

## WIRELESS

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### White Spaces Vote Imminent



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**Rumors have circulated that Tuesday's white spaces vote was to be canceled in response to protests in the broadcasting industry. Those reports were untrue, FCC spokesperson Robert Kenny told the E-Commerce Times.**

The [Federal Communications Commission](#) is scheduled to vote Tuesday on a controversial proposal to open up vacant "white spaces" spectrum for unlicensed use for broadband Internet access. The vote is the culmination of an idea that was first proposed by FCC Chairman Kevin Martin more than four years ago.

The proposal hit several speed bumps along the way -- primarily in the form of opposition in many quarters of the cable and television industry.

Most recently, rumors spread that Tuesday's vote was to be canceled in response to protests in the broadcasting [industry](#). Those reports were untrue, FCC spokesperson Robert Kenny told the E-Commerce Times.

#### Testing the Issue

The meeting was scheduled to take place for about an hour Tuesday afternoon. "We will be announcing the outcome once it concludes," said Kenny.

Protests have largely grown out of concerns that the proposed use of the spectrum would interfere with television service. The FCC "moved forward diligently and cautiously on this issue," Kenny said. "We believe that the analysis on record and the testing that we have done" support the proposal.

The FCC's Office of Engineering Technology conducted several months of lab and field testing on the issue, and recently reported that interference would not be a problem.

However, many critics in the cable and television industry are adamant that interference will occur, especially once so-called white space devices are developed to take advantage of a favorable FCC ruling.

"On Oct. 15 you announced that you would ask your colleagues to establish rules authorizing millions of unlicensed devices to operate in the spectrum surrounding the channels currently used by

over the air TV broadcasters for providing emergency information, news and entertainment to the American public," David Rehr, president and CEO of the [National Association of Broadcasters](#), recently wrote to Martin.

"Because such rules would have a profound impact on the public's access to television broadcasts, I am writing to amplify our request that you delay consideration of these rules to give the Commission time to follow the most basic principals of good government: transparency and due process," he said.





The report, which exceeded 400 pages, was released on the same day that Martin announced the FCC would move forward with final rules, Rehr said in his letter, leaving no opportunity for "meaningful comment," which violates the spirit of the Data Quality Act.

Rehr also disputed the report's finding that spectrum-sensing technology designed to prevent broadcast interference is reliable and accurate.

NAB did not return a call to the E-Commerce Times requesting comment for this story.

### Next-Gen Services

Advocates for the proposal, not surprisingly, are delighted the vote will take place.

"We are very encouraged the Commission has stood behind its engineers and come down on the side of science," Jake Ward, spokesperson for the [Wireless Innovation Alliance](#), told the E-Commerce Times. The Alliance is a coalition of firms -- including [Google](#) (Nasdaq: GOOG) , [Motorola](#) (NYSE: MOT) , [Dell](#) (Nasdaq: DELL)  and [Microsoft](#) (Nasdaq: MSFT)  -- that advocate use of the white spaces.


"We expect today's vote to be the next step in realizing the potential of white space. We look forward to seeing the order in place," Ward said.

Advocates promise a new generation of technology and services once restrictions against the use of white space are lifted. By adopting rules that make the best use of this "fallow ground," Google CEO Eric Schmidt wrote to Martin, "freeing white spaces for unlicensed mobile use will help unleash an entirely new wave of technological [innovation](#), creating jobs, and boosting our economy."

### Afraid of Competition

From a technical perspective, the argument that white space is necessary to prevent broadcast interference could be valid, Jonathan L. Kramer, principal with [Kramer Telecom Law Firm](#), told the E-Commerce Times. "The whole concept of white space is that it is an unused spectrum between active channels reserved to prevent interference."

That said, incumbent carriers really have no other argument to fall back upon when protesting the rules, he continued. "After all, they can't say they don't want the new competition as the basis of a challenge."

The threat of new competition, advocates say, is the real reason broadcasters have challenged the proposal. The FCC's studies do not support the incumbent carriers' protests, Kramer noted. "They don't show that the potential for interference is likely or probable." 

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