



WASHINGTON, DC

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**VIA ECFS**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: MB Docket No. 16-306; GN Docket No. 12-268**  
**Notice of Ex Parte Communication**

Dear Ms. Dortch:

On January 31, 2019, undersigned counsel and Andy Whiteside and Keith Pelletier of Dielectric, LLC, Don Doty of Stainless LLC, Harvey Arnold of Sinclair Broadcast Group, Inc., Dennis Wallace of Meintel, Sgrignoli and Wallace, LLC, and Bob Weller of the National Association of Broadcasters (collectively, the “Broadcast Representatives”) met with Jean Kiddoo, Hillary DeNigro, Barbara Kreisman, Kevin Harding, Mark J. Colombo, Charles Eberle, David Roberts, Dana Leavitt, Evan Morris, and Brian Smith of the Commission.

The primary purpose of the meeting was to follow-up on the October 31, 2018 meeting, involving many of the same parties, regarding weather concerns and the lack of sufficient qualified tower crews and riggers to meet the phase deadlines established by the Commission to complete the repack process. The Broadcast Representatives spoke about their continued concerns with a variety of real world examples of delays in site construction throughout the country. They also observed that installation resources were being used to complete Phase 1 installations at sites which had met their phase obligation by filing STAs for temporary facilities. There are a significant number in the broadcast community operating with the understanding that only a single STA is permitted, thus they push forward to complete construction and reduce the resources available for current and future phases. There are more than 30 such STAs on file. FCC staff indicated that they had demonstrated a willingness to be flexible regarding STA/construction permit extensions.

The Broadcast Representatives agreed, yet they also strongly encouraged the FCC to provide more outreach to broadcasters to let them know that extensions are available in many, if not all, cases so long as detailed supporting documentation is submitted. Further, the Broadcast Representatives encouraged the FCC to continue to be as flexible as possible with Phase/STA extensions and to provide additional solutions where necessary, given the many complexities involved with the repack. The FCC pointed out that Broadcasters had to be far more specific in

their progress report submissions (Form 387) to make the Auction Task Force and other FCC representatives aware of concerns about delays, and to update staff accordingly. Again, this is something that could be stressed in an outreach program, and it is our understanding that FCC staff agrees.

During the meeting last October, both sides discussed their shared expectation that Phase 1 of the repack transition schedule would be largely successful, given the relatively long amount of time to prepare for the first Phase. The broadcast parties, however, stressed the very real potential for missed Phase 2 deadlines due to weather delays, permitting delays and insufficient number of tower crews. Phase 1 has since concluded mostly as anticipated, with a number of stations filing STAs, but delays involving the Phase 2 transition have only worsened, primarily because of the unusually poor weather throughout the country that has put tower crews and riggers even further behind schedule than was expected last October. Tower crews have explained to the Broadcast Representatives that they are extremely concerned about meeting current commitments, let alone taking the new orders expected as the surge in repack sites to complete builds in 2019.

To help address the potential for delays during Phase 2 and subsequent phases, the Broadcast Representatives made the following observations and offered the following suggestions to Commission staff:

- **Insufficient Tower Crews:** While there are efforts underway to bring qualified tower crews into the country, and these extra crews will undoubtedly help in the effort to meet Commission deadlines, the Broadcast Representatives' general belief remains that there are an insufficient number of qualified tower crews to install main antennas to comply with the phase deadlines.
- **Need for Flexibility and Outreach:** Both the Commission and the broadcast industry appear to acknowledge that the only viable path towards meeting the phase dates, and therefore clearing spectrum for the auction winners, is flexibility. As noted above, this flexibility should include outreach to broadcasters, and their consultants, to proactively consider Interim facilities to meet their phase dates, and to provide an easy path for stations to obtain STA/CP extensions if they do transition with an Interim facility.
- **Interim Facilities:** The Broadcast Representatives acknowledge that Interim facilities are not acceptable solutions in all cases but believe that there could be a significant number of cases which could be satisfied with suitable Interim facilities. The advantage of the Interim antenna selection is that installation time is much shorter and there are many more rigging crews capable of installing these side-mount antennas. It may come down to a choice of meeting the phase deadline, and vacating the pre-repack channel, with a less than ideal, but acceptable, Interim facility in order not to disrupt critical linked changes. Only Broadcasters and their FCC consultants, in conjunction with antenna



manufacturers, can make these important decisions for presentation to the Incentive Auction Task Force.

The Broadcast Representatives believe that any outreach should be led by the Incentive Auction Task Force, perhaps through its Regional Coordinators, with the support of the National Association of Broadcasters, the manufacturers and the engineering consulting community. The AFCCE community can advise stations of the engineering implications of Interim facilities on tower and antenna resources.

In sum, the Broadcast Representatives reiterated that there are insufficient competent, safe tower and rigging crews available to install the main antennas in accordance with the prescribed Commission repack schedule, and that weather delays, permitting delays, and crew availability delays continue to hinder the repack process. The parties also discussed that delays in the first two phases will, by any measure, adversely impact the deadlines for the subsequent phases, which are far more tightly packed in terms of timing than are Phases 1 and 2. This has the potential to cause significant disruption in the repack process, particularly for those broadcasters and broadcast groups which did have not procured product and secured rigging crew commitments early in the repack. The Broadcast Parties noted that it is therefore imperative that the Commission continue to be flexible and to work with broadcasters, tower crews, and others, to ensure as smooth a process as possible going forward using Interim antennas, where applicable, and other means.

The parties all obviously share the common goal of ensuring a successful repack process. The Broadcast Representatives are eager to work with the Commission, auction winners, and the broadcast industry as a whole to develop solutions to address the repack issues discussed above.

This letter is being filed electronically via the Electronic Comment Filing System in the referenced proceedings.

Respectfully submitted

/s/ Paul A. Cicelski

Paul A. Cicelski

cc: Jean Kiddoo  
Hillary DeNigro  
Mark J. Colombo  
Kevin Harding  
Charles Eberle  
David Roberts  
Barbara Kreisman  
Dana Leavitt  
Evan Morris  
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