



**LPTV
SPECTRUM
RIGHTS
COALITION**

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Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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:

Michael Gravino, Director of the LPTV Spectrum Rights Coalition, (the "Coalition"), met on December 19, 2014 with the following members of the FCC Incentive Auction Task Force: Gary Epstein, Chairman; Howard Symons, Vice-Chairman; William Lake, Media Bureau Chief; Barbara Kreisman, Video Division Chief; Dorann Bunkin, Associate Division Chief, Special Counsel; Kevin Harding, Associate Division Chief; and A.J. Gusman, Task Force Legal Advisor. Also in attendance were Erwin Krasnow, Partner, Garvey Schubert Barer, representing Coalition member FAB Telemedia; and Peter Tannewald, Counsel, Fletcher, Heald & Hildreth, representing Coalition members WatchTV, Inc., DC Broadcasting, Inc., and Syncom Media Group, Inc.

We discussed the following items:

1. Update On Previous Coalition Requests
 - a. Has An LPTV Auction Inclusion Economic Study Been Done?
 - i. **The Task Force answered no.**
 - b. Has The List of 100 Ineligible Class-A's (as detailed in the Report and Order) Been Created?
 - i. **Video Division answered no. Note, this is the third request for this information, which the Video Division should have an obligation to provide, since it made this claim in the Report and Order.**

2. Clarifications

- a. Is Puerto Rico, the Territories part of the Auction?
 - i. **Yes, information was added to the LEARN webpage, and reflects the EA's, economic areas. So yes, these areas are part of the auction.**
- b. What is the Recon Petition Completion Schedule?
 - i. **An omnibus recon is estimated sometime Q1-2015 once another process has concluded**
- c. When will be the LPTV LEARN Session?
 - i. **Estimated now to be 2nd half of February 2015**

3. Guard Bands

- a. Why the 11-MHz and not a 6/5? Wouldn't this allow for another TV channel?
 - i. **Told to refer to paragraph 93 in the R&O**
- b. Why the 9-MHz and not a 6/3?
 - i. **Told to refer to paragraph 93 in the R&O**

Coalition Commentary: There is nowhere in the enabling legislation where it says that the unlicensed community should get a guaranteed amount of spectrum via the guard band. By increasing the size of the guard band between TV and LTE the FCC could effectively be taking a TV channel away in many markets. (see attached diagrams)

Also, the FCC says that there will be a "naturally occurring TV white space channel" in each DMA. We could not in this meeting get an adequate explanation of what this means and how this was figured out. Note, if this means that the FCC has done a DMA x DMA analysis of the channels which will be available for LPTV and TV translators, we were told this that it was not done. The Task Force specifically said in the meeting that they have NOT done any LPTV and TV translator analysis to see if they could fit into the remaining UHF channels in each DMA. So the Coalition asks: If you can not tell if the licensed LPTV and TV translator stations will have enough channels to repack into, how you possibly say that there will be a naturally occurring TV white space 6-MHz channel in each DMA? By attempting to provide guaranteed channels for unlicensed TV white space services, the rules governing LPTV are being changed, which the Spectrum Auction Act specifically prohibit.

4. Coalition Requests

In order for the LPTV industry to adequately respond to the LPTV NPRM we need the following information and research supplied to us as soon as possible. This related specifically to question #59 in the LPTV NPRM:

- a. Spectrum Clearing Targets identified by each DMA
Based on the Greenhill pitch book assumptions

The Task Force responded by saying THAT THERE IS NO LINKAGE BETWEEN THE DMA INTERFERENCE SIMULATIONS THEY RAN, AND THE CONCLUSIONS OF THE GREENHILL PITCH BOOK. The Coalition finds this hard to understand in that; the Greenhill book analysis is

TOTALLY BASED on the interference each station could provide to the repacking optimization. And that this could explain why a Class-A station in San Diego could be worth, at least according to the Greenhill analysis, some \$230 million.

b. LPTV New Channel Assignment Simulations

DMA-based for each of the 25 interference runs. **The Coalition requested that the FCC run NOW repacking simulations for each DMA for how LPTV and TV translators could be repacked. It is unfair for the industry to not have this done and to not know the potential impacts.**

There was discussion of the fact that nationwide, LPTV and TV translator licensed stations and new construction permits totaled as many as 2,650 between channels 51-38. The Coalition further explained that this comes to about 15,900 MHz of spectrum, or about 90% of the spectrum needed for the 84-MHz clearing target, which the FCC is now using as a base model. Most importantly the Coalition questioned why the FCC could not simply displace these LPTV licensees and permittees, and then just do an auction for that remaining 10% of the channels nationwide. This could be done quickly, and the damage to the LPTV and TV translator industry could be limited to that repacking from 36 and below.

The Task Force did not believe that they could do what the Coalition suggested, nor was it feasible. The Coalition offered to provide the Task Force with a detailed analysis of this alternative auction design.

Attached are the two diagrams, which we used in the meeting.

Respectfully submitted,

Mike Gravino, Director
LPTV Spectrum Rights Coalition
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