



**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: Supplement to Petition for Reconsideration in 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"), has new facts which relate to the Proceedings which have been discovered since the last opportunity to present such matters to the Commission; and, these facts were could not have been known through the exercise of ordinary diligence prior to the last opportunity to present such matters to the Commission.

These facts are:

**1. 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 requested this 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. We learned through direct question and answers in an ex parte meeting with the Incentive Auction Task Force and Video Division, that neither the Division, nor the Task Force, had the list, and that the Video Division did not have the resources to have a list created. Because this revelation occurred after the deadline for submission of Petitions for Reconsideration we

want to get this into the record of the Proceedings.

2. **We have learned from an examination of the interference studies conducted by the FCC, which have become the underlying basis of the recently released Greenhill Book of valuations in the auction, that a discrete set of auction eligible Class-A stations were used to conduct the studies.** This creates the impression that indeed the FCC's Video Division did know which Class-A licenses were auction eligible, and chose to not make this list available.
3. **We have also learned that a discrete set of auction ineligible Class-A stations was used to provide data to conduct the FCC auction interference studies.** This can mean that either the Video Division is confused about their research, or that the FCC's Consolidated Database System (CDBS) is not providing accurate data to other Divisions, or the public. Because this revelation occurred after the deadline for submission of Petitions for Reconsideration we want to get this into the record of the Proceedings.
4. **Based on the above newly understood facts, the determination of which Class-A licensees are qualified as auction eligible is confusing.** From the review of the FCC auction interference studies, it would seem that in the Pittsburgh, PA DMA, WOSC-CD (listed LD in the studies) is auction eligible since it is part of the studies and simulations. However, stations with similar Class-A filings, such as WPTG-CD and WBOA-CD should also be eligible, but are not listed as part of the interference studies. The record shows that WOSC-CD and WPTG-CD received their Class-A status on the same day. To make matters even more confusing, while WOSC-LD (now CD) is listed as part of the interference studies, it did not receive a letter from the FCC nor a printed copy of the Greenhill Book when it was sent out via the mail to auction eligible licensees. The Coalition obtained through a Freedom of Information Act request the mailing list of which Class-A licensees were sent out the Greenhill Book. That list is confusing, as some on it seem to not have any Class-A licensed stations.
5. **The lack of Incentive Auction Task Force (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 during an ex parte meeting with the IATF if they had conducted an economic analysis or developed an economic model that compared LPTV in the auction vs. LPTV not in the auction. IATF staff declared that none had ever been done. Because this revelation occurred after the deadline for submission of Petitions for Reconsideration we want to get this into the record of the Proceedings.

All five of the above-mentioned facts are directly related to our Petition for Reconsideration, have material bearing on what we did petition for and would have petitioned for reconsideration of, in the Proceedings.

Respectfully submitted,

Mike Gravino, Director  
LPTV Spectrum Rights Coalition

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