



601 Pennsylvania Ave., NW
Suite 800
Washington, DC 20004

March 7, 2019

VIA ELECTRONIC FILING

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

Re: Notice of Oral Ex Parte Communications

MB Docket No. 18-214, *LPTV, TV Translator, and FM Broadcast Station Reimbursement*

GN Docket No. 12-268, *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*

Dear Ms. Dortch:

On March 5, 2019, I spoke by telephone with Alexander Sanjenis of Chairman Pai's office regarding the draft Report and Order in the above-captioned proceedings.¹

During the call, I explained that prior to the enactment of the 2018 Reimbursement Expansion Act ("REA"), when LPTV stations and translators (collectively, "LPTV stations") were not eligible for payments from the TV Broadcaster Relocation Fund ("Reimbursement Fund"), T-Mobile stepped forward to facilitate the transition by establishing a Supplemental Reimbursement Program to reimburse eligible LPTV stations for their relocation costs, and that the Commission has previously recognized T-Mobile's role in this regard.² I reiterated T-Mobile's position that broadcasters should not be able to obtain reimbursement for the same expenses from multiple sources,³ and expressed concern that some of the statements in the Draft Report and Order appeared to question T-Mobile's motives in proposing that the LPTV stations

¹ See FCC-CIRC1903-04 (rel. Feb. 22, 2019) ("Draft Report and Order").

² *In re LPTV, TV Translator, and FM Broadcast Station Reimbursement*, Notice of Proposed Rulemaking and Order, MB Docket No. 18-214, FCC 18-113 ¶ 47 (rel. Aug. 3, 2018).

³ See Comments of T-Mobile USA, Inc., MB Docket No. 18-214, GN Docket No. 12-268, at 2 (Sept. 26, 2018); Comments of T-Mobile USA, Inc., MB Docket No. 18-214, GN Docket No. 12-268, at 2 (Oct. 26, 2018).

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receiving funds from third parties should be eligible to receive funds from the Reimbursement Fund after making a certification to prevent the double recovery of their relocation expenses.⁴

I also proposed that the Commission make clear that an LPTV station would be eligible for reimbursement from the Reimbursement Fund to the extent that the Supplemental Reimbursement Program (or any other third party reimbursement program) did not cover a particular eligible expense or if the Program is modified such that a station no longer has an expectation of reimbursement from the Program for any remaining costs.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced dockets. Please direct any questions regarding this filing to me.

Respectfully submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey

Vice President, Government Affairs

Technology and Engineering Policy

cc: Alexander Sanjenis

⁴ See, e.g., Draft Report and Order at ¶ 50 (suggesting that T-Mobile was proposing that “monies from the Reimbursement Fund would be used to reimburse T-Mobile”), ¶ 51 (T-Mobile’s “approach could potentially result in windfall payments” to LPTV stations), ¶ 52 (implying that T-Mobile was proposing that the Commission “stand as an insurer of T-Mobile’s commitment” and that T-Mobile was seeking “direct reimbursement from the Reimbursement Fund” despite not being eligible for reimbursement under the REA).