



**LPTV**  
**SPECTRUM**  
**RIGHTS**  
**COALITION**

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**Via ECFS**

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

**Re: Ex Parte Meeting Regarding GN Docket No. 12-268: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions**

Dear Ms. Dortch:

The LPTV Spectrum Rights Coalition, (the “Coalition”), met on October 22, 2014 with the following members the Incentive Auction Task Force (IATF) including: Chair Gary Epstein, Media Bureau Chief William Lake, Video Division Chief Barbara Kreisman, and staff members Mary Margaret Jackson, Michelle Carey, Julissa Marengo, Joyce Bernstein, and AJ Glusman.

We discussed the following items:

1. **An update of the activities of our Coalition in providing a forum for the 1850 LPTV and TV translator licensees** to discuss their concerns with the Incentive Auction process. The Coalition shared that the LPTV licensees were very confused and needed clarity on many issues, and access to better data, in order to make timely and informed comments into the process.
2. **A request for data related to Class-A licensees which are considered “not eligible for the auction”, as described in the Incentive Auction Report and Order.** The Coalition asked yet again for the list which the Video Division used to make its’ claim in the Report and Order that more than 100 Class-A’s are not eligible for the auction. When directly asked about this Video Division Chief Kreisman said she did not have the list, did not have the resources to have a list created, and to have all of those Class-A’s call her. The Coalition responded that if she had the resources to field over 100 phone calls she had the resources to produce a list.

3. **The Coalition described a Freedom of Information Request it had made for the mailing list of Class-A licensees sent the Greenhill Book.** In that list there are over numerous LPTV licensees that did not have Class-A licenses, and from a check of the records, there were long standing Class-A licenses that were not sent the Book. When asked about this Chief Kreisman said she was not responsible for that mailing list. We ask, if not the Video Division, then which part of the FCC put together the mailing list?
4. **The Coalition asked if the highly anticipated LPTV LEARN event was a request into the Commissioners for approval.** Media Bureau Chief Lake said that it was not going to the Commissioners and would be handled directly the IATF and Media Bureau. When asked if it would happen before or after the 2014 holiday season, the response was they did not yet know.
5. **For the third time the Coalition made a request for the IATF “work product”** which backs up the claim, first put forth in the 2012 Incentive Auction NPRM, and again in the 2014 Incentive Auction Report and Order which states that the FCC has the authority to include LPTV in the Auction but chooses not to because it would not be of any value to the auction. The Coalition asked all in attendance in the meeting if they had seen an economic analysis, economic model, or spread sheet, which compared LPTV in the auction or LPTV not in the auction. Both Chair Epstein and Chief Lake were asked directly if there were any of these. Staff members in attendance said they had not seen any of these, and Chair Epstein and Chief Lake said none had been done.
6. **The Coalition updated the IATF that the Congressional asked for GAO study on LPTV impacts from the Incentive Auction had been accepted by the GAO and was scheduled to start in January.** We discussed that the 2011 LPTV DTW impact study by GAO took 11 months to complete and that we all hoped this new study would not take so long, and be done before the auction itself.
7. **The Coalition then discussed the proposed Digital Replacement Translators, and asked what the justification of the expansion of this service was.** It also asked about how new DRT applications would happen at the same time as the LPTV displacement applications and would the DRT’s have priority over LPTV. Video Division staff explained that the DRT’s would be limited in scope, but could be filed for any time, even years later. They further said that the DRTs could displace LPTV stations, but the DRT applications would have to prove there was a need for them, and that they could not in the future be converted into LPTV stations. The Coalition asked why the primary stations could not just use an on-channel, or a single frequency solution. Chief Lake said all of the rule video rules would have to be changed when the new standard came out.

Respectfully submitted,

Mike Gravino, Director  
LPTV Spectrum Rights Coalition  
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