



July 5, 2018

Via Electronic Filing

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

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

Dear Ms. Dortch:

Pursuant to Section 1.1200, *et seq.*, of the Commission's Rules, National Public Radio, Inc. ("NPR") hereby notifies the Commission of the following *ex parte* presentation in the above-referenced proceeding. On Thursday, July 5, 2018, Michael Riksen, NPR Vice President for Policy and Representation, and Joni Lupovitz, Senior Director for Public Policy, met with Umair Javed, Legal Advisor, Wireless and International, to Commissioner Rosenworcel.

During the meeting, the parties discussed NPR's concerns and suggestions regarding the draft Notice of Proposed Rulemaking and Order in the above-referenced proceeding circulated in advance of Commission consideration at its July 12, 2018 open meeting. NPR noted that the public radio satellite system ("PRSS") depends on the 3.7 to 4.2 GHz band ("C-band") spectrum for affordable and reliable distribution of national, regional and local public radio programming and public safety information by and among public radio stations, producers, and distributors across the country. To help assure the continued affordability, reliability, and availability of these existing C-band operations and the services they make possible, NPR explained that various possible approaches to clearing C-Band spectrum raise concerns as set forth below and requested that the NPRM seek additional comment in several areas, including those outlined below. (Specific questions are proposed on the attached Appendix).

1. Public Safety: NPR noted that the C-band is used by the PRSS to transmit emergency alerts and public safety information, including nationwide FEMA emergency alerts, and by local public radio stations operating regional emergency networks to transmit emergency and related public safety information. NPR requested that the NPRM seek comment on the current use of C-band to transmit emergency alerts and public safety information and safeguards needed to ensure the continued availability and reliability of this public safety function.
2. Continuity of Satellite Service for Existing Satellite Customers: NPR suggested that the NPRM seek comment on specific safeguards to assure that satellite operators continue to offer C-band satellite service to their existing customers if the C-band spectrum is reallocated in whole or in part for other purposes, whether through market-based, auction, or other spectrum clearing approaches. NPR also noted that PRSS-interconnected incumbent

earth station operators (i.e., local public radio stations) typically are not direct customers of a satellite operator, and the NPRM should avoid conflating direct fixed satellite service (“FSS”) customers with other earth station operators.

3. Increased Cost of Service for Existing Satellite Customers, Other C-band Users: NPR suggested that the NPRM seek comment on compensation for satellite customers and earth station operators for any increased costs for satellite service (or other) means of program distribution and for how long. NPR noted that the draft NPRM’s current questions regarding “transition” costs do not seem to contemplated increased, ongoing operating costs.

Finally, NPR expressed concern that the draft Order would impose undue burden on local public radio stations that operate satellite downlink earth stations by requiring additional detailed information. NPR explained that the PRSS satellite downlink antennas are owned and operated by hundreds of local public radio stations, most with small operations and limited staff and resources. The Order’s detailed, highly technical information collection would be particularly burdensome for these earth station operators, and premature and possibly unnecessary, depending on how the Commission moves forward in this proceeding. NPR stated that any new information requirements should be incorporated in the NPRM to permit opportunity for comment and to better assure that the information collected is necessary and appropriately targeted to the Commission’s actual information needs. NPR specifically requested that the Commission provide relief for public radio FSS earth station operators in complying with any new information requirements since many fall into the category of a “small entity” and/or “small organization,” i.e., “any not-for-profit enterprise which is independently owned and operated and not dominant in its field.”

Please direct any questions you may have to the undersigned at 202.513.3275.

Sincerely,
/s/ Adam Shoemaker
Adam Shoemaker
Counsel

cc: Mr. Umair Javed
Appendix

Appendix

1. Public Safety Questions:

- How is the C-band currently used to transmit emergency alerting and public safety information, including before, during, and after national, regional or local emergencies, natural disasters, and related recovery efforts?
- How would reallocating or sharing portions of the C-Band affect the use of this spectrum for emergency alerting and dissemination of public safety information, such as in emergencies, natural disasters and related recovery efforts?

2. Continuity of Service for Existing Satellite Customers:

- How would various approaches to clear portions of the C-band, and the related reduction or elimination of (i) choice in competing C-band satellite service providers and/or (ii) available bandwidth be expected to affect availability of service for existing customers?
- What protections should the FCC implement to ensure that satellite service continues to be offered to existing satellite customers?
- How long should such safeguards remain in place?

3. Increased Cost of Service for Existing Satellite Customers and Others:

- If C-band spectrum is reallocated pursuant to a market-based, auction, or other mechanism, will satellite service providers be expected to raise prices for C-band satellite service customers? Would prices for earth station operators be expected to increase? If prices increase, how will such C-band users be compensated for the added cost?
- If C-band spectrum is reallocated/repacked, who would be responsible for reimbursing C-band satellite customers and earth station operators for any increased cost of service for satellite (or other) means of program distribution? For how long?
- What safeguards should the Commission adopt to protect against satellite service price increases as a result of spectrum reallocation or sharing?