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Subcommittee on Telecommunications & the Internet
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BOBBY L. RUSH
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September 21, 2007

The Honorable Kevin Martin
Federal Communications Commission
445 12th St SW
Washington, DC 20554-0005

**Re: Unlicensed Devices in the "White Spaces"
ET Docket No. 04-186**

Dear Chairman Martin:

At the July 24th oversight hearing of the Subcommittee on Telecommunications and the Internet you and your Commission colleagues spoke briefly on the above referenced docket involving the so-called "white spaces" issue. Unfortunately, my time for questions had expired before I was able to probe deeper on this very important issue. Hopefully this letter will provide the Commission with further clarity into my strongly held view that personal/portable unlicensed devices, at least for the foreseeable future, should not be permitted to operate in the TV Band.

Notwithstanding the rush to judgment urged by unlicensed device advocates, there are four central points that the Commission should seriously consider in its forthcoming deliberations.

First, it is absolutely critical that the Commission's testing program fully evaluate interference protection prototypes and ensure that the technology wholly protects wireless microphones with absolute reliability. Any end-run in this critical process will short-circuit this important opportunity for thoughtful testing and risk debilitating interference that will harm important existing operations and transmissions.

Second, like over-the-air broadcasting and set-top converter boxes, testing for potential interference to wireless microphone transmissions deserves the Commission's full attention. The use and presence of wireless microphone technology varies greatly from night to night and from city to city. For example, in my home city alone, a major worship service could be held Sunday morning, followed by a football game at Soldier Field on Monday night, followed by a corporate convention presentation on Tuesday afternoon. Real-world (and timely) field testing in the actual "environment" of such live productions is a necessary prerequisite before the Commission can rationally consider allowing millions of new products to operate on the very same frequencies.

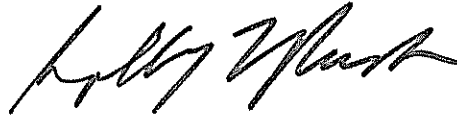
Third, fundamental fairness demands that existing services, including the manufacturers of wireless microphones, be given a hands-on opportunity to test the promised interference protection technology for themselves. Much is being asked of existing TV Band services. In fact, if the unlicensed device advocates have their way, far too much is being asked of them. The existing users of this space deserve a full and ample opportunity to test the proposed devices for themselves and provide additional insight, if any, on how UD operation impacts the operation of wireless mics. The Commission (and the

UD advocates) would be well-advised to consider this additional “hands on” testing as an opportunity to work cooperatively on a potential win-win solution for all stakeholders.

Fourth, the Commission must steadfastly reject calls to “approve devices now, fix interference problems later.” The potential impact of wireless microphone interference from unlicensed device operation is significant and the resulting chaos will be largely irreversible. Does MLB authorize a second singing of the national anthem? Will the “in the field” news reporter’s audio be restored in time, before the storm touches ground in a residential neighborhood? Will the wireless set change on Broadway transition seamlessly and safely without harm to the actors, audience, or crew members? If the answers to each of these questions isn’t fully resolved before UDs are authorized to enter the market, the Commission and Congress will likely face new challenges — challenges that involve the daunting and immediate safety recall of millions of consumer devices.

Thank you for considering these views as part of your deliberations on this very important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby L. Rush". The signature is fluid and cursive, with a large, stylized initial "B".

Bobby L. Rush
Member of Congress