

## **FCC APPROVES TV WHITE SPACE DEVICES**

On November 4, 2008, the Federal Communications Commission adopted a Second Report and Order (“Second R&O”) establishing rules to allow new wireless devices to operate in the TV broadcast spectrum on a secondary basis at locations where channels are not being used for authorized services (“TV White Spaces”). The text of the Second R&O has not yet been released, but a copy of the News Release is available [here](#).

According to industry reports, the Second R&O will allow devices with spectrum sensing and geo-location capabilities that are able to access a database containing the locations of all broadcast stations in any given market to operate at 100 milliwatts of power (40 milliwatts when operating on adjacent channels). Devices with sensing capabilities alone would be limited to 50 milliwatts of power (40 milliwatts when operating on adjacent channels). Before approving specific devices, the FCC apparently will require further testing to ensure the devices do not interfere with broadcast operations.

Adoption of the Second R&O follows the October 15, 2008, release of a report detailing the results of laboratory and field interference tests of several prototype, low power TV white space devices. The report concluded that the unlicensed devices could coexist safely with broadcast signals without interference. Mobile devices will be prohibited on TV Channels 14-20 to protect incumbent land mobile operations.

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***The Washington Report is prepared by Keller and Heckman LLP, 1001 G Street, NW, Washington, D.C. 20001. All articles are on topics of general interest and do not constitute legal advice for particularized facts. For further information, please contact Jack Richards, General Counsel of ENTELEC (Richards@khlaw.com; 202 434-4210) or Wes Wright (Wright@khlaw.com; 202 434-4296). Keller and Heckman LLP also represents the Telecommunications Committee of the American Petroleum Institute.***