

February 13, 2012

The Honorable Henry Waxman
2204 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Re: Spectrum Provisions in the Payroll Tax Extension Bill

Dear Representative Waxman:

The undersigned organizations write to voice our strong oppositions to the following provisions being considered for inclusion in the payroll tax extension bill. The provisions that restrict the application of pro-consumer and pro-competition conditions on spectrum auctions would be a massive step backwards in the evolution of our Nation's wireless policy. They would lead to greater consolidation, higher consumer costs, and reduced openness in the wireless industry. This is movement in the wrong direction.

As such, we are concerned about the following features of the proposal:

No Safeguards for Openness. Current language would prevent *any* restrictions on network management, block any requirements to make connectivity available on a wholesale basis (which would increase competition), and stop the FCC from passing a rule allowing users to attach any non-harmful device to the network. This provision would allow the winner of any spectrum auction to throttle, block, and discriminate however it sees fit – thereby reducing freedom, entrepreneurship, and innovation online.

No Safeguards Against Further Consolidation. The current consolidated national wireless landscape is a result of the fact that only a handful of companies control most of the available spectrum in the United States. This provision would prevent the FCC from instituting spectrum screens that make sure that new spectrum goes towards new or under-provisioned competitors instead of being further consolidated. The only way to truly foster growth, accessibility, and innovation online is through competition among providers, and this provision prevents just that.

No Super-Wifi. One of the greatest boons of the transition from analog to digital TV broadcasting was supposed to be the creation of unlicensed “whitespaces” or “super-wifi.” This new spectrum – which is much better at communicating long distances and through walls than current wifi spectrum – would be used cooperatively by everyone and usher in a new era of wireless devices. Any move to auction reclaimed TV spectrum must give the FCC the flexibility to protect some of that spectrum for unlicensed uses if the FCC determines that doing so is needed to ensure the continued viability and growth of this important new technology.

Thoughtful spectrum policy is critical to reaching the goal of widespread access to affordable broadband. These proposals represent an ill-considered combination of the

worst wireless policies of the past few years. Including them in any legislation going forward would be an error. We urge you to remove them from any bill.

Sincerely,

Access Humboldt
Akaku: Maui Community Television
Center for Rural Strategies
Demand Progress
Future of Music Coalition
Institute for Local Self-Reliance
iSolon.org
Media Access Project
Media Alliance
Mountain Area Information Network (MAIN)
National Alliance for Media Arts & Culture (NAMAC)
New America Foundation's Open Technology Initiative
Partnership of African American Churches
People's Production House
Prometheus Radio Project
Public Knowledge
UCC OC Inc.
Writers Guild of America, West