

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

October 24, 2008

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Dear Chairman Martin:

We are writing to reiterate our concern over plans to allow personal and portable unlicensed transmitting devices to operate in the television "white spaces" and the impact these devices will have on our constituents.

As you know, on October 15, the Commission's Office of Engineering and Technology (OET) released a 409 page technical analysis of its testing of prototype TV band white space devices. Simultaneously, it was announced that the Commission will vote to adopt rules to authorize TV band white space devices on November 4, only fourteen business days from the release of the report without any opportunity for public comment. In light of the information provided by the testing, additional time and more thorough deliberation should be allowed for consideration of this proposal.

The Commission intends to vote on the matter without any opportunity for public comment less than three weeks after the release of the report. Given the potential impact of this decision on American television viewers, surely the Commission should take the time to more thoroughly evaluate these test results before formulating final rules.

With regard to the OET testing data, further clarity on the report's policy conclusions is needed. From what we understand, the testing showed that these devices failed to differentiate between an occupied and unoccupied TV channel nearly 33% of the time. The devices also caused interference to cable television systems. Furthermore, these devices failed to sense operating wireless microphone, which are critical for live news coverage, live music programming and sporting events.

The Commission's usual practice of seeking public comment prior to adopting a major rule should not be disregarded on an issue of this magnitude and in light of the discrepancy between the OET data and the policy conclusions put forth in your plan. We urge you to remove this item from the November 4 agenda and issue a public notice seeking comment from members of the public concerning the OET report.

Sincerely,



Due Thyrick

John A. LaBelle

Al Green

Thomas Jones

Jim [unclear] (7-11-4)

Joe Wilson

Steve Chabot

Jim Oberstar

Tom Tancredo

Leonard L. Boudell

Henry B. [unclear]

Michael H. Michaud

Pat Tiberius

Colli C. Pahn

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Jim Jacob

C.A. D'Amico, Rusk

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Harold D. B. [unclear]

Robin Hayes

Tom J. [unclear]

Hester Sheln

John Barrow

Houane Cable

E. C. [unclear]

John [unclear]

Cc: The Honorable Jonathan Adelstein  
The Honorable Michael Copps  
The Honorable Deborah Taylor Tate  
The Honorable Robert McDowell