

January 15, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, MB Docket No. 18-214, GN Docket No. 12-268

Dear Ms. Dortch:

On January 10, 2019, Robert Weller, Rick Kaplan and the undersigned, all of the National Association of Broadcasters (NAB), met with staff from the Incentive Auction Task Force and the Media Bureau. A complete list of meeting attendees is copied below. During this meeting, NAB discussed the Commission's proposals for reimbursement of Low Power Television (LPTV) and FM radio stations affected by the repacking of full-power television stations following the close of the broadcast spectrum incentive auction.¹

NAB appreciates the efforts of the Incentive Auction Task Force in this proceeding and the speed with which Commission staff is working to implement Congress's directives regarding funding for FM and LPTV stations impacted by the repack. We discussed our ongoing concern with the Commission's proposal to adopt a graduated scale for reimbursement of FM radio stations based on how long those stations would be forced off the air by repacking activities. While NAB understands that FM stations may need to endure some level of disruption during repacking, the proposed graduated scale finds no support in the record of this proceeding and would prove unreasonably disruptive to FM stations and their listeners. NAB also continues to believe that RAY BAUM'S Act unambiguously provides the Commission with authority to reimburse FM and LPTV stations, not just repacked television stations, using Fiscal Year 2019 funds.² Accordingly, there is no need to adopt a graduated reimbursement scale based on concerns that the \$50 million for FM station reimbursement in FY 2018 funds will prove insufficient.

¹ LPTV, TV Translator, and FM Broadcast Station Reimbursement, *Draft Notice of Proposed Rulemaking and Order*, MB Docket No. 18-214, GN Docket No. 12-268, FCC 18-112 (Aug. 3, 2018).

² 47 U.S.C. § 1452(j)(1)(A)-(B).

NAB looks forward to continuing to work productively with the Commission to ensure that viewers and listeners are protected during the repack.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden
Associate General Counsel,
National Association of Broadcasters

cc: Joyce Bernstein
Michelle Carey
Hillary DeNigro
Pamela Gallant
Jean Kiddoo
Barbara Kreisman
Shaun Maher
Kim Matthews
Maria Mullarkey
Thomas Nessinger