

Congress of the United States
Washington, DC 20515

July 16, 2013

The Honorable Mignon Clyburn
Acting Chairwoman
U.S. Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Acting Chairwoman Clyburn:

We write concerning the Commission's implementation of the spectrum auction authorized by section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 ("the Act"). In carrying out that section, the Commission will play a critical role in determining whether the Act achieves one of its intended primary objectives: funding of the construction of a nationwide interoperable public safety communications network, also known as FirstNet. Our purpose in writing you is to encourage you and your colleagues to adopt rules that will achieve this important congressional objective.

Congress passed the Act in order to achieve several distinct and important goals. First, the Act is designed to alleviate the spectrum shortage that now constrains wireless providers' ability to meet consumer demand. Second, the Act incents broadcasters to participate in the auction by permitting them to receive a portion of the auction proceeds when their frequencies are acquired by wireless providers. Third, the Act contains provisions to compensate broadcasters which do not participate in the auction for the costs involved in moving to new channel assignments in order to maximize the amount of spectrum available for mobile broadband services. Fourth, Congress provided that up to \$7 billion of the proceeds from the auction will be used to fund the construction of FirstNet. Finally, Congress intended that the auction generate sufficient revenues to make a meaningful contribution to reducing the national deficit.

Congress is relying upon the Commission to ensure that each of these important goals is met. The Commission faces an enormously complex task of adopting technical and auction design rules to make certain that the auction authorized by the Act serves the interests of broadcasters, wireless providers, public safety, and the American public. Doing so may well entail compromises, but we urge you not to adopt policies in this or any other proceeding that will jeopardize the ability of the auction to generate winning bids that are sufficient to fund each of these important public policy goals.

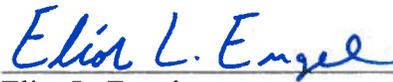
In closing, we hope the Commission will avoid any action that would serve as an impediment to the successful build-out of FirstNet. More specifically, we are concerned that the Commission may take action which would have the effect of excluding entities in the forward auction authorized by the Act. All carriers should have a meaningful opportunity to bid for spectrum. Since September 11, 2001, Congress, the Commission, the 9/11 Commission, and others have recognized the urgent need for nationwide interoperable public safety communications. Nearly 12 years later, however, we have failed to achieve this goal. Indeed,

the Commission's prior effort to auction the Upper 700 Megahertz D Block spectrum for public safety use failed due to overly complex and uncertain auction rules adopted by the Commission. We very respectfully request that the Commission avoid repeating that mistake in carrying out the Act's forward auction. Instead, we hope that the Commission will adopt transparent and simple rules to encourage participation by the broadest possible group of broadcasters and wireless providers because doing so will contribute in great part to a successful auction that, in turn, will generate the revenues needed to fulfill our shared commitment to public safety and achieve the other goals of the Act.

Sincerely,



John D. Dingell
Member of Congress



Eliot L. Engel
Member of Congress



G.K. Butterfield
Member of Congress



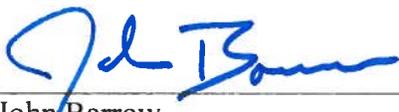
Gene Green
Member of Congress



Bruce Braley
Member of Congress



Jim Matheson
Member of Congress



John Barrow
Member of Congress



Paul Tonko
Member of Congress