Airwaves Battle Pits Dolly Parton Against Google

SAN FRANCISCO — Tuesday marks the end of a battle that has lasted for more than two years, with each side predicting apocalyptic consequences should it lose.

Not the fight for the presidency — the one pitting Google against Dolly Parton.

The titan of Silicon Valley and the queen of country are two of the many combatants in a high-tech dispute over precious slices of the nation’s airwaves. The issue comes to a head on Election Day, when the Federal Communications Commission votes on a proposal to make a disputed chunk of radio spectrum available for public use.

Google, Microsoft, Hewlett-Packard and other technology companies say the spectrum could be used by a whole new array of Internet-connected wireless gadgets. They say freeing it up would encourage innovation and investment in much the same way that the spread of Wi-Fi technology has. (This would generate more business for tech...
companies.)

But a coalition of old-guard media — from television networks to Broadway producers — is objecting to the proposal, saying it needs a closer look. The opponents argue that signals sent over those frequencies could interfere with broadcasts and wireless microphones at live productions.

The measure appears likely to pass, though its opponents have mounted a spirited late-stage lobbying effort supported by Senator Hillary Rodham Clinton, Democrat of New York and others in Congress. Also opposed are the professional sports leagues, Las Vegas casinos, a coalition of rock musicians and, of late, Ms. Parton, who is soon to open a Broadway show called “9 to 5: The Musical.”

If the spectrum is set free, Ms. Parton says, chaos could reign on Broadway — in the form of static and other interference.

“The potential direct negative impact on countless people may be immeasurable,” Ms. Parton wrote in a letter last month to the F.C.C., urging it not to release the frequencies.

Ms. Parton became involved after she was contacted by the Broadway League, a theater industry trade group that has lobbied the F.C.C. on the issue and coordinated support from performers. The trade group said Ms. Parton had been more engaged than other performers because she was also a producer of live shows.

In the digital era, airwaves carrying television, cellphone and wireless Internet signals are highly valuable. The F.C.C. regulates the spectrum and auctions off licenses for its use — in some cases for billions of dollars — to private companies. But in this case it is considering setting aside a free or “unlicensed” section for public use.

Tech companies argue that if it does so, entrepreneurs and innovators will create a new generation of devices that transmit signals farther and more reliably than Wi-Fi, which also relies on unlicensed spectrum. The technology could also handle cheap Internet-based phone calls.

“This could lead to Wi-Fi on steroids,” said Richard Whitt, a Washington lobbyist for Google on telecommunications issues. “It could become a ubiquitous nationwide broadband network.” The battle between the old media and new media companies is a byproduct of an impending change in the way over-the-air TV signals are delivered. In February, TV stations will be required to switch from analog broadcasting to digital, which is less susceptible to radio interference.

Since 2004, the F.C.C. has been studying whether it might make better use of some “white spaces,” TV frequencies that are not being used by broadcast channels. These frequencies have traditionally been left largely empty, because broadcasters send out such powerful signals that a buffer is needed between channels.

The theory behind the F.C.C. proposal is that hand-held devices and other gadgets emit such low levels of power that their transmissions will not overlap or interfere with the digital TV signals. Also, the proposal’s supporters say, devices can be made smart enough to sense when they might interfere with a broadcast signal and find another frequency.

The F.C.C. has been studying the potential for interference and found that most problems can be avoided through tight regulation of the new devices, said Kevin J. Martin, chairman of the F.C.C., who proposed the white space measure.
“We’re being very cautious about protecting the broadcasters, but at the same time making sure the technology allows us to make greater use of this invaluable resource,” Mr. Martin said.

He added that he thought some opponents, like the broadcasters, were fighting the proposal because they were unnerved by the rise of interactive tools that offered a less passive media experience. “The empowerment of consumers is threatening,” he said.

The five-member commission seems likely to approve the measure, according to several people who were involved in the agency’s internal discussions but who declined to be named because they were not authorized to speak to the media.

Beneath the surface of the debate are shifts in politics and culture. Heavy Internet and computer adoption by consumers has given the technology lobby more power and prominence. At the same time, the broadcast industry has lost some of its lobbying sway as consumer tastes have changed and advertising dollars have flowed to the Internet.

Still, the National Association of Broadcasters, which represents 8,300 local and national television stations, is helping lead the effort to get the F.C.C. to postpone a decision on the measure.

Without more testing, “this could be a recipe for potentially massive interference into the television spectrum,” said Dennis Wharton, a spokesman for the broadcasting trade group, arguing that TV screens could go temporarily dark or that pictures could freeze. Broadcasters say the signal could even disrupt channels received over cable.

The interests of TV providers is different from those of Broadway theaters, which rely on wireless microphones to broadcast sound to the audience and for communication among crew members.

Gerald Schoenfeld, chairman of the Shubert Organization, a Broadway production company, said new gadgets that were intended to use the disputed frequencies could interfere with the 450 wireless microphones used in New York’s theater district. That could lead to static, he said, or worse — if, for instance, crew member communications were hindered, causing an accident like a falling set piece.

“There’s a danger element attached to this,” he said. “They are fooling with many aspects of American society under the pretext of helping get Internet access for parties that already have the greatest amount of Internet usage.”

Urging a delay on the vote, Mr. Schoenfeld added: “Why this is being rushed through at this time is mystifying.”

The wireless microphone technology used for Broadway shows and other events uses some of the same frequencies that regulators would like to open up for wireless data. But under the F.C.C. proposal, these incumbent users would be given first rights to the space.

In her letter to the F.C.C., Ms. Parton conceded that she did not understand all the technicalities of the debate. But based on the counsel of others, she concluded that the potential problems were serious. She called the proposal “a dangerous and shortsighted answer to a highly complicated question.” The Broadway League and Ms. Parton’s representatives said she was too busy to comment further.

For his part, Eric E. Schmidt, the chief executive of Google, sent his own letter to the F.C.C. recently.
“We are eight days away from a vote that could transform the way we connect to the
Internet,” he wrote. “The time for study and talk is over. The time for action has
arrived.”