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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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September 23, 2008

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AND CHIEF COUNSEL

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Martin,

We write concerning the Commission's consideration of the proposed rules for the auction of the so-called "D block" in the 700 MHz band. As you know, we have a keen interest in the outcome of this proceeding, as each of us supports the overriding goal of improved public safety communications and making available additional wireless broadband services. While Members of Congress and the Commission may have differing ideas on how best to achieve that goal, we all agree that the Commission should proceed thoughtfully and deliberately as it writes the auction rules.

Though we believe this auction should be initiated expeditiously, we were disappointed to learn that you propose to give the public just 14 days to comment on this lengthy item and only 7 days to file replies to those comments. It is important that the Commission craft a workable set of rules. We believe the comment cycle should more closely reflect the complex legal, administrative, and technical nature of this proceeding and that the public should have at least 45 days to digest the item and prepare and file comments and 15 days to reply to those comments.


In addition, we are concerned about reports that the item, as drafted, indicates a strong preference for a national license, even where regional bidders may have offered significantly more money for the right to use the spectrum. While it may be that the Commission will ultimately award a national license, we believe the Commission should fully consider the merits of regional licensing, on the condition that regional networks are interoperable and should be wary of weighting the playing field toward a nationwide license.

Finally, we commend you for committing to put the actual text of the draft rules out for comment. This wise decision will certainly help inform the Commission's decision making and will serve the public interest.

Sincerely,



John D. Dingell
Chairman



Edward J. Markey
Chairman
Subcommittee on Telecommunications
and the Internet



Jane Harman
Member

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Cliff Stearns, Ranking Member
Subcommittee on Telecommunications and the Internet