**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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| In the Matter of  2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 | )  )  )  )  )  )  ) | MB Docket No. 18-349 |

**COMMENTS OF HC2 BROADCASTING HOLDINGS INC.**

1. **Introduction**

HC2 Broadcasting Holdings Inc. (“HC2”) is engaged in the strategic acquisition of a varied portfolio of broadcast assets. Since late 2017, HC2 has acquired, or is in the process of acquiring, television stations in over 130 markets across the country, including 14 full power stations, 55 Class A Television stations, and 98 Low Power Television Stations (“LPTVs”). HC2 is investing substantial capital in these assets because it believes in the future economic and innovation opportunities that broadcast spectrum has to offer, not only with respect to delivering video content to viewers over the air, but also with respect to new applications for broadcast spectrum. HC2 is committed to maximizing the value of this spectrum, particularly the LPTV spectrum, in creative ways that include, but also go beyond, the traditional broadcast model, and respectfully submits these comments to the Notice of Proposed Rulemaking for the 2018 Quadrennial regulatory Review (“NPRM”).[[1]](#footnote-1)

1. **The Commission Should Not Count LPTVs as Part of its Local Television Ownership Rule.**

The NPRM seeks comment on whether LPTVs should be counted for purposes of the full power local television ownership limits, based on the popularity of the LPTV’s programming, whether it be a Big Four network or other programming that is sufficiently desirable for the local community that an MVPD chooses to carry it.[[2]](#footnote-2) This inquiry is based on the premises that (1) “technological advances may have extended the reach and enhanced the capabilities of” LPTVs and (2) that popular programming makes LPTV stations “the functional equivalent of full power stations.” [[3]](#footnote-3) We disagree with these premises. LPTV stations suffer numerous technical and regulatory disadvantages compared to full power stations, regardless of the content they broadcast. LPTVs operate at much lower power and do not enjoy interference protection from full power stations, which together have resulted in significant LPTV coverage losses following the post-incentive auction repacking, and no imaginable extension of LPTV reach.

HC2 owns the Azteca America network, a popular Hispanic television network whose LPTV broadcasts are retransmitted by numerous MVPDs. Nothing about this MVPD carriage makes our LPTVs “the functional equivalent of full power stations.” They still reach a much smaller over-the-air audience. They must still avoid causing interference to full power stations. They must still accept interference from full power stations. And they still have no protection for their current broadcast contours.

We also disagree that the popularity of any given programming, whether it be a Big Four network or whether it makes a station a Top-Four in its market, should punish an LPTV station by resulting in the imposition of one full power rule (the local ownership limitation) and none of the protections that full power stations enjoy (e.g., must carry rights). It would be inappropriate for the Commission to cherry-pick specific regulations to make an LPTV a full power station for certain narrow purposes, yet remain secondary for other purposes.[[4]](#footnote-4)

Respectfully submitted,

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|  | */s/ Rebecca Hanson*  EVP and General Counsel  HC2 Broadcasting Holdings Inc.  450 Park Avenue, 30th Floor  New York, NY 10022 |

1. *2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996,* Notice of Proposed Rulemaking, MB Docket No. 18-349, FCC 18-179 (December 12, 2018). [↑](#footnote-ref-1)
2. NPRM at para. 69. [↑](#footnote-ref-2)
3. *Id*. [↑](#footnote-ref-3)
4. If the Commission does consider counting certain LPTV stations towards any remaining television ownership limits, it should at a minimum “grandfather” any existing ownership of LPTV stations to avoid substantial disruption of existing ownership patterns and to avoid reducing the value of stations acquired under the existing rules. [↑](#footnote-ref-4)