



# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

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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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**NEWS MEDIA CONTACTS:**  
Robert Kenny: (202) 418-2668  
Matthew Nodine: (202) 418-1646

## **FCC ADOPTS RULES FOR UNLICENSED USE OF TELEVISION WHITE SPACES**

In its continuing efforts to promote efficient use of spectrum and to extend the benefits of such use to the public, the Federal Communications Commission (FCC) today adopted a Second Report and Order (Second R&O) that establishes rules to allow new, sophisticated wireless devices to operate in broadcast television spectrum on a secondary basis at locations where that spectrum is open. (This unused TV spectrum is now commonly referred to as television “white spaces”). The rules adopted today will allow for the use of these new and innovative types of unlicensed devices in the unused spectrum to provide broadband data and other services for consumers and businesses.

The rules represent a careful first step to permit the operation of unlicensed devices in the TV white spaces and include numerous safeguards to protect incumbent services against harmful interference. The rules will allow for both fixed and personal/portable unlicensed devices. Such devices must include a geolocation capability and provisions to access over the Internet a data base of the incumbent services, such as full power and low power TV stations and cable system headends, in addition to spectrum-sensing technology. The data base will tell the white space device what spectrum may be used at that location.

Wireless microphones will be protected in a variety of ways. The locations where wireless microphones are used, such as sporting venues and event and production facilities, can be registered in the data base and will be protected in the same way as other services. The Commission also has required that devices include the ability to listen to the airwaves to sense wireless microphones as an additional measure of protection for these devices.

All white space devices are subject to equipment certification by the FCC Laboratory. The Laboratory will request samples of the devices for testing to ensure that they meet all the pertinent requirements.

The Commission also will permit certification of devices that do not include the geolocation and data base access capabilities, and instead rely solely on spectrum sensing to avoid causing harmful interference, subject to a much more rigorous approval process.

In a process that will be open to the public, applications will be released for public comment prior to agency action. Such devices will be tested by our Laboratory to a “Proof of Performance” standard both in the lab and in a variety of real-world environments to ensure they do not cause interference to licensed services when in use. The staff report and recommendation will also be released for public comment. For now, certification of any such device will require approval by the full Commission.

Manufacturers may continue to provide additional information to the Commission to support the use of higher power devices in adjacent channels. In addition, the Commission will explore in a separate Notice of Inquiry whether higher-powered unlicensed operations might be permitted in TV white spaces in rural areas.

The Commission will closely oversee and monitor the introduction of TV white space devices. The Commission will act promptly to remove from the market any equipment found to be causing harmful interference and will require the responsible parties to take appropriate actions to remedy any interference that may occur.

Action by the Commission November 4, 2008, by Second Report and Order (FCC 08-260). Chairman Martin, Commissioners Copps, Adelstein, and McDowell with Commissioner Tate approving and dissenting in part. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate and McDowell.

For additional information, contact Alan Stillwell at (202) 418-2470 or [alan.stillwell@fcc.gov](mailto:alan.stillwell@fcc.gov).

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