** – in 2004, the FCC designated these blocks for broadband and advanced wireless services and initiated a rulemaking proceeding on service rules. The FCC subsequently issued a Further Notice in 2008 to refresh the record but has yet to take action. The Commission should finalize the service rules and then auction the spectrum.

To pursue what seems to be a predetermined path while proceedings such as these remain unresolved is somewhat concerning and possibly premature—mainly given the limited technical resources at the Commission. The five proceedings that I've highlighted relate to spectrum that is currently unused or severely underutilized—approximately 100 MHz worth of spectrum. As mentioned above, concluding these proceedings would provide a much quicker time frame to rolling out additional spectrum for commercial wireless broadband services.

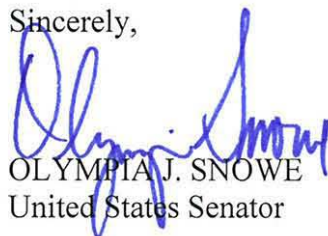
But as you know, reallocation of spectrum alone will not solve the problem of a looming spectrum crisis. The solution will require a concerted effort by all decision makers and spectrum users—commercial and government—that includes spectrum reallocation, technical innovation

such as MIMO, smart antennas, and cognitive radio, as well as robust spectrum management policy, which includes spectrum reuse and sharing, and fiber backhaul investment.

I also believe executing a spectrum inventory of both commercial and government users, as called for by S.649, is the necessary first step to develop a solid foundation on which a proper spectrum policy framework can be constructed. Such inventory will provide more accurate and detailed data on how spectrum is currently being used and by whom, which is the basis for sound policy decisions. I am optimistic that our legislation will pass the Senate early this year.

Without question, this is an exciting time in wireless communications and broadband. We're continuing to see significant advancements in wireless devices, applications, and services—some of which could not have been imagined a few years ago. I look forward to working with you and the Commission on this critical issue.

Sincerely,



OLYMPIA J. SNOWE
United States Senator

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