

110TH CONGRESS
1ST SESSION

S. 234

To require the FCC to issue a final order regarding television white spaces.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2007

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the FCC to issue a final order regarding television white spaces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Innovation
5 Act of 2007”.

6 **SEC. 2. WHITE SPACES.**

7 (a) ADOPTION OF FINAL ORDER.—Not later than the
8 earlier of 180 days after the date of enactment of this
9 Act or October 1, 2007, the Federal Communications
10 Commission (in this Act referred to as the “Commission”)
11 shall complete its proceeding and issue a final order in

1 the Matter of Unlicensed Operation in the TV Broadcast
2 Bands, ET Docket No. 04-186, which facilitates the effi-
3 cient operation of unlicensed devices in television white
4 spaces.

5 (b) CONDITIONS.—In completing the requirement de-
6 scribed in subsection (a), the Commission in such final
7 order—

8 (1) shall permit unlicensed, non-exclusive use of
9 eligible frequencies between 54 MHz and 698
10 MHz—

11 (A) at the earliest technically feasible date,
12 but not later than February 18, 2009; and

13 (B) in compliance with the conditions de-
14 scribed in paragraphs (2) through (6);

15 (2) shall establish technical requirements for
16 unlicensed devices operating in such eligible fre-
17 quencies to protect incumbent primary licensees of
18 such frequencies from harmful interference from
19 such devices;

20 (3) shall require unlicensed devices operating in
21 such eligible frequencies to comply with existing
22 Commission certification processes for new devices,
23 including the initial acceptance of applications for
24 certification of unlicensed devices not later than De-
25 cember 1, 2007, with a maximum of 180 days for

1 the Commission to review and dispense of each prop-
2 erly submitted and completed application;

3 (4) shall conduct and complete field testing in
4 a limited number of markets (such markets to be
5 chosen at the discretion of the Commission)—

6 (A) prior to the initiation of the certifi-
7 cation process; and

8 (B) for the purpose of evaluating the po-
9 tential for actual harmful interference to incum-
10 bent primary licensees of such frequencies;

11 (5) may provide a reasonable public comment
12 period to solicit views on the published results of the
13 field tests conducted under paragraph (4), but only
14 if such comment period can be concluded in a time-
15 frame that will not delay completion of the pro-
16 ceeding described subsection (a); and

17 (6) shall permit the operation of both fixed and
18 personal/portable unlicensed devices at the earliest
19 technically feasible date, but not later than February
20 18, 2009.

21 (c) DEFINITION OF UNLICENSED DEVICE.—In this
22 Act, the term “unlicensed device” means both fixed/access
23 and personal/portable devices, as such terms are defined
24 in paragraph 19 of the Federal Communications Commis-
25 sion’s Notice of Proposed Rulemaking in the Matter of

- 1 Unlicensed Operation in the TV Broadcast Bands, ET
- 2 Docket No. 04–186, adopted May 13, 2004.

