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CONGRESSWOMAN JANE HARMAN
36TH DISTRICT, CALIFORNIA

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ENERGY AND AIR QUALITY

NEW DEMOCRAT COALITION

January 16, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Martin:

When the FCC passed its 700 Mhz auction rules last August, I applauded your decision to hold a conditional auction for a nationwide license with the goal of establishing a broadband network for public safety users. The public-private partnership envisioned in the auction rules leverages commercial interest in this spectrum to help solve our nation's chronic interoperability crisis.

The recent announcement by Frontline Wireless that it would not bid for this license and press reports that the company failed to raise sufficient capital to meet the reserve price have cast doubt on the viability of the project. Some press reports question whether any interested bidders remain, even among incumbent wireless carriers.

Regardless of the prospects for this partnership, the policy goals it represents are fundamentally sound. I strongly urge you – in advance of this auction's start date on January 24 – not to amend any the underlying rules, modify the terms of the partnership, or indicate any change to the FCC's intent to vigorously oversee it. Prospective auction winners should abide by the rules as ratified last summer with every expectation that the FCC will enforce them to the letter. Any mid-course correction could be perceived as a "sweetheart deal" favoring a small number of companies.

If the "D" block does not sell, only then should the FCC revisit the auction rules. In this case, I urge the Commission to work with Congress to preserve the underlying policy – the concept of a market-driven, public-private partnership – and address the specific factors that did not produce a winner in the first auction. The opportunity to create a nationwide broadband network for public safety with the cooperation of the private sector should not end with this auction.

Regards,


Jane Harman

Cc: The Hon. Michael Copps
The Hon. Jonathan Adelstein
The Hon. Deborah Taylor Tate
The Hon. Robert McDowell

RESPOND TO:

WASHINGTON, DC:

2400 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-8220
FAX: (202) 226-7290

WILMINGTON:

544 NORTH AVALON BOULEVARD
SUITE 307
WILMINGTON, CA 90744
PHONE: (310) 549-8282
FAX: (310) 549-8250

EL SEGUNDO:

2321 ROSECRANS AVENUE
SUITE 3270
EL SEGUNDO, CA 90245
PHONE: (310) 643-3636
FAX: (310) 643-6445