

U. S. House of Representatives
Washington, D. C. 20515

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October 24, 2013

The Honorable Mignon Clyburn, Acting Chairwoman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Acting Chairwoman Clyburn:

We write regarding the Commission's statutory mandate under the Middle Class Tax Relief and Job Creation Act of 2010 ("the Act") to coordinate with Canada and Mexico as part of the upcoming voluntary incentive auction of broadcast television frequencies. Coordination with Canada and Mexico is critical to ensuring Americans in border areas do not lose access to free, over-the-air television signals.

In a June 4, 2013, letter to you, Congressman Dingell asked if the Commission believes it must complete international coordination with Mexico and Canada prior to reallocating and reassigning broadcast frequencies. In your July 2, 2013, response to that inquiry, you stated the following:

The Commission intends to adhere to all statutory requirements. The Spectrum Act in section 6403(b)(1) makes the reassignment and reallocation of the broadcast spectrum "subject to" international coordination. That language is identical to that used by the Commission in describing its handling of the earlier DTV transition, in which the Commission "adopt[ed] our proposed allotments for these stations *subject to* our continuing negotiations with Canada..." notwithstanding broadcasters' requests to the contrary. *Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, 22 FCC RCD 15581 (2007) at ¶¶ 103-05 (emphasis added); *see also id.*, 13 FCC Rcd 7418 (1998) at ¶¶ 138-40. Thus, although the Commission has not yet interpreted these provisions in an Order, that precedent – where our international coordination with respect to the DTV transition continued beyond the finalization of allotments – may well be applicable to the Commission's ultimate determination of its statutory authority under the Spectrum Act.

Your response implies that the Commission may proceed with the reverse auction and channel allocations prior to having completed negotiations with Canada and Mexico. In the event that the Commission does not complete negotiations with Canada and Mexico prior to reassigning broadcast channels, the Commission must ensure that consumers in border areas continue to have access to the free over-the-air broadcast signals they currently receive, to the extent mandated by the Act. Consequently, we would appreciate a response from you outlining your plans to accomplish that objective.

We thank you for your important attention to this critical issue, and we look forward to your timely response to our inquiry. We all believe that successful implementation of the Act will serve the interests of public safety and support the technological innovation and economic growth associated with greater access to wireless broadband. Nevertheless, we hope to ensure that all Americans retain access to free, over-the-air broadcast signals. These goals are not mutually exclusive and we look forward to continuing to work with you to ensure this realization.

Should you have any questions, you or staff can contact David Grossman in Congresswoman Eshoo's office at 202-225-8104 or Andrew Woelfling in Congressman Dingell's office at 202-225-4071.

Sincerely,



Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce



John D. Dingell
Member of Congress



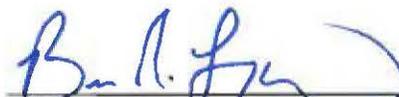
Mike Doyle
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Jim Matheson
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