



October 13, 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, Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services, ET Docket No. 14-14, Notice of Ex Parte Communication*

Dear Ms. Dortch:

On October 10, 2014, Gordon Smith, Robert Weller, Patrick McFadden and the undersigned of the National Association of Broadcasters ("NAB") had separate meetings with Commissioner O'Rielly and his Legal Advisor, Erin McGrath, Commissioner Pai and his Chief of Staff, Matthew Berry, Clint Odom, Policy Director for Commissioner Rosenworcel, and Commissioner Clyburn and her Chief of Staff and Senior Legal Advisor, Adonis Hoffman, and her Legal Advisor, Louis Peraertz.

During these meetings, NAB discussed the issues in the attached presentation. NAB emphasized that, while the Commission's efforts to preserve population have focused on population losses due to interference, interference alone is not a reasonable proxy for population loss. The Spectrum Act directs the Commission to take all reasonable efforts to preserve *population served*, not merely to preserve population served from certain losses due to interference. Failing to protect broadcasters and viewers from service losses due to channel changes in repacking is inconsistent with the Spectrum Act, and risks depriving hundreds of thousands of Americans of over the air television service.

NAB urges the Commission to consider the reasonable alternatives for preserving population served set forth in the attached presentation. We remain eager, as always, to work with the Commission staff to ensure a timely and successful incentive auction that is fair to all parties and that benefits the American public.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan  
Executive Vice President, Strategic Planning  
National Association of Broadcasters

cc: Commissioner O'Rielly  
Commissioner Pai  
Commissioner Clyburn  
Erin McGrath  
Matthew Berry  
Adonis Hoffman  
Louis Peraertz  
Clint Odom