



## Congress of the United States House of Representatives

October 28, 2008

Federal Communication Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

### By Electronic Filing

Chairman Kevin J. Martin  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Deborah Taylor Tate

### **Re: Ex Parte Comments of the Broadway League, ET Docket No. 04-186 Introduction of Unlicensed Devices in the "White Spaces"**

Dear Chairman Martin, Commissioners Adelstein, Copps, McDowell and Tate:

I present these remarks regarding the FCC Laboratory Division's extensive report of White Space devices dated October 15, 2008 and the FCC's notice of a vote on an order opening the white space spectrum to devices using spectrum sensing technology, scheduled for November 4, 2008. I wish to join with my colleagues who represent a broad, geographic cross-section from both sides of the aisle who have filed their concerns with you this week, including The Honorable Carolyn B. Maloney, Shelly Berkley, Mark Steven Kirk, Jon Porter, Jerrold Nadler, William Lacy Clay, Jim Cooper, Robert Brady and Bobby L. Rush to name a few. Additionally, I join the Broadway League's ex-parte filing dated October 21, 2008 and support the National Association of Broadcasters' Emergency Request<sup>1</sup> to stay the vote scheduled for Election Day.

<sup>1</sup> Emergency Request, filed by The Association for Maximum Service Television, In.c ("MSTV"), the National Association of Broadcasters ("NAB"), the ABC, CBS, and FOX Television Networks and the Open Mobile Video Coalition ("OMVC"), ET Docket Nos. 04-186 and 02-380, October 17, 2008.

As a New Yorker, I consider the revenue generated by these two industries, Broadcasting and Broadway, to be of enormous economic value to the City and State of New York. Both of these industries, representing different segments of incumbent use of the white space spectrum, are catalysts to domestic and international tourism which must be supported. The number of union and ancillary jobs both industries represent is integral to the financial well-being and cultural life of the City. Considering the current condition of global financial markets, the inherent local job losses, the collapse of major banking and insurance institutions, we seek to promote and protect the industries which are likely to sustain us in what may be a prolonged recession and recovery. Tampering with the remaining properly functioning economic components tampers with the stability and economic viability of New York and the nation. We require a steady rebuilding of our economy securely built on the foundation of existing healthy industries. In short, don't mess with success.

Public input and perspective is key to effective regulatory process which can benefit citizens and regulators alike. It is our responsibility, as regulators and legislators, to employ notice and comment procedures; providing ample time and thought for due process. The FCC is in a position to effect historic, sweeping change and leave a lasting legacy through the proposed extensive reallocation of bandwidth. "Attention must be paid" to incumbent users of the white space spectrum, as recognition of them can chart a course of economic growth and positive legacy. I urge you to promote our economy and protect the livelihood of tens of thousands of broadcast and theatrical union workers in television stations and theatres on Broadway and across this country.

Should you wish to discuss this issue further, please contact me or direct your staff to contact my Chief of Staff, George Dalley, at (202) 225-4365.

Sincerely,

A handwritten signature in black ink, reading "Charles B. Rangel". The signature is written in a cursive, flowing style with a large, prominent "C" at the beginning and a long, sweeping tail that extends downwards and to the right.

CHARLES B. RANGEL  
Member of Congress