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CONGRESSWOMAN JANE HARMAN
36TH DISTRICT, CALIFORNIA

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEE ON
TELECOMMUNICATIONS
AND THE INTERNET

SUBCOMMITTEE ON
ENERGY AND AIR QUALITY

NEW DEMOCRAT COALITION

January 16, 2008

The Honorable Edward J. Markey
Chairman
Subcommittee on Telecommunications and the Internet
2108 Rayburn House Office Building
Washington, DC 20515

The Honorable Cliff Stearns
Ranking Member
Subcommittee on Telecommunications and the Internet
2370 Rayburn House Office Building
Washington, DC 20515

Dear Chairman ^{ED} Markey and Ranking Member ^{Cliff} Stearns:

As you know, on January 24, the FCC will begin auctioning portions of 700 Mhz band spectrum to be vacated after the DTV transition in 2009. In its auction rules, the FCC set aside a license to serve as basis for a nationwide broadband network for the use of public safety officials in times of emergency. This concept, which Rep. Chip Pickering and I have long supported, promotes a public-private partnership to give our nation's first responders a single, common communications platform to prevent the interoperability problems that plagued our nation's response to Hurricane Katrina and the 9/11 attacks.

The recent announcement by Frontline Wireless that it would not bid for this license has cast doubt on the viability of the plan. The state of the credit markets has made it difficult for new-entrants to raise sufficient capital, and it is still unclear whether incumbent carriers are interested in the partnership. The outcome of the auction may not be known for weeks, but the possibility of its failure is real.

This prospect notwithstanding, the policy goals the partnership represents are fundamentally sound. Today, I wrote to Chairman Kevin Martin advising him against last-minute "sweetheart deals" to lure prospective bidders to the table and – in the event the FCC receives no winning bid – asking him to work closely with Congress to address the specific reasons why and to rewrite new auction rules preserving the partnership concept.

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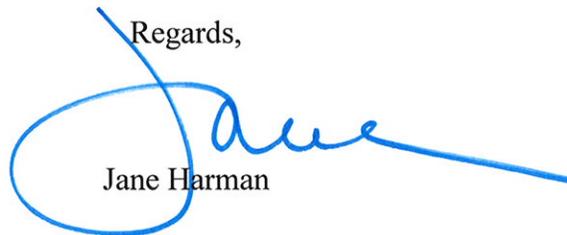
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Should no bidder win the license for the public safety network, the Telecom and Internet Subcommittee must not let the FCC undertake wholesale policy changes without Congressional input and oversight. Our panel should hear testimony from potential bidders, public safety officials, FCC Commissioners, and the investment community to better understand the mechanics of this proposal, build a public record, and guide new auction rules for this critically important FCC venture.

The 700 Mhz auction has opened a window of opportunity to create a nationwide public safety network. This window may not open again for years, and we should not let it close with this auction.

Regards,

A handwritten signature in blue ink, appearing to read "Jane", with a large loop on the left side and a long horizontal stroke extending to the right.

Jane Harman

Cc: Rep. Chip Pickering