

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF (ET Docket No. 10-235)

Chairman Genachowski is to be commended for presenting this Channel Sharing Order just two months after President Obama and the Congress gave the Commission voluntary incentive auction authority. The Order takes preliminary steps toward making frequency bands, which are principally used for TV service, available for new uses such as mobile broadband service. It provides some basic ground rules, such as identifying the entities that may participate in channel sharing, and clarifies that channel sharing will be voluntary and flexible. To be sure, this is only the first of several Orders the Commission must issue before it can conduct voluntary incentive auctions. But, moving quickly to adopt these ground rules reinforces to all how urgent it is to find more spectrum for mobile broadband services.

This Order also identifies fundamental principles that should guide the Commission, as it initiates other rulemaking proceedings to implement incentive auctions. Congress provided the Commission with the opportunity to reallocate spectrum that our mobile services industry needs, in order to keep pace with consumer demand. But with this opportunity, comes several important obligations.

In my opinion, the top two, are that we must comply with the specific mandates in the statute, and we must conduct this proceeding, in a manner that preserves the integrity of broadcast television service. The item follows these guiding principles in several areas. Notably, and consistent with Section 6403(a) of the new legislation, the Order makes clear that any rules we adopt will ensure that a broadcast TV station, which chooses to channel share, receives the same cable and satellite carriage rights at its new shared location that it had at its original location.

Another important obligation is that we carefully consider the important technical issues raised by the new law. For example, channel sharing arrangements may require broadcast TV licensees to modify their transmission facilities. But, these modifications could lead to loss of television service. The extent to which the Commission should consider possible loss of service, during a modification application, raises difficult questions. This Order explains that the Commission must establish a proper record, in another proceeding, before deciding such issues. I am glad that the Order clarifies, however, that channel sharing stations will be required to provide minimum coverage to their principal community of license.

I also want to thank my colleagues for agreeing to underscore that nothing in this Order would prevent the Commission, from initiating proceedings in response to United Church of Christ's requests, to promote greater diversity in ownership. The recent report of fans sending several racist tweets in response to the late-game heroics of Joel Ward, an African American professional hockey player, serves as a stark reminder that unfortunately, we still have a ways to go to achieve true racial harmony. Diversity of ownership and diversity of programming in the broadcast media, are tools that can be used to promote racial harmony, in local communities where those tensions still exist.

I thank Ruth Milkman, Bill Lake, and Julie Knapp and the expert staffs of the Media Bureau and OET, for their hard work on this item.