

TIM MURPHY
18TH DISTRICT, PENNSYLVANIA

COMMITTEE ON ENERGY AND COMMERCE
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Congress of the United States
House of Representatives
Washington, DC 20515
October 7, 2014

1082

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Honorable Wheeler,

I am writing to inquire about the Petition for Reconsideration filed by The Videohouse, Inc., a television station and production company broadcasting in Southwestern Pennsylvania. It is my understanding that Videohouse has concerns about the impact of the Commission's recent ruling on its Class A license (WOSC-CD, Channel 26, Pittsburgh, Pennsylvania, Facility ID No. 66636), and the station's ability to participate in the upcoming broadcast incentive auction. Some of the concerns put forth by Videohouse in their petition may place WOSC-CD in an unfair position leading up to the auction.

Thank you again for your attention to this matter, and giving the Videohouse petition your full and fair consideration. I stand ready to answer any questions or provide additional assistance.

Sincerely,

Tim Murphy
Member of Congress

TM:bdg



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 10, 2014

The Honorable Tim Murphy
U.S. House of Representatives
2332 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter regarding the Petition for Reconsideration filed by your constituent, The Videohouse, Inc., in the Commission's Incentive Auction proceeding (GN Docket No. 12-268). Your letter will be inserted into the record of the proceeding.

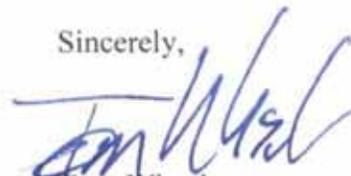
In the *Incentive Auction Report and Order*, the Commission determined that it would not use its discretion to extend repacking protection to formerly "out-of-core Class A-eligible LPTV stations" that did not file for their initial Class A license before February 22, 2012, the enactment date of the Spectrum Act. *See Report and Order*, GN Docket 12-268, 29 FCC Red. 6567, 6671, ¶ 234 (2014). The Commission further explained that these stations were required to file for an in-core channel by September 1, 2011, and at that time could also have filed for Class A status. *Id.* at n. 724. As such, stations in this category are not entitled to mandatory preservation under the Act, and the Commission found that extending protection to them now would limit its flexibility in the repacking process. While the Commission did grant one exception, it was to a station that had made repeated efforts to convert to Class A status over the course of decade. *Id.* at ¶ 235.

Your constituent's station, WOSC-CD, is one of these formerly out-of-core Class A-eligible stations that did not seek Class A status prior to February 22, 2012, and under the *Report and Order*, is not eligible to participate in the auction and will not be protected in the repacking process. However, given that WOSC-CD received its Class A license after enactment of the Spectrum Act, it may apply for a new channel during one of the advanced filing opportunities for alternative channels to be established after the auction. *See Id.* at ¶ 234.

Please be assured that your constituent's Petition for Reconsideration will be reviewed and provided fair consideration, per your request. In addition, I have asked staff from the Office of Legislative Affairs to keep your office updated on the status of the reconsideration petition.

Again, thank you for your letter. I appreciate hearing your views.

Sincerely,



Tom Wheeler