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FCC TAKES STEPS TO ALLOW NEW LOW POWER DEVICES ON VACANT TV CHANNELS

Washington, D.C. – The Commission today adopted a *First Report and Order and Further Notice of Proposed Rulemaking* taking the first important steps toward allowing new low power devices to operate in the broadcast television spectrum at locations where channels in that spectrum are not in use by television stations or other authorized services. This action will enable the development of new and innovative types of devices and services for businesses and consumers.

In the *First Report and Order*, the Commission concluded that fixed low power devices can be allowed to operate on TV channels in areas where those frequencies are not being used for TV or other incumbent licensed services. The Commission declined to permit operation on TV channel 37 that is used by radio astronomy and wireless medical telemetry services; and on TV channels 52-69, which have been reallocated for public safety and other mobile services. It also declined to permit the operation of personal/portable devices on TV channels 14-20, which are used by public safety service in 13 cities, leaving for further consideration the issue of whether fixed devices might be used in that band. Marketing of such devices may commence on February 18, 2009, after the digital television (DTV) transition is complete and all TV stations are in operation on their permanent DTV channels.

In the *Further Notice*, the Commission invited further comment on a number of issues that were raised in response to the *Notice of Proposed Rule Making*. It solicited additional information that is needed to determine whether personal/portable devices can operate in any of the TV channels without causing harmful interference. It also invited comment to explore whether low power devices should be permitted on TV channels 2-4, which are used by TV interface devices such as VCRs, and whether fixed low power devices can be permitted on TV channels 14-20.

The Commission made detailed technical proposals to facilitate use of a dynamic frequency selection (DFS) mechanism to ensure that TV band devices operate only on vacant TV channels. In addition, it sought further comment on implementation details for the geo-location and control signal interference avoidance approaches discussed in the *Notice* in this proceeding.

The Commission reaffirmed its commitment to developing a complete record to ensure that the final rules will protect TV broadcasting and other service against harmful interference. In particular, it invited parties to submit test results showing that TV band devices will not cause harmful interference. In addition, the Commission noted that it plans to conduct extensive testing itself to assess the potential interference from low power devices operating in the TV bands before adopting final rules.

The Commission also invited comment on the desirability of requiring licensing for devices operating in the TV bands. While the Commission noted that a majority of the commenters have expressed interest in operating low power devices in the TV bands on an unlicensed basis, it sought comments on the relative benefits of both the licensed and unlicensed approaches.

Action by the Commission October 12, 2006, by First Report and Order and Further Notice of Proposed Rule Making (FCC 06-156). Chairman Martin, Commissioners Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate and McDowell.

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