



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
MCLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

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Ari Meltzer
202.719.7467
ameltzer@wileyrein.com

BY ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268
Broadcast Incentive Auction Comment Public Notice Auction 1000, 1001 and 1002, AU Docket No. 14-252

NOTICE OF ORAL EX PARTE PRESENTATION

Dear Ms. Dortch:

On Tuesday, January 6, 2015, Preston Padden, Executive Director of the Expanding Opportunities for Broadcasters Coalition (the “Coalition”), met with Gary Epstein (IATF Chairman), Howard Symons (IATF Vice Chairman), William Lake (MB Chief), Melissa Dunford (WTB), AJ Glusman (IATF), Mary Margaret Jackson (IATF), and Sasha Javid (WTB). A representative of the licensees of auction-eligible television stations and Ari Meltzer of Wiley Rein LLP participated telephonically.¹

During the meeting, the participants discussed the proposals in the Auction Comment Public Notice regarding opening prices to broadcast stations, dynamic reserve pricing (“DRP”), and reverse auction transparency. On opening prices, Mr. Padden argued that the Commission cannot justify from a legal or policy standpoint offering vastly different starting prices—prices hundreds of millions of dollars apart in many cases—to stations with nearly the identical impact on clearing spectrum. On DRP, the Coalition representatives stressed that the solution proposed by the Commission is overly complicated and will introduce unnecessary impairment and potential inter-service interference to the auction and the post-auction 600 MHz

¹ Pursuant to the Media Bureau’s February 28, 2014 public notice (DA 14-268), broadcast participants may participate in meetings with Commission staff to discuss incentive auction matters without disclosing their identities. The members of the Coalition own both full power and Class A television stations in a number of markets, including stations in several of the ten largest DMAs.

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band. Finally, on transparency, the Coalition representatives explained that while they understand that there may be a valid justification for restricting the release of some *limited* amount of information during the reverse auction, the Commission should adopt rules consistent with its recognition of the need to provide broadcasters with the information they need to make sensible business judgments and an opportunity for price discovery.

Mr. Padden explained that the Coalition is developing alternative proposals on each of these issues that will enable the FCC to conduct the auction as planned in 2016, clear 126 MHz in the reverse auction, and produce substantially greater public welfare than the proposals set forth in the Auction Comment Public Notice.

Respectfully Submitted,



Ari Meltzer
Counsel to the Expanding Opportunities for Broadcasters Coalition

cc (via e-mail):

Gary Epstein, Howard Symons, William Lake, Melissa Dunford, AJ Glusman,
Mary Margaret Jackson, Sasha Javid