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July 13, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, GN Docket No. 12-268, ET Docket No. 14-165, MB Docket No. 15-146

Dear Ms. Dortch:

Our attached industry newsletter is relevant to the above referenced Dockets. We support Microsoft's intent to free up spectrum for unlicensed use in all markets. But we disagree with the enabling mechanism, specifically the "Vacant Channel Order".

Our Coalition believes that the enabling the 1999 Digital Data Services Act (DDSA) for ALL Class A, LPTV, and translator spectrum licensees and permittees, is a much better and far more dynamic free market mechanism for achieving the goals of reducing the Digital Divide. And a new authorization of the DDSA could create an immediate \$10-\$20B spectrum resale market, which would not interfere nor impede the incentive auction repack. It would also create many billions in tax revenues, and many more billions in reoccurring 5% ancillary fees. Most importantly, it can enable the rural and urban broadband digital divide to be eliminated in the fastest, most efficient market mechanism

Following is the Coalition newsletter which describes our position on this matter.



## **IS THERE A ROLE FOR LPTV TO HELP SOLVE THE DIGITAL DIVIDE?**

**YES! WITH AS MANY AS 10,000 LICENSES AND NEW PERMITS, CONTROLLED BY 1000s OF SMALL BUSINESSES, CIVIC GROUPS, AND NON COMs, AND WITH AN EXPERIENCED AND TALENTED LOCAL WORKFORCE OF 1000s, THE LPTV INDUSTRY DOES HAVE A ROLE IN ANY SOLUTION SET**

The LPTV Spectrum Rights Coalition believes that Microsoft's Rural Broadband Initiative is the right type of public private collaboration to make a meaningful impact on the Digital Divide, both in the rural and urban area of need. And we want in on collectively solving this pressing national problem.

**This is not at all a new mission for LPTV.** No, it started back last century, in 1999, when Congress enacted the [Digital Data Services Act](#) (DDSA), which enabled a dozen LPTV to become total flexible use licenses, and to test out how to serve rural and urban internet services.

**Despite an internet bubble crashing, the 9/11 tragedies, and the conversion to DTV, as many as 2500 new rural construction permits were filed in 2009 expressly to build out rural internet services.** This was in anticipation of the DDSA flexible use authorization to be extended to all Class A, LPTV, and TV translators.

**Our Coalition fully backs the intent, the design, and the immediacy of the Initiative.** And there is a way the LPTV industry can voluntarily participate with Microsoft and others, and that is what our Coalition is now analyzing how and when to do.

## **LPTV Can Be A Force Multiplier To Solve The Digital Divide**

**With almost 10,000 LPTV industry licenses and permits, it can be a "force multiplier" and catalyst rapid deployment where it is needed now.** Many of the exact same rural communities which Microsoft's Rural Broadband Initiative has identified are the exact same areas which LPTV has an abundance of spectrum usage rights. This is even more true when we consider those urban digital divide communities.

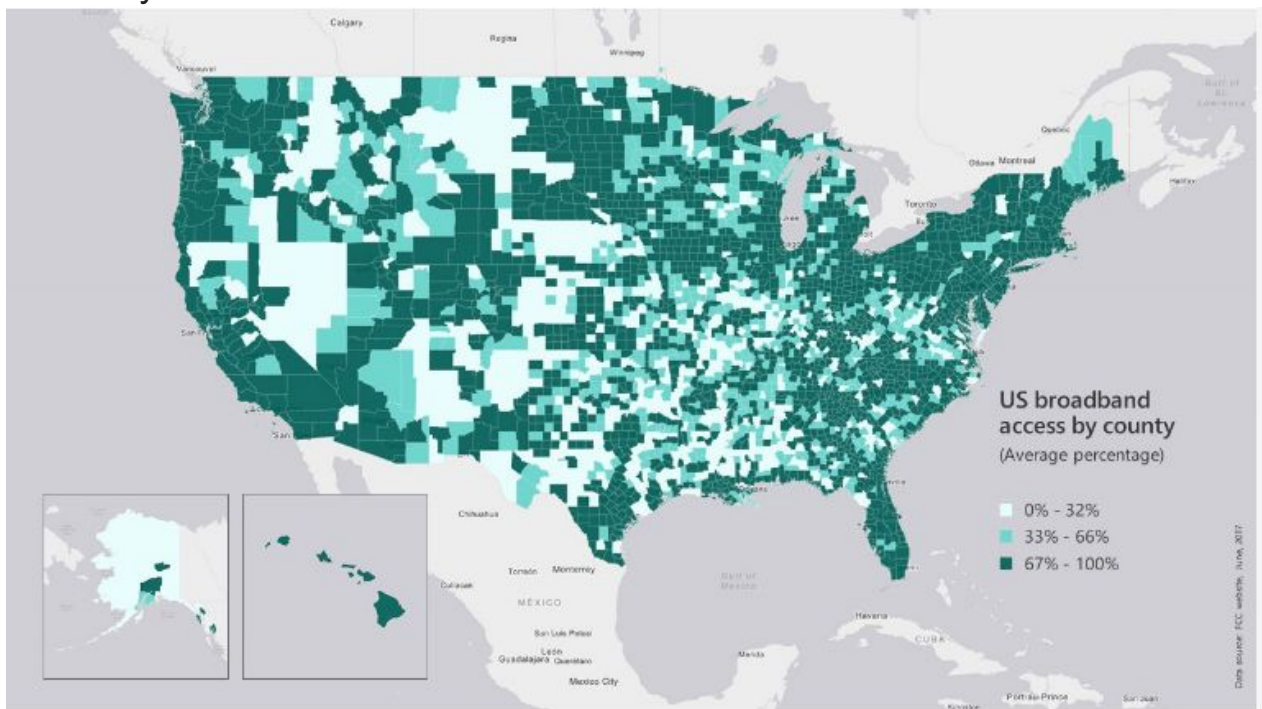
**LPTV spectrum, once the DDSA has been enabled for all, can be quickly repurposed in both rural and urban areas also for those licensees and permittees voluntarily deciding to do so.** And NextGen ATSC 3.0 will also have a vital role in solving the digital divide. The business models of the primary broadcasters do not have to be the business models for LPTV. Especially since there is no free market in the broadcast television industry. You either get government assistance (the primaries through must carry/retrans), or you do not, like all Class A and LPTV.

## **Microsoft can not solve this national infrastructure problem on its' own...so here comes the cavalry.**

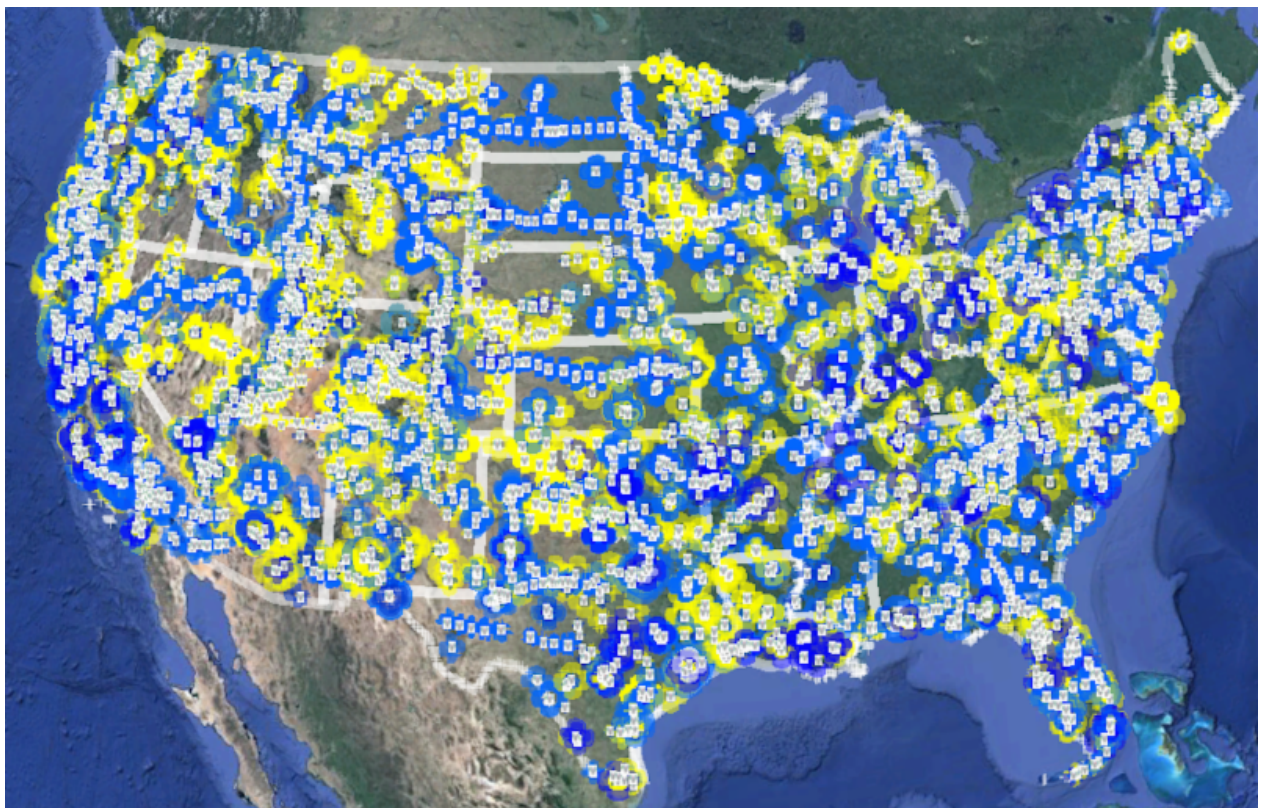
**It is time to break down the silos of decades of accumulated regulatory restrictions on the largest pool of low band spectrum, and let the free market, in conjunction with public resources, to just get the job done now.** Microsoft can not solve this national infrastructure problem on its' own. So here comes the cavalry, each riding 6 MHz of opportunity to help solve the digital divide, both in rural and urban America."



How do you solve for this?



You do it with this...



**And, you do it carefully knowing that over 3100 licenses and permits are displaced by the auction from UHF 38-50, and more than 1000 from the primary repacking from 36-2, all looking for new channels in 2018 and 2019. The question is, a new channel for which purpose(s)? More ATSC**

1.0?, NextGen 3.0? Or maybe, just maybe, it can be flexible use so that you can serve your community of license with what it needs.

Respectfully submitted,

Respectfully submitted,

\_\_\_\_\_/signature/\_\_\_\_\_

Michael Gravino

Director