



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 5, 2008

To: Mr. Kevin Lindsey
Acting Assistant Deputy Minister
Spectrum, Information Technologies and Telecommunications
Industry Canada

Dear Mr. Lindsey:

The Federal Communications Commission ("FCC") and Industry Canada ("IC") have held recent discussions regarding the use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-698 MHz bands for digital television ("DTV") broadcasting along the common border in order to develop a comprehensive, legally binding "Agreement"¹ between our respective governments which is intended to replace the 2000 FCC-IC Letter of Understanding as well as the existing television broadcasting agreement, namely, the 1994 "Agreement Between the Government of the United States of America and the Government of Canada Concerning the Allotment and Assignment of Television Broadcasting Channels in areas Adjacent to the border of the United States and Canada," and that Agreement's working arrangement.

In connection with those discussions, and until Canada and the United States are able to conclude a comprehensive, legally binding "Agreement," I propose the following understanding between FCC and IC:

1. The entries (channel, location) contained in Tables A and B are deemed mutually acceptable and the DTV stations listed therein may be brought into immediate operation with facilities as follows:
 - 1.1 Stations in Tables A and B can operate with the facilities (EHAAT, ERP, antenna pattern) listed in these tables, except as provided in 1.2 and 1.3.
 - 1.2 Stations in Table C are limited to the facilities specified until this "exchange of letters" is replaced by the permanent "Agreement," as set forth in Section 6.

¹ The term "Agreement" in the text is intended to refer to a comprehensive, legally binding post-transition digital television agreement between Canada and the United States that the FCC and IC anticipate will be called an "Agreement between the Government of the United States of America and the Government of Canada Relating to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-698 MHz Bands for the Digital Television Broadcasting Service Along the Common Border."

- 1.3 Stations in Table D may operate with the facilities of Table B. However, these stations must reduce to the facilities of Table D when the related Canadian transitional digital allotment becomes operational.
2. Changes to Tables A, B, C and D are subject to mutual decision.
3. To assess the compatibility of a drop-in channel relative to an analog assignment/allotment, the technical provisions of the 2000 Letter of Understanding are to be used. For compatibility relative to digital assignments/allotments, the technical methodologies used in the development of Tables A and B (i.e. OET-69) are to be used.
4. Stations in services other than the broadcasting service in the 698-806 MHz frequency band (channel 52-69 inclusive) should comply with the technical provisions of Section 13 of the 2000 Letter of Understanding.
5. Work on this matter will continue with a view to finalizing the "Agreement".
6. The terms outlined in this exchange of letters will no longer be followed once the "Agreement" comes into force.

Please let me know if you find the understanding outlined above (including the attached Tables A, B, C and D) acceptable to IC by reply letter.

Sincerely,



Kevin J. Martin
Chairman

Attachments

Table A: Canada Plan of Allotments and Primary Assignments

Table B: United States Plan of Allotments and Primary Assignments

Table C: Facilities for U.S. Assignments to protect Canadian Operations

Table D: Facilities for U.S. Assignments to protect Canadian Transitional Digital Allotments