



March 1, 2019

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 18-119; MB Docket No. 18-214; GN Docket No. 12-268 *Ex Parte* Notice

Dear Ms. Dortch:

Pursuant to Section 1.1200, et seq., of the Commission's Rules, National Public Radio, Inc. ("NPR") hereby notifies the Commission of the following *ex parte* presentation in the above-referenced proceedings. On February 27, 2019, Michael Riksen, Vice President, Policy & Representation, and Joni Lupovitz, Senior Director, Public Policy, met with Michael Scurato, Acting Legal Advisor for Media and Consumer Protection to Commissioner Geoffrey Starks.

With respect to MB Docket No. 18-214 and GN Docket No. 12-268, NPR discussed the draft Report and Order to adopt rules for reimbursing FM stations for costs incurred due to the broadcast television spectrum repack. NPR praised changes to the NPRM to increase potential reimbursement so radio stations can minimize service disruptions, consistent with NPR's comments in this proceeding. Specifically, NPR lauded the draft Order's rejection of a graduated priority reimbursement system for radio stations forced to temporarily reduce power or go off air and the decision to reimburse up to 100 percent of costs so that stations can build or modify auxiliary equipment needed to maintain service. NPR supported reimbursement of project management fees in the same manner and priority as other costs, so that under-resourced public radio stations can obtain the expert help they need to mitigate service disruptions and participate in the FCC cost reimbursement process. NPR also supported the draft Order's conclusion that the Reimbursement Expansion Act permits the Commission to use FY 2019 funds appropriated to the Reimbursement Fund to reimburse FM stations.

NPR disagreed, however, that the Commission should prioritize payment of FY 2019 funds to full power and Class A TV stations and MVPDs over payments to FM stations. NPR suggested that a better approach would be for the Commission to prioritize payment of FY 2019 funds to primary full power TV and FM stations over payments to secondary services, like LPTV and TV translator stations. Alternatively, the Commission should wait for more information about costs incurred by eligible entities before making prioritization decisions for FY 2019 funds.

With respect to MB Docket No. 18-119, NPR discussed the key concerns raised in its comments regarding the Notice of Proposed Rulemaking. First, NPR opposed the establishment of a new protected service contour beyond which FM translators could cause interference without redress. NPR added that the proposed 54 dBu contour would disenfranchise a significant number of

current listeners, which is especially concerning to public radio stations because they rely on listener donations. NPR referenced Comments of New York Public Radio that detailed the number of listeners and the number of contributing Members beyond the 54 dBU contour, and noted that public radio stations across the country likewise had significant numbers of listeners and contributing Members beyond their 54 dBU service contour. Second, NPR suggested that noncommercial educational FM translators operating with reserved FM spectrum should be permitted to change to a different, non-interfering frequency anywhere in the FM band to remedy interference, rather than be limited to the reserved portion of the band. Finally, NPR asserted that stations should not be required to submit affidavits from potentially affected listeners in order to remediate predicted interference disputes at the FM translator application stage. Instead, NPR recommended relying on well-established engineering and field strength criteria to address interference concerns at the FM translator station application stage.

Please direct any questions you may have to the undersigned.

Sincerely,

Gregory A. Lewis /s/

Gregory A. Lewis
Deputy General Counsel

Cc: Michael Scurato, Esq.