



CHAIRMAN

Federal Communications Commission

Washington, D.C.

October 22, 2004

The Honorable Ernest F. Hollings  
Ranking Member  
Committee on Commerce, Science and Transportation  
United States Senate  
510 Dirksen Senate Office Building  
Washington, D.C. 20515

Dear Senator Hollings:

This letter transmits my written response to the post-hearing questions posed in connection with my September 8, 2004, appearance before the Committee.

I appreciate the opportunity to respond to the issues and concerns in which you and your colleagues are interested.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell

Attachment

cc: The Honorable John McCain

**U.S. Senate Committee on Commerce, Science and Transportation**  
**Hearing on Spectrum for Public Safety Users**  
**September 8, 2004**

**Questions from Senator Cantwell for Chairman Powell:**

- 1) **Assuming the spectrum currently used by TV Channels 63, 64, 68, and 69 is turned over to public safety communications, for the States bordering Canada and Mexico, is potential interference from Canadian and Mexican TV stations operating on Channels 63, 64, 68, and 69 a concern?**

**RESPONSE:** There is a concern about potential interference to public safety communications from Canadian and Mexican TV stations operating on Channels 63, 64, 68 and 69. Therefore, the Commission has avoided making any additional new allotments or accepting new notifications from Canada or Mexico on these channels in the border areas.

- 2) **Is potential interference to public safety communications operating in the 700 MHz band from Canadian and Mexican TV stations operating on Channels 62, 65, and 67 a concern?**

**RESPONSE:** There is a concern about potential interference to public safety communications from Canadian and Mexican TV stations operating on Channels 62, 65, and 67. Therefore, the Commission has avoided making any additional new allotments or accepting new notifications from Canada or Mexico on these channels in the border areas.

- 3) **Are there licensed Canadian TV stations currently operating on co-channels or adjacent channels of the future 700 MHz public safety bands whose signal contour may extend deep into western Washington State and possibly interfere with public safety communications in the state.**

**RESPONSE:** Currently, there are no operational Canadian television stations that can interfere with public safety communications on channels 63, 64, 68, or 69 in Washington State. In addition, the Commission has worked closely with Industry Canada to ensure that future U.S. public safety operations are not adversely affected by Canadian television stations.

Specifically, the Commission eliminated the possibility of interference in Washington State by working with Canada to 'realign' vacant Canadian DTV and Analog channels that posed potential interference to public safety operations in Washington. For example, vacant DTV channel 68 in Victoria, BC was recently reassigned for use on channel 43. Analog channel 63 in Vancouver, BC was reassigned for use on DTV channel 18, analog channel 68 in Vancouver was reassigned for use on analog channel 41, and analog channel 66 in Victoria, BC was reassigned for use on analog channel 46. The

Commission continues to work with our Canadian counterparts to achieve the goal of full alignment of public safety spectrum for the 700 MHz band.

**4) If interference is a concern, what is currently being done to address this issue on the federal level?**

**RESPONSE:** The migration of analog television services to digital operation is progressing at a much faster pace in the United States than the transition schedules revealed by Canada and Mexico. As a result, the reallocation of television channels 52-69 in both Canada and Mexico is on a delayed timetable. Thus, the Commission is working with these respective Administrations to create viable mechanisms to ensure the protection of future public safety services from interference by television services.

Since the Commission took action in 1998 mandating that four TV channels be reassigned for use by public safety organizations on a domestic basis, the FCC, specifically the International Bureau, has made the border zone utilization and protection of these public safety channels a top priority. The Commission has stressed to its foreign government counterparts the urgent need to provide enhanced homeland security and public safety and the immediate advantages that the use of these channels would provide to all countries involved. It has been the Commission's continuous practice to persuade our cross border counterparts to adopt a similar approach in utilizing these channels for public safety purposes. The FCC is in the process of negotiating new bilateral coordination agreements with Canada and Mexico dealing with this matter. Any negotiations with Canada or Mexico are conducted through the auspices of the State Department and in compliance with established processes and procedures.

**5) Are there international frameworks and /or treaties in place?**

**RESPONSE:** The current treaties and letters of understanding on DTV with Mexico and Canada were assembled during the late 1990's in preparation for the transition from analog TV to digital TV in the TV bands (Channels 2-69). These understandings were meant to update longstanding TV agreements with both countries to allow the nascent digital format to take root. At that time, neither Congress nor the Commission had proposed that other services would be established in Channels 52-69, so the "agreements" were formulated to be TV-centric. Subsequent Congressional and Commission actions (*i.e.* public safety channels, commercials channels, guard bands, auctions, etc.) led to the situation we have today so that discussions with Canada and Mexico have been redirected to establish the inclusion of non-television type services within these reallocated channels (52-69). Efforts with Canada to include mobile service uses such as public safety, have proven to be successful and the new operations have been given a foundation from which to build their viability. Discussions with Mexico are ongoing and efforts continue to motivate the Mexican government to adopt a similar allocation format, which would enhance their ability to make long term plans for public safety needs in Mexico. Any negotiations with Canada or Mexico are conducted through the auspices of the State Department and in compliance with established processes and procedures.

**6) Are negotiations underway with the Canada and Mexico?**

**RESPONSE:** The FCC has expended significant staff resources for negotiations with Canada and Mexico. Over the past three to four years, there have been ongoing negotiations concerning the new terms of use for Channels 52-69 with both countries. Recently, the U.S. and Canada signed an amendment to the 2001 DTV Letter of Understanding that sets aside channels 63 and 68 for public safety priority use. We are in the process of finalizing an arrangement with Canada that establishes a coordination mechanism for public safety use for channels 63, 64, 68 and 69. Discussions with Mexico are ongoing. We believe a modification of our existing relevant bilateral agreements and understandings to allow the introduction of public safety and other mobile services on these channels would be in both countries' best interest. We plan to continue these discussions at our next bilateral meeting at the end of the year. Any bilateral discussions with Canada or Mexico are conducted through the auspices of the State Department and in compliance with established processes and procedures.

**7) Assuming, on January 1, 2007 the spectrum for TV Channels 63, 64, 68, and 69 revert to public safety communications, what still needs to be accomplished with respect to agreements with Canada and Mexico to ensure that there is no interference for public safety communications along our border states?**

**RESPONSE:** With respect to Canada, we are confident that by January 1, 2007, our efforts in formulating new agreements and understandings will have resulted in the clearance of any potentially interfering TV operation, thus setting the stage for viable public safety service in the border area.

With respect to Mexico, we are hopeful that our ongoing efforts to formulate bilateral understandings to establish clear spectrum for public safety use will be in effect by January 2007. The channels at issue in the discussion with Mexico are very lightly used by Mexico in the border area and the likelihood that public safety users would experience any interference there is minimal. However, it is the FCC's goal to have documented mutual understandings in place with both neighboring Administrations to eliminate the possibility of any uncertainty that could detract from the existence of a totally viable public safety service in our border areas.

**8) Does the FCC have a plan to address DTV transition for translator and low power TV stations?**

**RESPONSE:** On September 9, 2004, the Commission adopted a *Report and Order* in MB Docket 03-185 establishing rules and policies for digital low power television (LPTV), television translator and Class A television stations. The *Report and Order* establishes a regulatory framework consistent with the Commission's goal to expedite the transition of LPTV and TV translator stations to digital operations while minimizing disruption of existing analog service to consumers. Specifically, the *Report and Order*

addresses a number of important issues related to the transition to digital technology in the low power television industry such as channel assignments, authorization of digital service, permissible service, mutually exclusive applications, and protected service areas.

**9) What is the timeline and milestones of the plan?**

**RESPONSE:** The Commission has not established a deadline for the DTV transition for LPTV, TV translator and Class A stations. In the *Report and Order* in MB Docket 03-185, the Commission indicated that the deadline for these stations would be a fixed date sometime after the deadline for full-service television stations. The Commission intends to continue its work to expedite the full-service DTV transition and, in its third DTV periodic review proceeding, will revisit this matter and consider establishing a deadline and/or other criteria for the digital conversion of LPTV, TV translator and Class A stations.

**10) Under the FCC plan, approximately how many low power TV and translators stations operating on Channels 63, 64, 68, and 69 will go dark nationally if the broadcasters have to return the spectrum no later than January 1, 2007?**

**RESPONSE:** There are approximately 350 LPTV and TV translator licensees and permittees currently operating on Channels 63, 64, 68 and 69. These stations are – and have always been – secondary services, and are required to yield to new commercial wireless and public safety operations. In addition, the stations will be required to cease operating on these channels at the end of the full-service DTV transition which is currently scheduled to be concluded December 31, 2006, unless otherwise extended by the Commission pursuant to criteria set forth in Section 309 of the Communications Act. It is important to note, however, that the *Report and Order* the Commission adopted on September 9, 2004, provides all LPTV and translator stations, including those located on Channels 63, 64, 68 and 69, with an opportunity to seek a second channel for digital operations either in the core (television channels 2-51) or on channels 52-59.