

# Congress of the United States

Washington, DC 20515

July 26, 2012

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

Dear Chairman Genachowski:

We understand that the Commission has before it a small number of rulemaking petitions seeking to change television stations' allocations from digital VHF to UHF channels. We are concerned that unless the Federal Communications Commission (FCC) acts quickly to move forward with these petitions, our constituents will be denied full access to local news and informational programming and the benefits of emerging technologies like Mobile DTV.

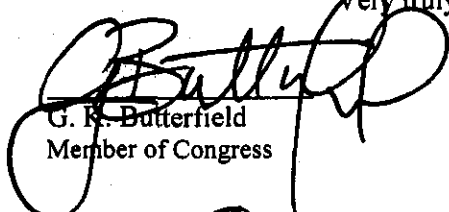
We trust you are familiar with Section 6403(g)(1)(B) of the recently adopted Middle Class Tax Relief and Job Creation Act of 2012 and the legislative history that preceded its adoption. While that section bars the FCC from reassigning a broadcast television license from a VHF channel to a UHF channel, there are two important exceptions. The first exception applies to reassignments that would not decrease the amount of UHF spectrum available for reallocation through auction. The second exception applies to requests for reassignment pending before the FCC on May 31, 2011. On that date, the FCC had issued a public notice "freezing" the filing of VHF-to-UHF reallocation petitions.

Earlier versions of the statute did not include the exception for requests pending as of the imposition of the "freeze." Before adoption of the final Act, the bipartisan conferees included the exception for requests pending as of the "freeze" date. This change was included to allow those broadcasters who had invested the time and resources necessary to file reallocation petitions to have their petitions considered in accordance with existing Commission standards and processes.


We understand that your agency is working hard to implement the legislation. However a position on the "pre-freeze" petitions is in direct conflict with both the legislative intent behind the "freeze" exception and principles of fairness. These principles entitle parties, who have proceeded in accordance with FCC rules and deadlines, not to have their rights truncated unexpectedly. The FCC's position on this issue will disadvantage our neighbors, limiting the service they receive from the affected stations now and in the future as newer services, like Mobile DTV, are offered.

Thank you for your attention to this matter.

Very truly yours,

  
G. R. Butterfield  
Member of Congress

  
Kathy Castor  
Member of Congress

  
Morgan Griffith  
Member of Congress

  
Gregg Harper  
Member of Congress

  
Cliff Stearns  
Member of Congress

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