

February 7, 2019

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Received & expedited

FEB 7 2019

FCC Mailroom

Dear Chairman Pai:

We are concerned that the auction that the Federal Communications Commission (FCC) plans to use to resolve competing applications for low-power television (LPTV) channels may harm local television viewers around the country. As the FCC moves forward with this auction, we believe you should adopt auction rules that take into consideration certain factors. Specifically, the FCC should adopt bidding credits for certain types of LPTV stations participating in the auction, which would help ensure that the reasons for creating LPTV licenses are fully respected.

The FCC “created the Low-Power Television (LPTV) service in 1982 to provide opportunities for locally-oriented television service in small communities. These communities may be in rural areas or individual communities within larger urban areas.”¹ As the FCC noted at the time, the advent of LPTV “created opportunities for new entry into television broadcasting, provided a means of local self-expression, and permitted fuller use of the broadcast spectrum. LPTV stations are currently undertaking their transition to digital operations.”² In an increasingly diverse country, it is imperative that communities retain LPTV stations and the value those stations provide to diverse communities throughout the country.

Throughout the voluntary broadcast television incentive auction, LPTV stations faced uncertainty about their future. We appreciate the steps that the FCC has taken to reassure LPTV licensees that the Commission values their contributions to the nation and to make sure these stations can continue to contribute to their communities. As we near the end of the incentive auction and channel reallocation, the FCC has an opportunity to recommit itself to supporting the mission of LPTVs. The FCC is preparing to adopt rules for the auction that will resolve mutually exclusive license applications for the remaining LPTV channels.

We support a timely resolution to these mutual applications, and the FCC’s longstanding practice of assigning these licenses by competitive bidding. But the FCC also should not ignore the differences between various LPTV operations. Competitive bidding may be an easy way to resolve mutual applications, but at the same time, that auction may not be fair to some LPTV operators who have made important contributions to their communities. To that end, we believe that providing auction credits to stations that serve particular niche local community populations

¹ <https://www.fcc.gov/consumers/guides/low-power-television-lptv-service>

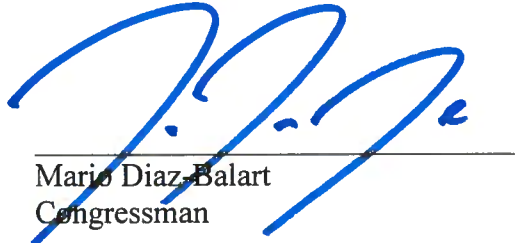
² *Id.*

with relevant programming, stations that create local jobs, or stations owned by minorities would demonstrate the Commission's commitment to LPTV and the communities they serve. Given the FCC's experience with bidding credits, we believe the agency could implement such credits without undermining the overall evenhandedness of the auction.

Thank you in advance for your prompt attention to this matter.



Robert Menendez
United States Senator



Mario Diaz-Balart
Congressman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 29, 2019

The Honorable Mario Diaz-Balart
U.S. House of Representatives
440 Cannon House Office Building
Washington, DC 20515

Dear Congressman Diaz-Balart:

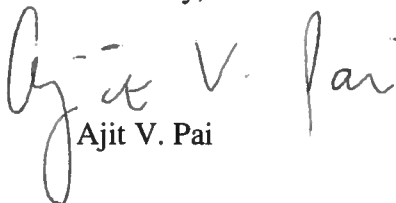
Thank you for your letter regarding the upcoming auction of competing applications for low power TV (LPTV) displacement channels. I understand the important service that LPTV stations can provide to their local communities. That is why the Commission has acted to help these secondary LPTV stations to the extent that we can as the TV channel repack is completed.

Thousands of displacement applications filed by LPTV stations last year have been processed and only a handful of mutually-exclusive groups of applications have thus far failed to reach a settlement. The Communications Act requires that the remaining mutually exclusive applications be subject to competitive bidding unless they reach a settlement. The Commission has auction rules in place that apply to all competitive bidding situations, including bidding credit provisions for certain specific categories of applicants such as small businesses and tribal entities. Consistent with our obligations under the Constitution, these rules are content-neutral and can be objectively applied.

I'm pleased to report to you that on March 29, the Commission released a detailed Public Notice seeking comment on auction procedures to resolve the remaining mutually-exclusive LPTV displacement applications. And we have scheduled an auction to start on September 10, 2019, for any remaining mutually exclusive applications.

Thank you again for your inquiry. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 29, 2019

The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Menendez:

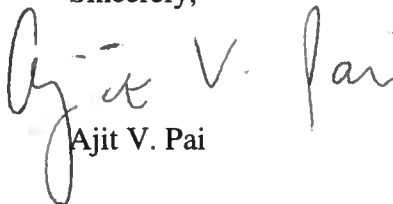
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Ajit V. Pai