

WILKINSON ) BARKER ) KNAUER ) LLP

1800 M STREET, NW  
SUITE 800N  
WASHINGTON, DC 20036  
TEL 202.783.4141  
FAX 202.783.5851  
WWW.WBKLaw.COM  
CHRISTINE M. CROWE  
202.383.3334  
CCROWE@WBKLAW.COM

August 31, 2016

By Electronic Filing

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Ex Parte Communication, GN Docket No. 12-268, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*

Dear Ms. Dortch,

Attached please find the following documents: (1) Request for Confidential Treatment of certain materials provided to FCC staff during a meeting held August 30, 2016, among representatives of American Tower Corporation (“ATC”) and the FCC staff; and (2) a notice of that meeting submitted pursuant to Section 1.1206(b)(1) of the FCC’s rules. Please contact the undersigned if you have any questions.

Sincerely,

/s/ Christine M. Crowe  
Christine M. Crowe  
Jonathan V. Cohen

cc: Gary Epstein Rachel Kazan  
Jean Kiddoo Evan Morris  
Barbara Kreisman Erin Griffith  
Pam Gallant James Costa  
Hillary deNigro Tony Coudert  
Sasha Javid

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Re: *Ex Parte Communication, GN Docket No. 12-268, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*  
**Request for Confidential Treatment of Appendix**

Dear Ms. Dortch:

American Tower Corporation (“ATC”), by its attorneys, hereby requests that the Appendix of the attached presentation (“Appendix”), be withheld from public disclosure pursuant to Section 0.459 of the Commission’s Rules.<sup>1</sup> The Appendix contains highly sensitive, proprietary information that ATC has not and will not make available for public inspection and the disclosure of which would result in substantial competitive harm. As such, the content of the Appendix (the “Confidential Information”) is eligible to be withheld from public disclosure under Freedom of Information Act (“FOIA”) Exemption 4 which covers “trade secrets and commercial or financial information [that are] privileged or confidential.”<sup>2</sup>

Specifically, the Appendix includes information identifying the unique service offering that ATC has created to assist television broadcasters with the repacking of stations located on ATC towers following the conclusion of the Broadcast Incentive Auction. The Confidential Information included in the Appendix provides proprietary details, including pricing, regarding the ATC service offering. The Confidential Information reflects ATC’s internal planning, strategy, legal and financial analysis and conclusions regarding the repack of television broadcast stations on ATC towers.

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<sup>1</sup> 47 C.F.R. §0.459(a)(1).

<sup>2</sup> 5 U.S.C. § 552(b)(4).

Marlene H. Dortch

August 31, 2016

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ATC is submitting the Confidential Information contained in the Appendix voluntarily to aid the Commission's analysis of repacking scenarios. Information voluntarily submitted to the government may be considered confidential for Exemption 4 purposes "if it is a kind that would customarily not be released to the public by the person from whom it was obtained."<sup>3</sup> ATC does not customarily release to the public its proprietary service offerings and pricing contained in the Appendix and it thus is entitled to confidential treatment pursuant to Exemption 4. Information not voluntarily shared with the government is considered confidential for Exemption 4 purposes if disclosure would cause substantial harm to the competitive position of the submitting party.<sup>4</sup> Even if the Confidential Information were subject to this higher threshold, which it is not, it would be entitled to confidential treatment because, as set forth herein, release of the Confidential Information would cause ATC substantial competitive harm.

In light of the above, ATC respectfully requests that the Commission withhold the Confidential Information from public disclosure. Information in support of this request for confidential treatment and in response to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), is provided below.

- 1. Specific information for which confidential treatment is sought, 47 C.F.R. § 0.459(b)(1).** ATC seeks confidential treatment for the Appendix, which has been redacted in the attachment, and which was marked as Confidential – Not For Public Inspection in the copy of the materials presented to FCC staff during an ex parte meeting held August 30, 2016. The Confidential Information reflects proprietary services and pricing that is extremely competitively sensitive commercial information.
- 2. Circumstances giving rise to this submission, 47 C.F.R. § 0.459(b)(2).** The Appendix was presented to FCC staff voluntarily in connection with the staff's analysis of various repacking scenarios and options, during an ex parte meeting held on August 30, 2016.
- 3. Degree to which the information is commercial or financial, or contains a trade secret or is privileged, 47 C.F.R. § 0.459(b)(3).** As discussed above, the Confidential Information constitutes proprietary, highly sensitive commercial information that should be withheld from public disclosure pursuant to FOIA Exemption 4.
- 4. Degree to which the information concerns a service that is subject to competition, 47 C.F.R. § 0.459(b)(4).** The service in question is the provision of planning, permitting, design, construction, modification and project management

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<sup>3</sup> *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 873 (D.C. Cir. 1992).

<sup>4</sup> *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

services in connection with the repack of television stations following completion of the Broadcast Incentive Auction. In view of the breadth of services impacted, there are numerous potential competitive service providers. Disclosure of ATC's sensitive service offering and pricing information would provide those potential competitors with crucial information and an unfair competitive advantage.

5. **How disclosure of the information could result in substantial competitive harm, 47 C.F.R. § 0.459(b)(5).** In a competitive market for the provision of services related to the broadcast repack, public disclosure of the Confidential Information indicating the services ATC proposes to provide to broadcasters on ATC's towers, and the pricing for those services, would provide other potential service providers with an unfair advantage in competing for service contracts.
6. **Measures taken to prevent unauthorized disclosure, 47 C.F.R. § 0.459(b)(6).** ATC has not made the Confidential Information available to the public. The Confidential Information has only been made available to a limited subset of ATC employees, technical consultants, outside counsel, and customers on a confidential basis. Information has and will be made available to internal ATC employees and consultants on a "need to know" basis.
7. **Whether the information submitted is available to the public and the extent of any previous disclosure of the information to third parties, 47 C.F.R. § 0.459(b)(7).** ATC has not made the Confidential Information available to the public. The analysis reflected in the Confidential Information was prepared internally and has not been shared with any third parties.
8. **Period during which the submitted material should not be available for public disclosure, 47 C.F.R. § 0.459(b)(8).** ATC respectfully requests that the Commission withhold the Confidential Information from public inspection indefinitely, or at least until the broadcast repack has been completed. The potential vulnerabilities discussed in the Confidential Information would remain subject to malicious exploitation until such time as the broadcast repack has been completed.
9. **Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.** Public release of the Appendix that includes the Confidential Information not only would expose ATC to competitive harm as set forth above but also could disrupt the timely and efficient repack process with respect to broadcast stations on ATC towers.

Therefore, pursuant to Section 0.459 of the Commission's rules, ATC respectfully requests that the Appendix be treated under the Commission's rules as not available for public

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inspection. ATC additionally requests that its information not be included in any publication while this request is pending.

If you have any questions concerning this matter, please do not hesitate to contact me.

Respectfully submitted,

**American Tower Corporation**

By: /s/ Christine M. Crowe

Christine M. Crowe

*Counsel to American Tower Corporation*

Enclosures

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Re: *Ex Parte Communication, GN Docket No. 12-268, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*

Dear Ms. Dortch,

This letter is submitted, pursuant to Section 1.1206(b)(1) of the FCC's rules, to notify you of a meeting held August 30, 2016, among representatives of American Tower Corporation ("ATC") and the FCC staff. The meeting was intended to update the staff regarding the steps ATC has undertaken to prepare for the repack of TV licensees following the Incentive Auction. Representing ATC were Peter Starke, Vice President – Broadcast; Paul Roberts, Vice President – Compliance; and ATC's undersigned counsel. Attending the meeting in person from the FCC staff were Gary Epstein, Jean Kiddoo, Barbara Kreisman, Pam Gallant, Hillary deNigro, Sasha Javid, Rachel Kazan, Evan Morris, and Erin Griffith. In addition, James Costa and Tony Coudert of the FCC participated by telephone. ATC discussed the issues identified in the attached presentation. Please contact the undersigned if you have any questions.

Sincerely,

/s/Christine M. Crowe

Christine M. Crowe  
Jonathan V. Cohen

cc: Gary Epstein Rachel Kazan  
Jean Kiddoo Evan Morris  
Barbara Kreisman Erin Griffith  
Pam Gallant James Costa  
Hillary deNigro Tony Coudert  
Sasha Javid

# FCC – TV Incentive Auction

American Tower Pre Auction Planning

## UPDATE

August 30, 2016



**AMERICAN TOWER®**



# Agenda

- **Pre Repack Planning Goals**
- **American Tower TV Transmission Facilities**
- **Pre Auction/Repack Preparation**
- **Operational Readiness**
- **Implementation Planning & Workflow Timing**
- **Broadband Antenna Initiative (LA market example)**
- **Summary**
- **Ask**
- **Appendix – Repack Services Scope of Work and Pricing**



# ATC Pre Repack Planning Goals

- › **Speed to Market** – Focused on meeting FCC’s repack deadline
- › **Operational Ease** – Manage entire process, reduces complexity, deliver highest level of service
- › **Minimize OTA Downtime** - Lessen off-air for all tower tenants
- › **Turnkey Offers** – Propose complete, end-to-end solutions
- › **Future-Proof Solutions** – Runway to next-gen broadcast standards
- › **Transmission Redundancy** – Pre and post re-pack back up sites
- › **Technical Superiority** – RF and tower structure expertise
- › **Industry Leadership** – Trusted “Go-To” team with focus on broadcast customers and towers



# ATC – TV Transmission Facilities

- **358** Full Power and Class A stations operate on owned, managed, & leased sites (**180 stations Ch. 30 and higher**)
- **182** towers with **ALL** FP and Class A service types – DT, DC, DX, DD
- **175** towers with at least **one** Full power/Class A TV
- **74** towers with **2+** Full Power/Class A TV
- **121** towers with channels **Ch. 30+** (assuming a **126** MHz clearing target)
- **65** “Complex” sites (Candelabra, Mountaintop, Broadband Antenna)
- **29** owned and operated Broadband UHF antenna systems
- **97** DMAs with towers supporting TV transmission



\*Updates in red



# Pre Auction/Repack Preparation

## TV Licensee Planning Continues

- › Ongoing meetings with groups and single station owners of over 400 full power and Class A TV Licenses
  - › Focus on identifying multiple transmission site repack options
  - › Preparing for 90 day CP application and cost estimate surge
  - › Possible use of existing and new broadband antennas
  - › Solutions for remaining on-the-air during construction
- › **Risks Identified**
  - › **Preparing repack cost estimates for possibly 180 TV Licenses and 120+ towers in 90 days**
  - › **Concerns over replication of coverage**
  - › **Concerns over funding of interim RF equipment**
  - › **FM station downtime cooperation**



# Repack Operational Readiness: Internal Resources

ATC Team	Task	Preparedness Status
Business Development	Special lease communications, negotiations and RF design scenario requirements	↑
Acquisition, Zoning & Permitting	AZP process for repack work	↑
Services Management	Repack customer services, communication plan and reporting tools	↑
External Services Sourcing	Engineering, A&E and construction services	↔
RF Equipment Sourcing and Logistics	Broadband antenna (BBA), transmission line, combiner design and components	↑
Engineering, Design, Civil and Structural	Pre-design work, standards and design process	↔
RF Design	Repack customer single frequency design review and ATC BBA design	↔
Lease and Amendment Applications & Process	Special streamlined lease process to meet tight repack time constraints	↑
Budget Estimates	Process, templates and cost components to match FCC guidelines	↑
Construction Management	Construction governance and management program	↑
Repack customer Invoicing	FCC-friendly invoicing process for repack customers	↔
Internal Tools and Systems	Siterra project management to support repack	↑



# Repack Operational Readiness: External Resources

External	Task	Preparedness Status
RF Transmission Equipment	Broadband antennas, transmission line, combiners, filters for both temporary and permanent use	
On-Tower Construction	Tower modifications, antenna and transmission line removals and installations	
Structural Engineering	Outsourcing of the complex structural analyses and modifications	
Tower Components	Structural steel and guy wire fabrication	
General Site Construction	Transmitter building modifications and upgrades. Required site work to accommodate tower and building and infrastructure changes	
Regulatory and Environmental	Regulatory and environmental consulting when required for height extensions, ground disturbance at special sites	

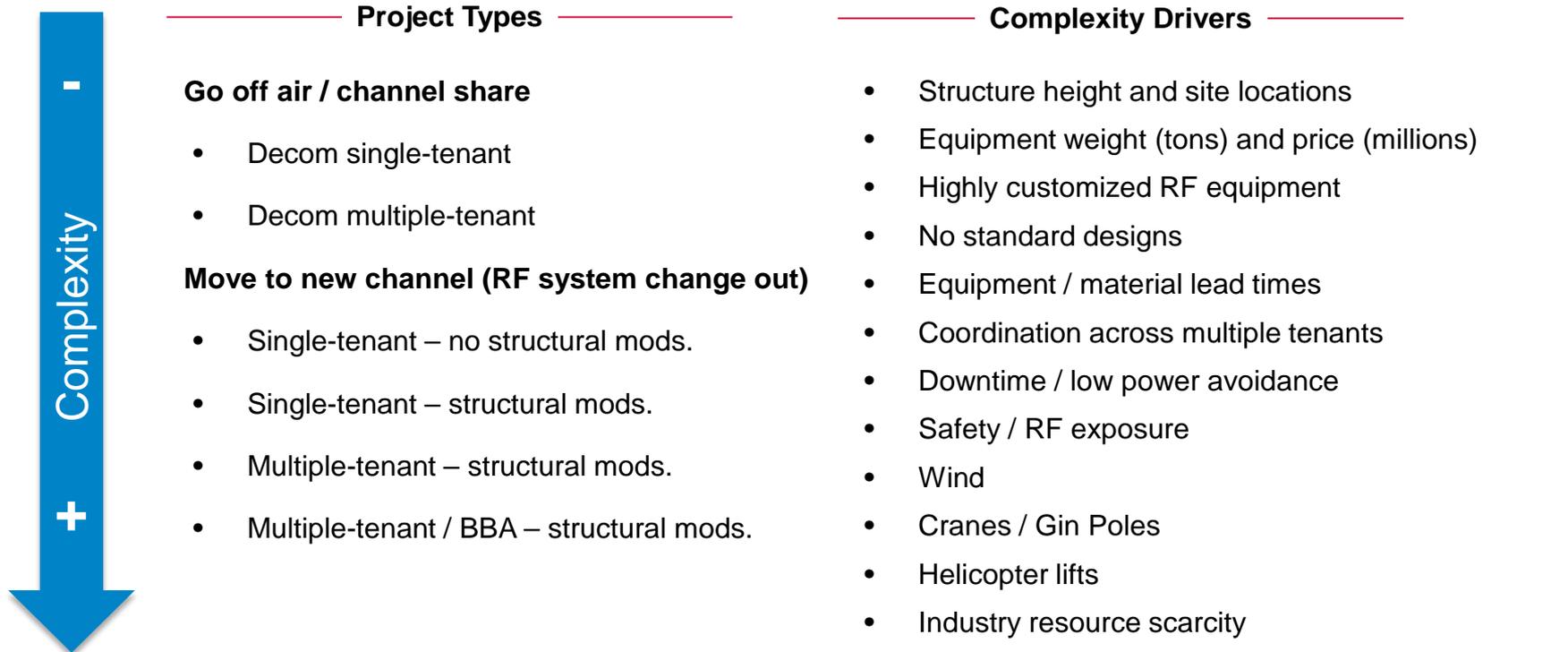
- > RF equipment manufacturers are ramping up and providing assurances of expedited product engineering, fabrication and delivery
- > Qualified tower crews for the complex\* sites still pose the greatest challenge to logistics and scheduling

\*Tall towers, candelabra, mountaintop, broadband antenna sites



# Repack Implementation Planning

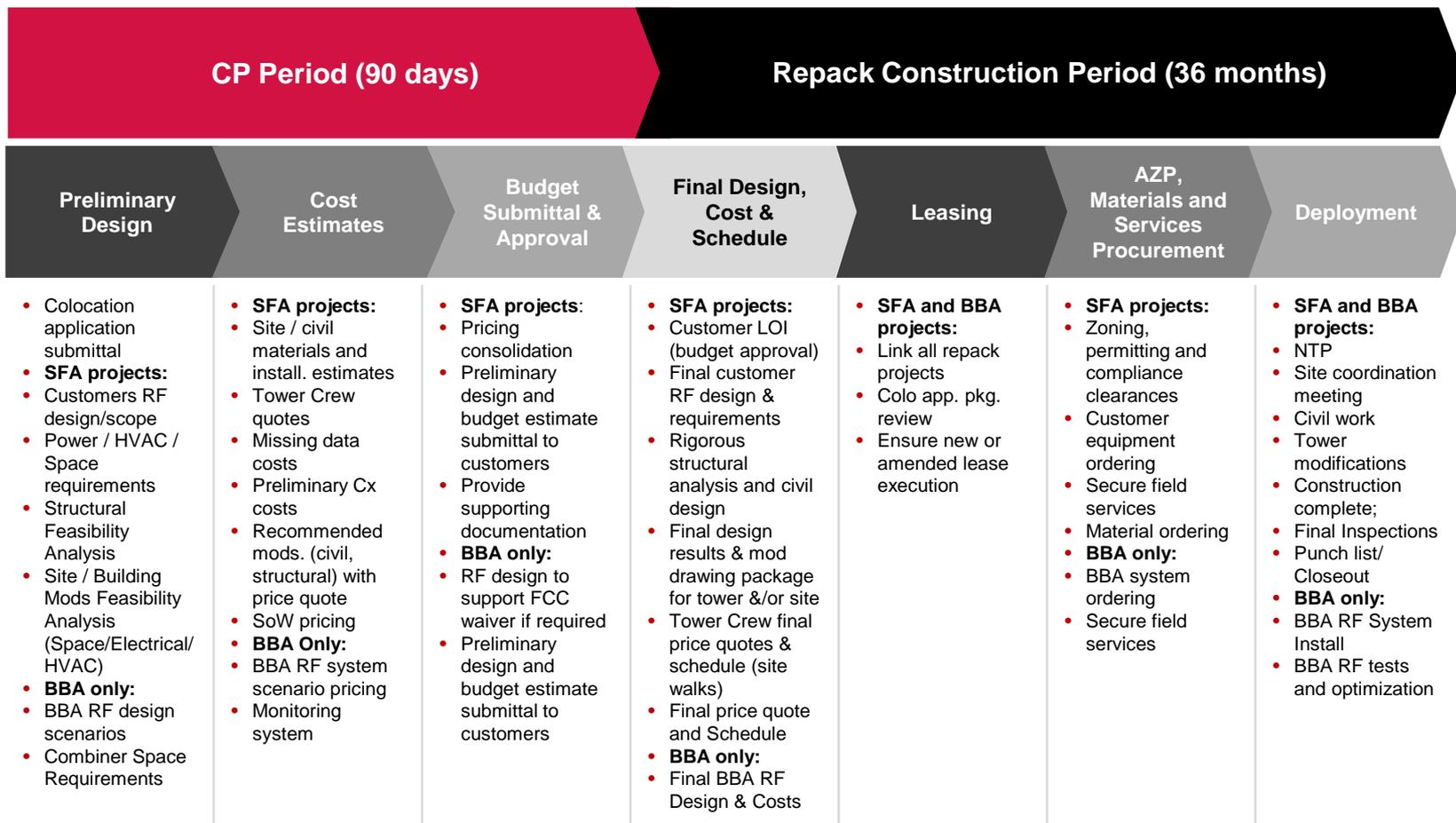
ATC has developed a plan and dedicated the necessary resources to support a variety of projects, ranging from simple single-tenant antenna changes, to multiple-tenant antenna changes requiring structural modifications and turnkey BBA projects



The level of effort and complexity to project manage and execute multiple-tenant repack projects concurrently is a significant challenge for ATC and our customers



# Repack Workflow Timeline



ATC has developed a Repack Scope of Work from application to NTP including the documentation and supporting material for the 90 Day CP period



# Broadband Antenna Initiative

- › Continued evaluation of ATC existing 29 UHF broadband antennas for use during repack
  - › Channel compatibility
  - › Coverage compatibility
  - › Input power limitations
  - › Temporary or permanent use
- › Ongoing evaluation of all markets that can greatly benefit from the installation of new broadband antennas



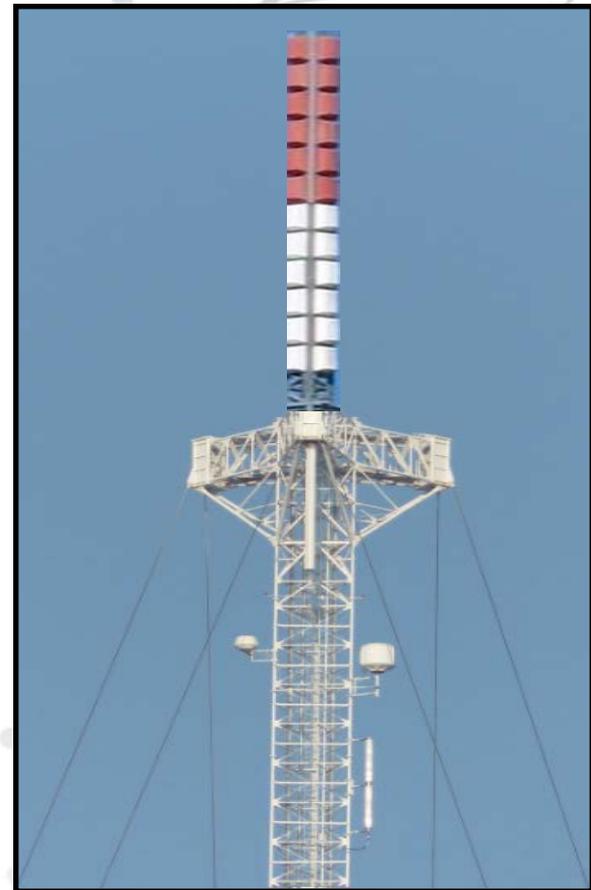
***Broadband antennas:  
“Will be the transmission backbone of our repack efforts”***



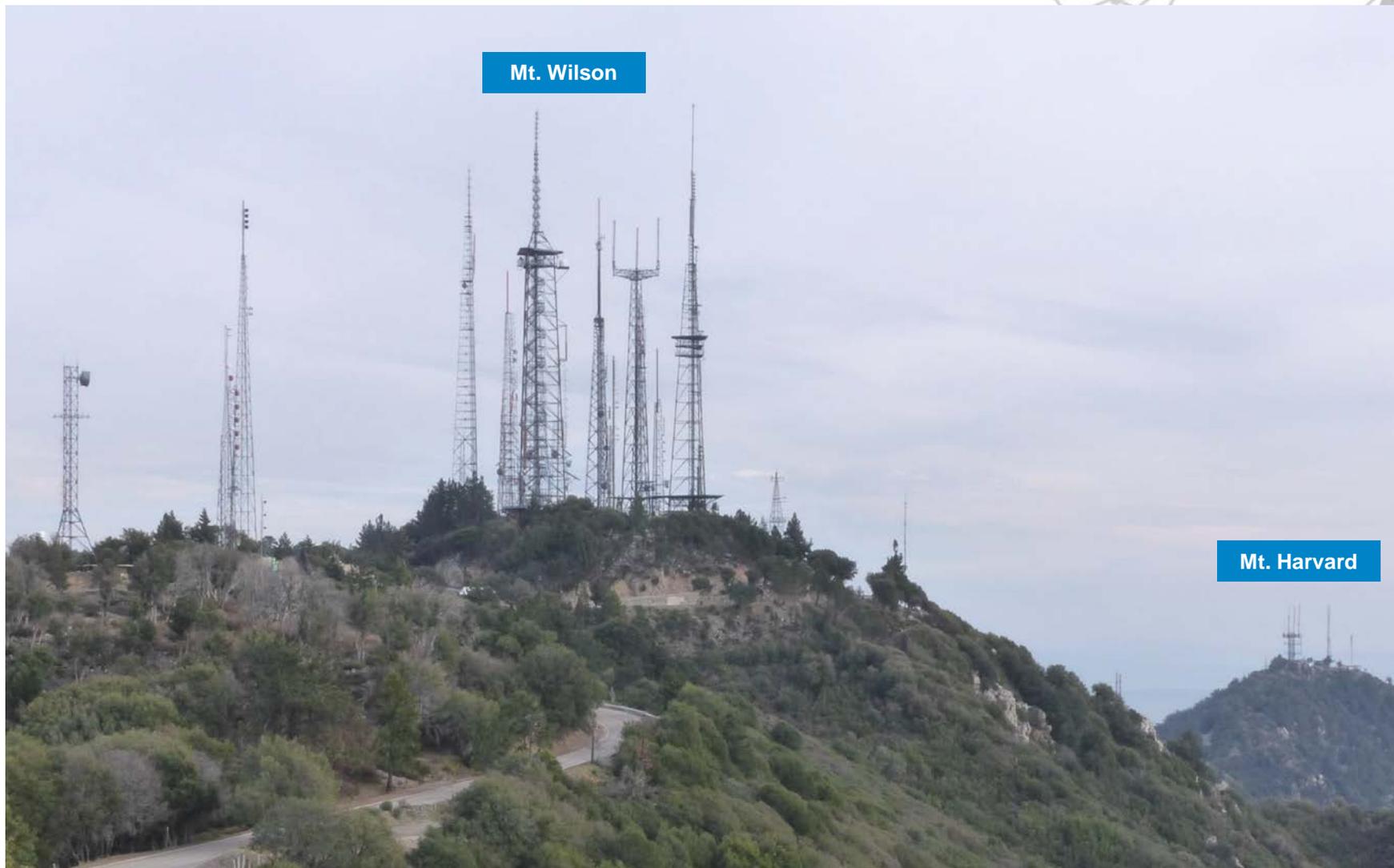
# Broadband Antenna Initiative

## New Broadband Antenna DMAs:

- > Los Angeles
  - > Dallas
  - > Boston
  - > Houston
  - > Tampa
  - > San Francisco
- In Development
- > Oklahoma City
  - > Orlando
  - > Miami
  - > Chicago
  - > Philadelphia
- Under Review
- > 8 Additional DMAs
- Pipeline



# Los Angeles DMA – Main TV & FM Transmission Sites



Mt. Wilson

Mt. Harvard



# Los Angeles DMA – ATC Broadband Antenna Project

- › ATC Deer Park Tower Site  
(former KCBS-TV analog facility)
- › 2,500 feet Northwest of Mt. Wilson main tower grouping
- › Located on ATC owned land
- › Proposed Broadband Antenna Project
- › Preliminary Design for up to 11 UHF stations



# Los Angeles DMA – ATC Broadband Antenna Project

## Proposed Deer Park Broadband Antenna System

- › Replace Channel 2 TDM analog antenna
- › Full antenna system design/optimization
- › 12 bay panel antenna
- › 4 around Wide Cardioid pattern
- › Dual 8” inputs and transmission feedlines
- › Elliptical polarization
- › High beam tilt and null fill
- › Dual Chain combiner with variable polarization
- › Stations can independently change axial ratio
- › Monitored antenna system



Today

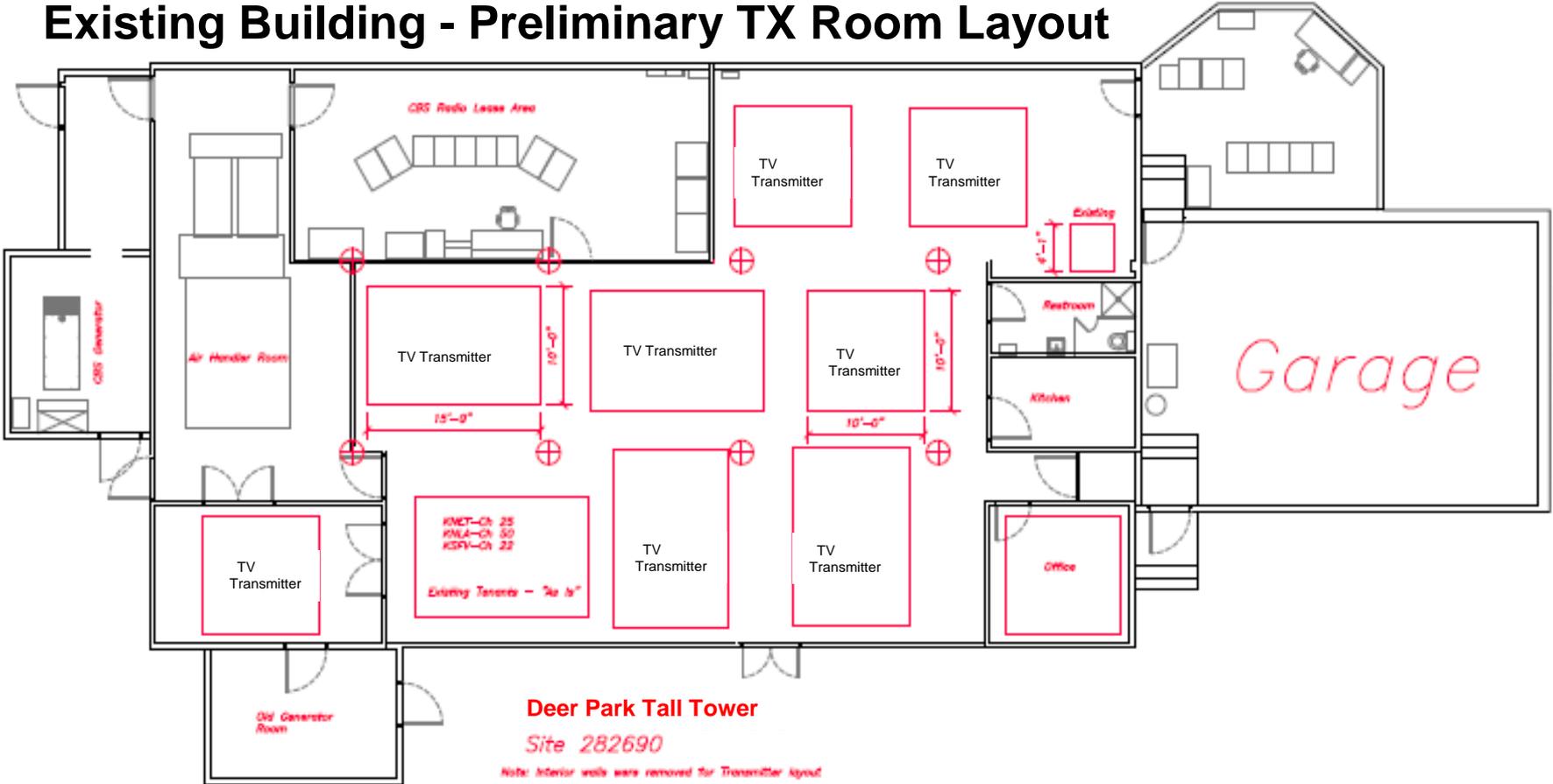


Proposed



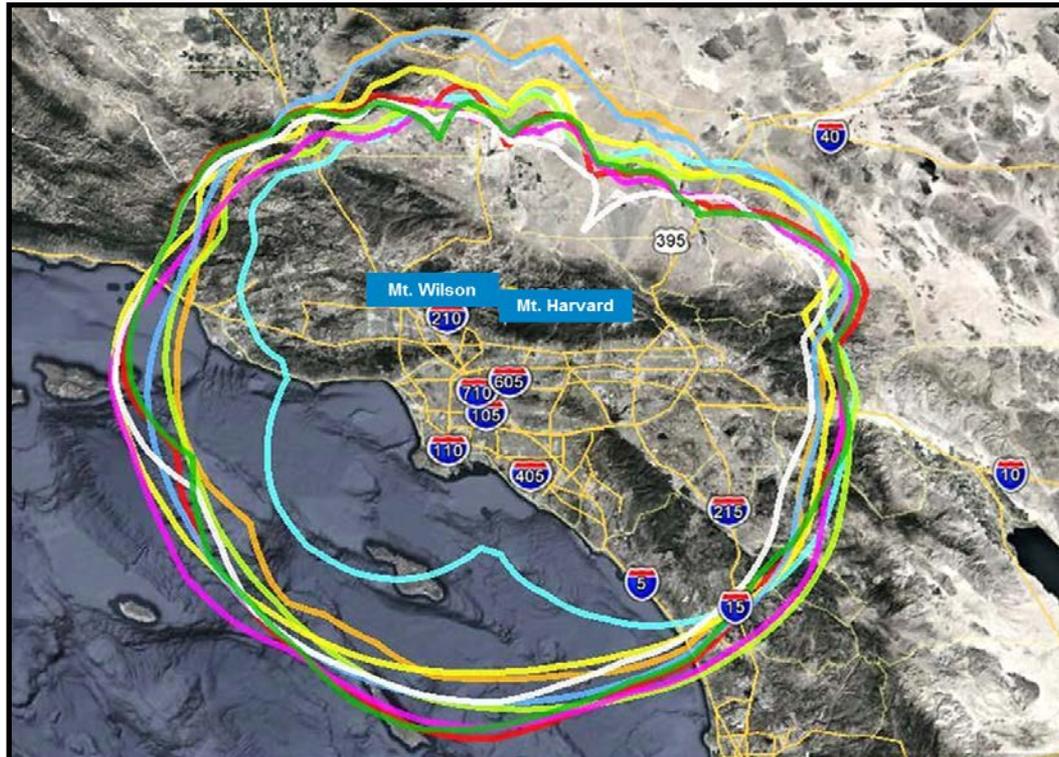
# Los Angeles DMA – ATC Broadband Antenna Project

## Existing Building - Preliminary TX Room Layout



# Los Angeles DMA – ATC Broadband Antenna Project

- › Example below of nine different station's current coverage patterns
- › Challenge..... Designing for a single pattern broadband antenna
- › Consulting engineer being hired to design a “common” single pattern
- › **We are seeking FCC guidance to facilitate common pattern and coverage waiver approvals**



# Summary

- › ATC will be operationally prepared for Repack.....as best as possible, knowing the outcome of the auction and the resulting channel allocation uncertainty will have a major impact on the nature and extent of repacking that is required
- › ATC will continue to pursue its Broadband antenna initiative, as it offers many advantages in the context of the repack:
  - › Facilitates multiple TV stations with a single BBA installation
  - › Expedites the repack process
  - › Promotes tower climbing safety by reducing the number of antenna changes and crew time on the towers
  - › Minimizes disruption/downtime to existing TV and FM operations
- › ATC will continue to develop tools to facilitate the processing of TV station reimbursement cost estimating and invoicing



# Ask

## › **ATC respectfully requests of the FCC:**

- › Expedited CP review and approval for TV Licensees modifying coverage to allow for broadband antenna deployment
- › Workshop session with reimbursement administrator to develop proper estimating and invoicing processes to help facilitate broadcasters' repack cost estimates and reimbursement invoicing to the FCC's administrator
- › FCC and reimbursement administrator review of ATC's repack services offering to ensure pricing is consistent with the reimbursement guidelines
- › Provide additional and updated guidance to broadcasters regarding the reimbursement process



# Appendix

## Repack Service Offering



# Thank You

**Peter Starke – Vice President,  
Broadcasting**

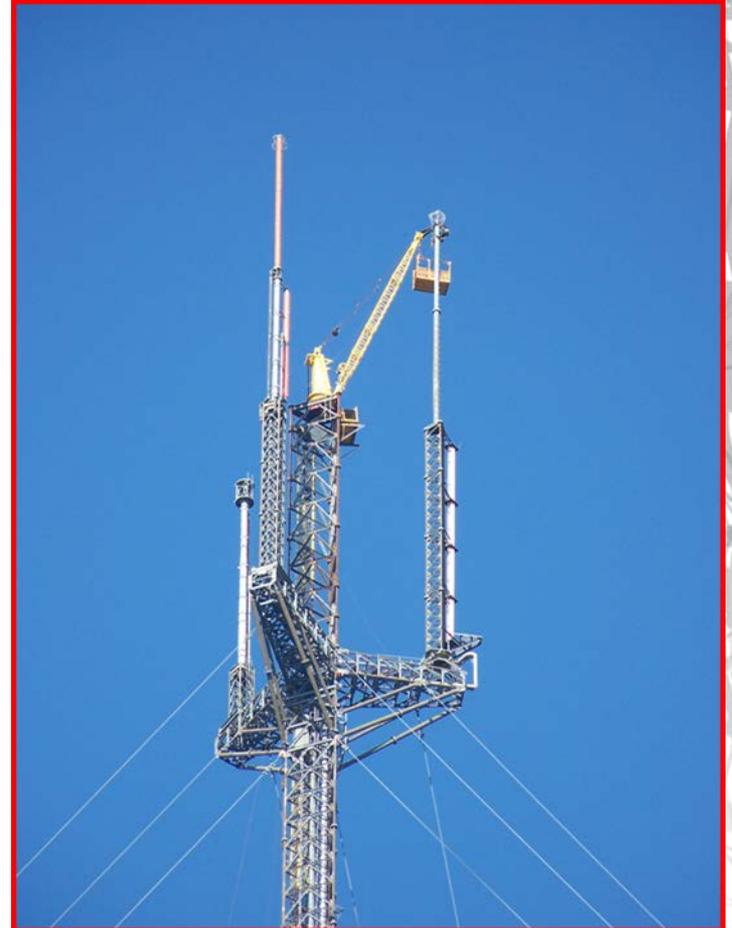
**[peter.starke@americantower.com](mailto:peter.starke@americantower.com)**

**781-926-4772**

**Paul Roberts – Vice President,  
Compliance**

**[paul.roberts@americantower.com](mailto:paul.roberts@americantower.com)**

**919-466-5506**



Appendix

**REDACTED – FOR PUBLIC INSPECTION**