

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
LPTV, TV Translator, and FM Broadcast)	
Station Reimbursement)	MB Docket No. 18-214
)	GN Docket No. 12-268
Expanding the Economic and Innovation)	MB Docket 16-306
Opportunities of Spectrum Through Incentive)	
Auctions)	

To: The Incentive Auction Task Force and the Media Bureau

**COMMENTS OF
NATIONAL PUBLIC RADIO, INC.**

Introduction

National Public Radio, Inc. (“NPR”), a non-profit membership corporation, hereby responds to the Public Notice issued by the Incentive Auction Task Force and Media Bureau seeking comment on a proposed catalog of potentially reimbursable costs that may be incurred by Low Power Television (“LPTV”), television translator, and FM broadcast stations as a result of the Federal Communications Commission’s broadcast television spectrum incentive auction.¹ These comments are offered on behalf of the public radio system, a uniquely American public service, not-for-profit media enterprise of more than a thousand local public radio stations nationwide, collectively broadcasting to almost forty-one million American listeners weekly.

¹ Public Notice, Incentive Auction Task Force and Media Bureau Seek Comment on Catalog of Potentially Reimbursable Costs Incurred by Low Power Television, Television Translator and FM Broadcast Stations, MB Docket No. 18-214, MB Docket 16-306, GN Docket No. 12-268, DA 18-1072 (rel. Oct. 22, 2018) [hereinafter “Public Notice”].

As described in NPR’s initial comments in response to the Notice of Proposed Rulemaking in this proceeding, the ongoing reorganization of broadcast television spectrum is disrupting the operations of dozens of independent, locally owned and operated public radio stations.² Listeners across the country rely on these local public radio stations for critical local and national news, unique local programming, emergency alerting and public safety information. By statute, Congress directed the Commission to “reimburse costs reasonably incurred” by these bystander FM stations “for facilities necessary for such station[s] to reasonably minimize disruption of service as a result of” the so-called TV repack.³ NPR respectfully urges the Commission to adopt a policy of maximizing relief and minimizing obstacles for innocent bystander FM stations so they may avoid or reduce the duration and impact of broadcast service disruptions for their listeners through the TV repack process.

NPR appreciates the Commission’s efforts to facilitate such reimbursement by developing a catalog of eligible reimbursement expenses with predetermined costs or cost ranges,⁴ thereby obviating the need for additional cost justification for listed expenses and prices. NPR respectfully urges that the paperwork and approval process for reimbursement requests within the parameters of the potential expenses and estimated costs in the final Cost Catalog be streamlined as much as possible. Simplified filing requirements and expedited reimbursement is

² See Comments of National Public Radio, Inc., MB Docket No. 18-214, GN Docket No. 12-268 (filed Sept. 26, 2018).

³ See *Consolidated Appropriations Act, 2018*, Pub. L. 115-141, at Division E, Title V, § 511, 132 Stat. 348 (2018) (codified at 47 U.S.C. § 1452(j)-(n)) (“Reimbursement Expansion Act”).

⁴ Public Notice, Appendix A (Catalog of Potential Expenses and Estimated Costs for Low Power Television (LPTV) Stations, FM Stations and FM and TV Translators (Sept. 2018)) [hereinafter “Cost Catalog”].

especially critical for under-resourced public radio stations with limited staff and financial resources.

NPR also encourages the Commission to permit flexibility in providing reimbursement for equipment, services and costs that are not listed in the Cost Catalog, as discussed in Section I below. In addition, in Section II, NPR provides specific comments and suggestions regarding the categories of equipment, services, and anticipated costs listed in the proposed Cost Catalog.

NPR's Comments focus on costs incurred by FM broadcast stations and FM translators.

I. The Commission Should Permit Flexibility in Reimbursing FM Stations for All Reasonable Costs Incurred as a Result of the TV Repack.

While the Public Notice helpfully proposes a catalog of eligible expenses FM stations and other entities are most likely to incur as a result of the TV repack, the proposed Cost Catalog should be considered an initial provisional list of common anticipated expenses rather than a definitive catalog of all eligible reimbursable expenses. NPR wholeheartedly agrees that FM stations should be permitted to obtain reimbursement for equipment and services that are not listed and for costs that are higher than the ranges of estimated costs in the Cost Catalog.⁵

Flexibility is warranted for radio stations to obtain reimbursement for unanticipated and unusual expenses incurred in their efforts to minimize service disruptions caused by the TV repack work and remain on air, serving their covered listening area and population. To be sure, prices may increase and available equipment may vary as the TV repack work proceeds in multiple phases over the coming years.

⁵ See Public Notice at 2, n.4 (“While the LPTV/Translator/FM Cost Catalog contains an extensive list of the likely costs, it is not exhaustive; stations that incur costs for unlisted equipment or services that are eligible for reimbursement under the standards adopted by the Commission or that exceeds the range set forth in the Cost Catalog will be able to submit estimates and invoices for such costs, together with cost justification documentation.”)

In addition, some stations may incur costs beyond the typical purchase of new equipment and related tower rigging and installation. For example, some local public radio stations have purchased *used* equipment to reduce their costs in establishing auxiliary facilities to permit continued broadcasting when their primary facilities are disrupted to accommodate TV repack work. In addition, NPR is exploring the possibility of *loaning* transmitters, antennas, studio kits and other equipment to stations for temporary auxiliary facilities. While avoiding the cost of purchasing new equipment, station efforts to use secondhand or borrowed equipment may entail other fees and expenses, such as testing, maintenance, and retuning equipment so it is suitable for use at the new station. The reimbursement process should support and encourage such creative efforts to reduce costs in mitigating the impact of the TV repack.

NPR supports a flexible approach to accommodate the particular circumstances and reasonable costs incurred by individual FM broadcasters. To avoid undue hardship to local public radio stations as a result of the TV repack and to assure cost reimbursement in all reasonable cases such as these, NPR urges the Commission to construe its statutory authority broadly and, in turn, adopt a flexible approach in determining the specifics of the reimbursement eligibility and claim process.

II. The Commission Should Revise the Proposed Cost Catalog to Include Several Additions, Price Adjustments and Clarifications.

The proposed Cost Catalog is a solid start for identifying the most common categories of expenses and related costs that FM stations are likely to incur to avoid service disruptions caused by the TV repack. In response to the Public Notice request for comment on whether the Catalog is missing any types of likely expenses and on the price ranges in the Catalog, NPR offers specific comments below for Section III – FM and FM Translator costs, and requests that the proposed Cost Catalog be revised to incorporate the following suggestions.

- Section III.A.1 – HD Importers/Exporters: The proposed Cost Catalog includes a line item for an HD Importer and a line item for an HD Exporter. The catalog should also include an additional line item for an HD Importer/Exporter, a relatively new product that combines an HD radio importer and exporter into one unit. It may be more efficient and cost-effective for stations to purchase the single unit device.
- Section III.E – Professional Services – Attorney Fees: The line item for “Lease negotiation or other legal matters” for FM stations and FM Translators lists the range of estimated costs as \$510-2,050. Inexplicably, and erroneously, this is lower than the range of \$2,255-4,095 listed for LPTV stations and TV translators for the same category of legal services. Moreover, the upper range for legal counsel to negotiate and complete alternate site leases for locations necessary to accommodate the TV repack should be increased to at least \$5,000. Since the cost of such services will likely vary based on the location of the station and the complexity of the negotiation, the Commission should expect requests for reimbursement above the top of the range.
- Section III.E – Professional Services – Other Professional Fees: The line item for “Form 399 assistance or other Program Management costs” (with “Variable” costs) should be given a liberal reading to include a broad range of professional services. As the Cost Catalog recognizes, local radio stations may have limited resources, and will need to rely on outside professional services and consultants to help manage their response to disruptions caused by the TV repack. Given the complexities and uncertainties of the TV channel transition over several phases and years, it is critical that local public radio stations are able to seek reimbursement for consultation and advice beyond the scope of preparing particular permits and forms and completing specific legal and engineering

tasks. Local public radio stations also need professional legal, engineering, and consulting services to assist with overall planning, determining the specific steps needed to minimize disruption, and procuring equipment, labor and services. The touchstone should be whether the service is incurred to minimize the impact of the TV repack, not whether a particular service falls into a specified category of reimbursable services. The Cost Catalog should clarify that this line item (or others) includes this broad range of program management and consulting costs.

- Section III.F – Other Potential Costs: This section appropriately includes line items for equipment disposal, equipment storage, and equipment delivery and handling charges. The Cost Catalog should add “insurance” as an additional potential cost eligible for reimbursement.
- Section III.F – Other Potential Costs – IP Codecs: The last line item lists “1 pair IP-only Codecs for fiber, Internet or IP microwave systems.” Some FM stations provide programming on multiple HD and IBOC channels and need multiple IP codecs to minimize disruption of service on all their channels. Accordingly, the Cost Catalog should clarify that these stations are eligible for reimbursement of costs based on their actual IP codec needs, *e.g.*, up to four pairs.

Conclusion

For the reasons set forth above, NPR urges the Commission to provide maximum flexibility in the reimbursement process and to revise the Cost Catalog to correct the missing and mispriced items noted above. NPR looks forward to working cooperatively with the Commission to improve and expedite the reimbursement process, so that it provides effective relief for bystander FM stations impacted by the TV repack and supports continued FM broadcast service

for listeners who depend on local radio news, programming, emergency alerting and public safety information.

Respectfully submitted,

NATIONAL PUBLIC RADIO, INC.

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