

TV spectrum under siege

The broadband industry aims to take over spectrum dedicated to over-the-air television.

BY HARRY C. MARTIN

The broadband industry is mounting an offensive to take over all or part of the spectrum dedicated to over-the-air television.

This effort began officially in September when the FCC invited comments on the adequacy of available spectrum for broadband deployment. The wireless industry, which had already been agitating for more spectrum, filed responsive comments citing the enormous growth of traffic on mobile networks after introduction of the Apple iPhone and other smartphones. This, it declared, demonstrates that the public demand is

clear, and it is time to find spectrum to accommodate anticipated future explosions in demand. The principal target is TV spectrum.

The large spectrum segment reserved for TV was already pared way down as part of the digital transition, but the wireless industry wants what is left. The argument is that 90 percent of the public watches TV via cable or satellite. Thus, there is no need to tie up airwaves when the public no longer relies on such transmissions.

The prize is worth fighting for, even if the wireless companies can seize only a limited portion of the television band. TV channels 14-51 currently occupy 228MHz (from 470MHz-698MHz). Compare this with the 160MHz now available to cellular and PCS services.

The wireless initiative falls on fertile ground at the FCC. Chairman Julius Genachowski, speaking to a sympathetic audience at an international meeting of the wireless industry, declared that "the biggest threat to the future of mobile in America is the looming spectrum crisis." And senior FCC staff members have cited the large sums of money paid at spectrum auctions as evidence of the value of spectrum for wireless. Moreover, the principal focus of the FCC under Genachowski is broadband deployment. The "underused" TV spectrum is a prime target given this overriding policy goal.

Even the Consumer Electronics Association is siding with the wireless interests. The CEA wrote to the FCC urging it to comply with its obligations under Section 336(g) of the Communications Act to conduct a study to determine whether the TV industry really needs all of the spectrum. This obscure section

mandates an assessment 10 years after the DTV licenses were first issued to determine whether the amount of TV spectrum can be reduced based on a lack of consumer use of DTV over-the-air signals.

Broadcast interests vigorously opposed these positions. MST, NAB, large group station owners and public broadcasters pointed out that the nation's TV stations, not to mention the American public, had just spent billions transitioning to high-quality digital television. The broadcast industry argued that without national television, our society would lose its thread of common daily experience, thereby further fractionalizing our nation as everyone ends up watching channels matching only their niche interests. The local emergency news and information uniquely available from over-the-air television also was extolled.

As has become common in Washington, each side is promoting its own interests, framing arguments as an "either/or" zero-sum game in which one side must lose if the other wins. That makes the FCC a referee, a role it should be reluctant to assume given its poor track record in court. The industries involved are so big and the stakes so high, it is unlikely wireless and broadcast interests will come up with a compromise. For this reason, the looming battle for the TV spectrum is likely to go on for many years and down the road produce results that do not serve the interests of either group. **BE**

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