

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

Expanding the Economic and Innovation)	
Opportunities of Spectrum Through)	GN Docket No. 12-268
Incentive Auctions)	
)	
Incentive Auction Task Force and)	
Media Bureau Seek Comment on)	MB Docket No. 16-306
Post-Incentive Auction Transition)	
Scheduling Plan)	

**REPLY COMMENTS ON THE COMMISSION’S POST-AUCTION REPACK
AND IN SUPPORT OF ION MEDIA NETWORK, INC.’S
PETITION FOR RECONSIDERATION**

Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (“Trinity”), by counsel, files in reply and support of the Comments and Petition for Reconsideration submitted on July 31, 2017 by ION Media Networks, Inc. (“ION” and “ION Petition”).¹ ION’s Petition seeks important and needed revisions and clarifications of the Commission’s current post-auction channel repack plan and policies in a number of critical areas, which Trinity fully supports.

Of particular concern to Trinity is the Commission’s current repack schedule and reimbursement policies. Like ION, a large number of Trinity’s stations face repacking to a new channel for their post-auction operations. Trinity and its affiliated ministry organizations² own

¹ See Incentive Auction Closing and Channel Reassignment Public Notice, *Public Notice*, GN Docket 12-268, *et al.*, DA 17-314 (rel. Apr. 13, 2017) (the “Repack Commencement PN”). As ION noted, the Repack Commencement PN has not yet been published in the Federal Register (ION Petition, 1).

² The Trinity Broadcasting Network includes: Trinity Christian Center of Santa Ana, Inc., Trinity Broadcasting of Arizona, Inc., Trinity Broadcasting of Washington, Trinity Broadcasting of Texas, Trinity Broadcasting of Oklahoma City, Inc., Trinity Broadcasting of Indiana, Inc.,

and operate 38 television stations (31 commercial channels and 6 noncommercial channels) and the Commission has assigned 17 of those stations to new channels for their post-auction operations. This represents nearly 50% of Trinity’s stations, creating an enormous technical challenge and an extraordinary demand on personnel and staff.

The initial technical challenge of repacking so many of its stations is further complicated by the current 39-month time limit for accomplishing this work. If a station cannot build its assigned facilities on time, the Commission will require the station to go off the air. This plan does not serve the public interest or Congress’s goals.³ As the ION Petition requests, the Commission should lengthen the construction periods or develop a liberal waiver standard to accommodate stations that cannot design or complete the involuntary repack according to the Commission’s assigned dates.

In addition, the estimated short fall in reimbursing a station’s cost to repack presents an issue of overwhelming significance, and one that will negatively affect service to the public. Congress intended that the auction and repack process would not be at the cost of the TV stations that continued broadcasting after the auction.⁴ The existing repack plan imposes an unknown level of expense on broadcasters, and the \$1.75 billion repack fund will only reimburse some of those expenses.⁵ Total repack costs have been projected to exceed the current repack fund by

Trinity Broadcasting of Florida, Inc., Trinity Broadcasting of New York, Inc., Jacksonville Educators Broadcasting, Inc., Community Educational Television, Inc., and San Antonio Community Educational Television, Inc.

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402-6405, 126 Stat. 156 (2012) (the “Spectrum Act”), at § 6403(b)(2) (requiring the Commission to make “all reasonable efforts” to maintain current service of post-auction broadcasters).

⁴ See *id.* at §6403(b)(4), (d).

⁵ See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, *Report and Order*, 29 FCC Rcd 6567, 6830 (“*First Auction Order*”)

\$450 million or more.⁶ This shortage will force broadcasters to cover the difference, and that means service to the public will suffer accordingly. The Commission must work closely with broadcasters and Congress to remedy this shortfall, and alleviate the situation.

Also, as ION's Petition explains, the Commission's plan to distribute initially only 80% of each station's approved, estimated repack costs, while withholding 20% until a later date, imposes a significant financial burden on broadcasters and creates a situation where a large number of stations will have to debt-finance their repack purchases that are over the 80% initial disbursement limit. Broadcasters have no assurance that they will receive reimbursement for those expenditures and will have no chance to recover any financing charges they may incur. This virtually assures that television broadcasters will not receive full reimbursement for their repack expenses as Congress intended and will hurt program innovation and service going forward.

Trinity therefore supports ION's request that the Commission promptly conduct a further proceeding to redesign its reimbursement policies to ensure equitable treatment for broadcasters that furthers Congress's intention to replicate the existing service of post-auction broadcasters at no cost to TV stations. If necessary, the Commission should work with Congress to further those goals.

In addition, for the reasons laid out by ION, Trinity agrees that the Commission should modify the current process and confirm that the following items qualify for full reimbursement:

(rejecting any limit on repack expenditures), 7041-42 (Separate Statement of Commissioner Ajit Pai dissenting from FCC rejection of \$1.75 Billion budget for repack expenses).

⁶ See Phil Kurz, TVN: Stations' Repack Expenses to Hit \$2B, TVNEWSCHECK, July 13, 2017, available at <http://www.tvnewscheck.com/article/105583/tvn-stations-repack-expenses-to-hit-2b>.

1. *Replacement of tube transmitters with solid-state transmitters should not be considered an “upgrade” disqualified from reimbursement.* As the Commission is aware, transmitter manufacturers have explained that the current generation of tube transmitters does not reasonably and economically support channel retuning. Stations should thus be fully reimbursed when the channel change required by repacking results in the replacement of tube transmitters with solid-state transmitters.

2. *Local advertising to inform viewers about the required repack channel change should be reimbursable.* As the Commission and broadcast industry learned during analog sunset, a robust and active public education campaign are critical to minimize public confusion when stations change channels and alter their operations. Without providing full reimbursement to a station for carrying out its advertising and consumer education plan explaining the repack, the big loser will end up being the public. That should be avoided as much as possible, and allowing complete reimbursement for a station’s public education campaign will help insure the least disruption to the public.

3. *Going from a side-mounted antenna to a top-mounted antenna should not be considered an “upgrade” which is disqualified from reimbursement.* Similar to replacement of a tube transmitter with a solid-state transmitter, allowing top-mounted replacement antenna is an economical approach that will maintain service to viewers throughout the repack process.

4. *Allow “headroom” in the new transmitters purchased to implement a station’s repack channel change to be reimbursable.* When a station’s current transmitter has room to accommodate transmitter power output (TPO) that exceeds the strength required for the station to reach its maximum ERP, recreating the same amount of extra room (*i.e.*,

“headroom”) should be reimbursable. The Commission’s decision to reimburse only a single increment of headroom is arbitrary because headroom increments are very different among transmitter manufacturers.

BASED ON THE FORGOING, and the record presented in the captioned dockets, Trinity respectfully requests that the Commission reconsider its previous decisions and grant the relief requested in ION’s Petition.

Respectfully submitted,

**TRINITY CHRISTIAN CENTER OF
SANTANA, INC.**



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