



Via Electronic Filing

April 16, 2019

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

**Re: Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band, GN Docket No. 18-122
Ex Parte Letter**

Dear Ms. Dortch:

WAY Media is a party of interest in this proceeding. We are an FCC licensed NCE operator of a C-Band satellite uplink station in Franklin, Tennessee; and the companion network of 15 registered downlink facilities nationwide that feed our owned and operated radio stations we brand WAY-FM. *Our network reaches 25-million US citizens in large, midsize, and rural areas.* **We rely on the unencumbered 3.7-4.2 GHz C-band operating spectrum to serve these people.**

WAY Media Inc. ("WAY-FM") writes to express its support for the Market Based Approach proposed by the *C-Band Alliance ("CBA")* to repurpose 200 MHz of C-band spectrum (inclusive of a 20 MHz guard band) for flexible use. Of the various proposals in the record, the Market-Based Approach is the clear choice.

WAY-FM

Nielsen audience measurement data shows WAY-FM reaches over 1,000,000 listeners weekly. We believe life can be overwhelming and most people have a hard time finding a source of encouragement and hope. At WAY-FM, we point people to Jesus with meaningful music and honest conversation so they can experience strength and joy during life's challenges.

CBAs Solution

The CBA has thoroughly explained why repurposing 200 MHz is a sound approach. It will ensure that current satellite customers, like the many non-profit broadcast ministries like WAY-FM, can continue utilizing the C-band to distribute radio content to American listeners nationwide. Moreover, CBA members have committed publicly to launching new satellites to ensure that they have the same capacity to carry video, audio and other services in 300 MHz of spectrum that they have today in 500 MHz¹. As a result, under the Market-Based Approach, other current

¹ See, e.g., Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance (Feb. 7, 2019) ("*CBA Ex Parte Letter*")

C-band users will continue to be served in the C-band spectrum, which is uniquely situated for nationwide content distribution. No other plan explains how programmers and broadcasters that continue to rely on C-band spectrum today and in the future; continue to reach 90 percent of Americans over age 12 who listen to AM/FM radio at least once a week. And no other plan explains how the mid-band frequency will be protected should spectrum be repurposed for flexible use as proposed by the FCC.

Fair Share of Segment

Some parties have suggested that there is a path to clearing more than 200 MHz of spectrum by moving content distribution to alternative frequency bands or to fiber. But the record in this proceeding is unequivocal—fiber is not an adequate substitute for C-band content distribution.²

Flaws in Alternatives

Current fiber deployments are not extensive enough to replace nationwide C-band coverage. *Fiber lacks the C-band's cost, reliability and resiliency.* Many of these downlink and broadcast locations are remote AM/FM transmitter sites unreachable by high-speed internet. Even where fiber is available, it is vastly more expensive than the C-band satellite service. Building fiber out with the redundancy that is required for video and audio programming distribution is a decades-long process. For non-profit broadcast ministries, this is an unimaginable expense.

Switching to Ku-band is not an effective option. Ku-band does not provide the quality and reliability that WAY-FM's nationwide listeners require. We have just completed a national investment converting to reliable C-band uplinks and downlinks, better serving our listenership (\$350,000 in capital spent 3-years ago).

The C-band Difference

Let me tell a short story. We have a concentration of stations in Florida, one of which is in Panama City at 88.3 FM. As Hurricane Michael devastated the area last year with a direct hit, we were able to be back on the air in hours after the storm ended. We were able to switch from regular programming to feed unique information on where to find water, food, shelter – the essentials of life. Our C-band satellite feed was essential and critical. All we needed was to fire up our generator. Other stations depending on fiber were off for weeks because of the

² See, e.g., Letter from Jennifer D. Hindin, Counsel for the C-Band Alliance (Feb. 7, 2019) (“CBA *Ex Parte*

See, e.g., Comments of Comcast Corporation and NBCUniversal Media, LLC, GN Docket No. 18-122, at 18 (Oct. 29, 2018); Comments of the C-Band Alliance, GN Docket No. 18-122, at 11 (Oct. 29, 2018); Reply Comments of the Content Companies, GN Docket No. 18-122, at 4 (Dec. 11, 2018); Comments of Cumulus Media Inc. and Westwood One, LLC, GN Docket No. 18-122, at 5 (Oct. 29, 2018); Comments of GCI Communication Corp., GN Docket No. 18-122, at 12 (Oct. 29, 2018).

storm's devastation. Because of the common afternoon rain storm, Ku is not reliable in the area.

Shared Space for Progress

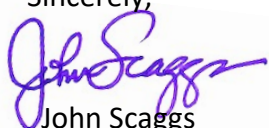
WAY-FM agrees that repurposing more than 200 MHz would certainly result in loss of C-band service for at least some existing satellite customers.³ We believe that this action could have disproportionate negative impact on the non-profit radio ministries who reach American listeners in all 50 states and Puerto Rico. The CBA notes that to clear even 200 MHz without harming existing customers, several new satellites must be built and launched. WAY-FM believes that only the CBA and the Market-Based Approach can deliver on these additional satellites. WAY-FM also believes that only the CBA can successfully handle the transition of existing C-band services to a 300 MHz satellite environment. Note: Other proposals of record make no realistic provision for protection of current users of C-band spectrum and therefore must be rejected.

In the event that the FCC decides that C-band spectrum must be repurposed, WAY-FM proposes that only the 200 MHz band be repurposed; that only the CBA's Market-Based Approach will protect incumbent C-band customers while meeting the FCC's other objectives. WAY-FM endorses the CBA's Market-Based Approach and urges the Commission to adopt it.

Follow-up

WAY Media has been a satellite uplink licensee since 1995 (KU and C-Band) enjoying a peaceful coexistence with other spectrum users. Thank you for your consideration. Please let me know if I can provide additional clarifications at 719.955.4633 or via email at john@wayfm.com.

Sincerely,



John Scaggs
President & CEO
WAY Media, Inc.

cc: Chairman Ajit Pai
Commissioner Brendan Carr
Commissioner Michael O'Rielly

³ See, e.g., CBA *Ex Parte* Letter.