



## FCC OK's Some Wireless Devices in Broadcast Band

By John Eggerton -- Broadcasting & Cable, 10/12/2006 10:41:00 PM

The FCC has voted unanimously to allow fixed wireless services to operate in the so-called "White Spaces" between broadcast channels, but it has not concluded whether they should be licensed or unlicensed and has made no ruling on mobile devices in that same spectrum.

In essentially beginning the process of allowing some types of wireless devices--for instance, a fixed antenna for wireless broadband service--into the broadcast band, the FCC at its meeting Thursday took a cautious approach.

It put out for comment a number of issues, like whether to allow mobile devices and whether or not any of the devices should be unlicensed. But it did rule that no mobile devices will be allowed on channels 14-20, which are used for public safety in some areas, or on ch. 37, which is used for radio astronomy.

The difference between licensed and unlicensed is crucial to broadcasters, since they fear the latter are too difficult to monitor. If such a device does wind up interfering with DTV signals, it will be a tough egg to un-break, they argue.

While putting channels 2-4 in play, on which set-tops operate, the FCC has asked for more comment before deciding what, if any, devices should be allowed to operate there. That is also good news for broadcasters, as is the FCC's emphasis on extensive interference testing.

While broadcasters were undoubtedly happy the FCC took a conservative approach, particularly in not approving unlicensed operation without soliciting more comments, FCC Democrats would have preferred the presumptive ruling that unlicensed was the way to go.

Commissioner Michael Copps said that unlicensed "approached the ideal of the people's airwaves," and pointing to recent auctions of licensed spectrum, he said it was time to open up some unlicensed space. Fellow Democrat Jonathan Adelstein agreed with Copps that a "rebuttable presumption" in favor of unlicensed would have been preferable.

Calling the decision, somewhat conservative, Adelstein also called it an important first step but adding that low barriers of entry with unlicensed devices was the best chance for broadband offerings "regardless of size or wealth."

Adelstein thanked FCC Chairman Kevin Martin for keeping the 14-20, and 2-4 spectrum in play, indicating he had pushed for those changes to the order.

Martin said he thought the order respects the concerns of broadcasters while allowing for more efficient use of the spectrum, which is a commission priority.

It also likely takes the steam out of legislative attempts to open up the band to unlicensed devices.

Harold Feld, senior VP of unlicensed device fans The Media Access Project, was pleased with the FCC's decision: "Today's FCC action is another step forward in freeing more public spectrum for productive public use," he said. "The FCC has wisely decided to rely on empirical testing rather than the doomsday predictions broadcasters practicing the spectrum equivalent of NIMBY (not in my back yard)."