



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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**FOR IMMEDIATE RELEASE:**  
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## **FCC PROPOSES RULES TO FACILITATE WIRELESS BROADBAND SERVICES USING VACANT TV CHANNELS**

Washington, D.C. – In an initiative to increase the use of radio spectrum to provide greater service to the American public, the Commission today proposed to allow unlicensed devices to operate in the broadcast television spectrum at locations where the spectrum is not in use by television stations. In order to ensure that no interference is caused to TV stations and their viewers, the Commission proposed to require unlicensed devices to incorporate “smart radio” features to identify unused TV channels.

These proposals advanced by the Commission are intended to allow the development of new and innovative types of unlicensed broadband devices and services for businesses and consumers by utilizing vacant spectrum that is particularly well suited for these purposes. Due to the physics of signal propagation, transmissions in the TV band can travel farther and can better penetrate into buildings than transmissions in the spectrum where existing unlicensed wireless broadband operations are permitted. As a result, allowing unlicensed operations in the TV bands could benefit wireless internet service customers by extending the service range of current providers’ (WISPs) existing operations, particularly in rural and underserved areas. The Commission believes that by carefully tailoring this initiative to protect incumbent television service, it provides a balanced proposal for the American public, for WISPs and for television station operators. These proposals also have the potential to provide benefits to broadcasters as well, as they may facilitate the provision of interactive TV services.

Part 15 of the Commission’s rules permits the operation of unlicensed radio transmitters on a non-harmful interference basis to authorized services. Accordingly, any such uses would have to be on a strict non-harmful interference basis, and the Commission proposed specific technical requirements to ensure that TV reception is not impaired. The Commission’s Part 15 rules have enabled the development of a large number and variety of devices including wireless computer networking cards, wireless connections to printers and keyboards, and wireless headsets and computer connections for cellular and PCS phones. Many of these devices currently operate in the 2.4 GHz and 5 GHz bands.

In the Notice, the Commission proposed to classify the unlicensed broadband devices that could be used in the TV bands into two general functional categories. The first category would consist of lower power “personal/portable” unlicensed devices, such as Wi-Fi like cards in laptop

computers or wireless in-home local area networks. The second category would consist of higher power “fixed/access” unlicensed devices that are generally operated from a fixed location and may be used to provide a commercial service such as wireless broadband internet access. The Commission proposed to allow both of these types of operations in the TV spectrum, provided appropriate measures are taken to ensure that operations are limited to unused TV channels. Different interference avoidance requirements are proposed for these two different types of unlicensed broadband applications. These proposals should provide flexibility to permit a wide range of unlicensed broadband uses and applications and ensure that the most appropriate and effective mechanisms are in place to limit such unlicensed use to only unused TV channels.

Action by the Commission May 13, 2004, by Notice of Proposed Rule Making (FCC 04-113). Chairman Powell, Commissioners Abernathy, Copps, and Adelstein, with Commissioner Martin Concurring. Separate statements issued by Chairman Powell, Commissioners Copps, Martin, and Adelstein.

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