

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Expanding the Economic and Innovation ) GN Docket No. 12-498  
Opportunities of Spectrum Through Incentive )  
Auctions )

To: The Commission

**PETITION FOR LEAVE TO FILE SUPPLEMENTAL  
PETITION FOR RECONSIDERATION**

Comes now, Abacus Television, Pro Se, and respectfully requests leave to file an out of time Petition For Reconsideration in the above referenced proceeding. Abacus Television has become aware of certain facts, enumerated below which greatly effect Petitioners assessment of the correctness of the decisions adopted in the Report and Order in GN Docket No. 12-498 (released June 2, 2014). These newly discovered facts could not have been known by Petitioner before the September 15, 2014 deadline for Petitions for Reconsideration, as they were contained in disclosures made by Commission officials after the September 15, 2014 deadline. Accordingly, Abacus Television respectfully request leave to file its Petition for Further Reconsideration, also filed this date.

In its Report and Order in GN Docket No. 12-268, at paragraph 355, Note 1053 the Commission concluded that it should not protect LPTV stations that were eligible for a Class A license but that did not file an application for such license until after February 22, 2012. Furthermore, in paragraph 194 the Commission concluded that it would not protect modified facilities of Class A stations that were authorized by construction permits granted April 5, 2013. At paragraph 226 explained this decision by concluding that:

“We will not exercise our discretion to extend protection in the repacking process beyond the facilities discussed above. Doing so may encumber additional broadcast spectrum, increase repacking constraints, and undercut our ability to repurpose spectrum. We conclude that these concerns outweigh other considerations with regard to facilities that are not entitled to mandatory protection or addressed above. Below, we specifically address our decision not to afford protection to ... out-of-core Class A-Eligible LPTV stations ... .”

The Report and Order supported this finding of additional broadcast spectrum being encumbered and the number of repacking constraints being increased in (large) part because there were:

“There remain approximately 100 formerly out-of-core Class A-eligible LPTV stations that obtained an in-core channel but did not file for their Class A license until after February 22, 2012 or have not yet filed for a Class A license.” Report and Order at paragraph 232.

On Oct 30, 2014, Petitioner was forwarded a copy of an email from Mike Gravino, Director of LPTV Spectrum Rights Coalition, which stated that he had confirmed “that the FCC/IATF/MB/VD never created any list of “more than 100” Class A’s not eligible for the auction. I got this directly from the OET staff which was recently been asked for the a (sic) list from the VD.” Mr. Gravino further stated that at “the IATF meeting I had last week ... [the Video Division Representative] could not ... produce the list.” This newly learned fact that the Commission did not have on hand a factual basis for its decision to exclude certain Class A stations and certain coverage areas from auction consideration, facts which the Petitioner could not with due diligence, have known before the deadline for Petitions for Reconsideration, dramatically changes the scope of reconsideration Petitioner believes is appropriate in this proceeding.

Accordingly, Abacus Television respectfully requests leave to file a supplement to its Petition for Reconsideration. In the alternative, if the requested is not granted, Abacus Television requests that its supplement be entered into the record as an ex parte presentation.

Respectfully Submitted,

**ABACUS TELEVISION**

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