



October 9, 2014

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

*Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Office of Engineering and Technology Releases and Seeks Comment on Updated OET-69 Software, ET Docket No. 13-26, Notice of Ex Parte Communication*

Dear Ms. Dortch:

On October 7, 2014, Victor Tawil and Bruce Franca of the National Association of Broadcasters ("NAB") met with Gary Epstein of the Incentive Auction Task Force, William Scher of the Office of General Counsel, Brett Tarnutzer, Sasha Javid and Jonathan McCormick of the Wireless Telecommunications Bureau, and Julius Knapp, Alan Stillwell, Matthew Hussey, Martin Doczkat, Barbara Pavon, Mark Columbo and Aspasia Paroutsas of the Office of Engineering and Technology to discuss the current proposal set for a vote at the Commission's October 17, 2014, meeting, on whether to cap the amount of population loss any one broadcaster can receive as a result of the incentive auction. NAB discussed the Incentive Auction Task force's June 2<sup>nd</sup> Public Notice, which described the staff's view that no television station remaining on the air would receive more than 2% new interference.<sup>1</sup> NAB discussed the information included in the attached presentation, demonstrating that this underestimates the amount of new interference stations can receive. NAB discussed its great concern that, without any meaningful cap, the Commission staff will be granted the unconstrained ability to assess any level of interference to a non-participating station. The failure to cabin the staff's discretion in this manner would be a plain violation of the Spectrum Act, and threaten the ability of viewers across the country to maintain access to the thousands of stations that remain on the air following the auction.

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<sup>1</sup> *Incentive Auction Task Force Releases Updated Constraint File Data Using Actual Channels and Staff Analysis Regarding Pairwise Approach to Preserving Population Served*, Public Notice, GN Docket No. 12-268, ET Docket No. 13-26, DA 14-677 (June 2, 2014).



Respectfully Submitted,

A handwritten signature in blue ink, which appears to read "Patrick McFadden". The signature is fluid and cursive, with a horizontal line underneath the name.

Patrick McFadden  
Vice President, Strategic Planning  
National Association of Broadcasters

cc: Gary Epstein  
William Scher  
Brett Tarnutzer  
Sasha Javid  
Jonathan McCormick  
Julius Knapp  
Alan Stillwell  
Matthew Hussey  
Martin Doczkat  
Barbara Pavon  
Mark Columbo  
Aspasia Paroutsas