

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Expanding the Economic and Innovation) Docket No. 12-268
Opportunities of Spectrum through Incentive)
Auctions)

To: The Commission

**MOTION FOR LEAVE TO FILE SUPPLEMENT
TO PETITION FOR RECONSIDERATION**

Free Access & Broadcast Telemedia, LLC (“FAB”), by counsel, hereby respectfully requests leave pursuant to FCC Rule 1.429(d) to file the accompanying Letter addressed to the Honorable Tom Wheeler and the Honorable Dr. Winslow Sargeant (“Letter”) to supplement the record in the above-captioned proceeding. In support thereof, the following is submitted:

1. The Petition for Reconsideration deadline in this proceeding was September 15, 2014, and the Reply to oppositions was due November 24, 2014. Although previously requested by FAB in its Reply, the record continues to fail to show that the Commission transmitted to the Small Business Administration (“SBA”) information relating to the Initial Regulatory Flexibility Act (“IRFA”) and Final Regulatory Flexibility Act Analyses (“FRFA”). It is not clear that the SBA is aware of the inaccuracies in the IRFA and FRFA since the record does not identify what the SBA has been sent to review. The accompanying Letter sets forth the need for inclusion of that information in the record and points out the current inaccuracies and inconsistencies between the IFRA and the FRFA for the record.

2. The Commission made available on October 1, 2015, after the petition deadline, the *Incentive Auction Opportunities for Broadcasters: Prepared by the Federal Communications*

Commission by Greenhill,¹ which has not yet been entered into the docket. FAB requested in its Reply filed November 24, 2014, that the Greenhill report be included in the record. SBA needs to review this document, along with the underlying analysis of impacts directly affecting thousands of small-business Low Power Television (“LPTV”) licensees, if it has not already received it. As a result, FAB submits the accompanying Letter to the SBA Chief Counsel for Advocacy and to the FCC Chairman asking for the report and the LPTV-specific results to be included in the record for consideration by SBA.

3. FAB recently learned that the Commission’s staff revealed during an *ex parte* meeting with another party on October 22, 2014, after the petition deadline, that no backup analyses exist on the cost impact to LPTV licensees or benefit-cost of LPTV auction participation.² The accompanying Letter points out to the SBA’s Chief Counsel for Advocacy the need for the FCC to conduct those analyses as part of its obligations under the Regulatory Flexibility Act, with the assistance of SBA’s economists if need be.

Acceptance of the Letter will serve the public interest by allowing the record to reflect a full recitation of the facts, as well as omissions and inaccuracies in the record that need to be reconciled. Because the Commission has not yet acted on FAB’s Petition for Reconsideration, acceptance and consideration of this Letter will not delay the proceeding.

Based on the foregoing, FAB requests that the Commission grant this Motion for Leave and accept the accompanying Letter for the record in this proceeding.

¹ Available at <http://wireless.fcc.gov/incentiveauctions/learn-program/docs/ia-opportunities-book.pdf> (last visited December 11, 2014).

² See *Ex Parte* notice by the LPTV Spectrum Rights Coalition, filed October 30, 2014 at <http://apps.fcc.gov/ecfs/document/view?id=60000977233> (item 5) (last visited December 13, 2014).

