

### **Notice of MB 18-184 / RM-11727 Ex-Parte Presentation**

On Monday, June 18, between 10:00 AM and 3:45 PM, Matthew Wesolowski of SSR Communications, Inc., and Anne Crump of the law firm Fletcher, Heald, and Hildreth (until 12:00 noon) met in person with Albert Shuldiner, James Bradshaw, and Rodolfo Bonacci of the Audio Division of the Media Bureau, as well as Brooke Ericson of Commissioner Michael O'Rielly's office, Kate Black of Commissioner Jessica Rosenworcel's office, Evan Swarztrauber of Commissioner Brendan Carr's office (later rescheduled as a telephone call on Wednesday, June 20, at 4:30 PM), and Alison Nemeth of Chairman Ajit Pai's office.

In all meetings, Wesolowski asked if a possible waiver-based option for Zone II Class A FM radio stations could be a viable immediate option for stations seeking improvement to their primary service area, based partially upon, and executed in parallel with the Commission's current "FM Class C4 / 73.215" Notice of Inquiry (MB 18-184). Wesolowski suggested that, as broadcasters have been waiting for such relief since the creation of the underlying RM-11727 petition in January, 2013 (which SSR filed jointly with MMTC), a waiver-based strategy could allow Zone II Class A FM stations fuller coverage in a matter of weeks, as opposed to an anticipated year or more, as the NOI / Notice of Proposed Rulemaking process progresses. Wesolowski stressed that a waiver-based option would enable eligible broadcasters to demonstrate conclusively that their proposals would permit no displacement of Low Power FM or FM translator stations, have no impact upon stations co-located with a television station subject to the Commission's Auction 1000 repack initiative, as well as dramatically constrict the situations in which a 73.215 conference procedure to a neighboring 73.207 station could be applied. Additionally, stations granted such waivers would serve as a definitive model and provide direct evidence to the Commission that there is a demand for the provisions of MB 18-184, and that there will be no negative impact to adjacent stations, primary or secondary.

The Audio Division staff surmised that any such filed waiver requests would be held for processing until such time as the initial MB 18-184 comment record had concluded. Brooke Ericson of Commissioner Michael O'Rielly's office commented that it "might be helpful if *one* station were to file, giving (the Commission) a model case" to study. Evan Swarztrauber of Commissioner Brendan Carr's Office asked if the waiver-based procedure was meant to replace the current MB 18-184 Notice of Inquiry process, to which Wesolowski said that that notion would not be the intent, but rather, both paths should be pursued in parallel in order to first demonstrate the viability of stations representative of the Notice of Inquiry's questioning. Kate Black of Commissioner Jessica Rosenworcel's office and Alison Nemeth of Chairman Ajit Pai's office stated that they would take the matter to the Media Bureau for further analysis, and both encourage waiver-based supporting comments in the MB 18-184 record.

In addition to a request of full consideration of a waiver-based option, Wesolowski again asked that the Commissioners consider voting affirmatively on the release of a MB 18-184 NPRM.

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