

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

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations)	MB Docket No. 03-185
)	
Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions)	GN Docket No. 12-268
)	
Amendment of Part 15 of the Commission's Rules to Eliminate the Analog Tuner Requirement)	ET Docket No. 14-175
)	

To: The Commission

REPLY COMMENTS OF EICB-TV EAST, LLC

Adrienne J. Weiss respectfully submits these Comments in the above-captioned proceedings in response to the Third Notice of Proposed Rulemaking (“3rd NPRM”). EICB-TV EAST, LLC (“EICB-EAST”) owns and operates dozens of Low Power Television (LPTV) stations across the United States.

I believe the FCC should be commended for encouraging women to innovate and enter small businesses that serve the public through investments in female controlled LPTV stations. The FCC should also be recognized for succeeding in releasing the American spirit of so many small businesses and creative entrepreneurs as are now found throughout the LPTV community. As a female broadcaster and the majority shareholder of our broadcast enterprise, I share the same concerns that many women face in today's society. I am the mother of six children and grandmother of twelve. Like countless other women, my primary concern relates to families. Many of us believe that unwholesome media influences have had a detrimental impact on families across our nation. Our mission has always been to bring hope and encouragement to people who have lost hope or become discouraged. The LPTV stations that we have built and licensed achieve these goals.

Growing up in the Midwest, our family may not be like the folks who make the rules in Washington, DC. For example, we have never had cable or satellite television in our home. We did not

want our family to be influenced by so many negative images or immoral attitudes. We were taught that vulgarity shouldn't be common. And we were simple enough to enjoy the benefit of having free TV so our disposable income could be used for more enduring purposes like charity or retirement savings. Perhaps such values are no longer mainstream. But hearing about some viewing trends suggests that something nasty may have been dumped into the mainstream media. As a mother and a TV broadcaster, I am glad that the FCC still regulates broadcast television. TV is supposed to be safe for the family.

I do worry that if wireless moguls or internet geniuses take our spectrum, they will be allowed to dump anything they want into the water. That may enrich corporations, but I do not believe it will help American families find their lost bearings. I hope the FCC continues to protect the airwaves from those who would ignore family values in the pursuit of immoral behavior. Strong families will create more stability in our nation than could ever be purchased through the auction proceeds received from heartless monopoly. The corporate giants that would repeatedly incite the slaughter a mom & pop LPTV operation or a church-run broadcast station, many of whom seek to innovate and provide new interactive programming services, in order to snag a slice of their spectrum truly are not a friends to their local community.

With the creation and repeated promotion over the years of the LPTV industry, the FCC has helped many American communities receive important free over-the-air television services upon which many lower income families now depend. This large segment of the population, estimated to be in excess of 55 million viewers nationwide, encompassing over 17%, (seventeen percent) of the U.S. population. This significant “minority” is often underserved, and it was an important effort *directly stimulated by the FCC over the recent many years to encourage LPTV stations to expand* the services provided to communities so that those who are unable to afford expensive cable, satellite, or other costly subscription services would not be deprived of information, entertainment, educational programming, or the inspirational and religious programming that the FCC wisely anticipated would become available to viewers through the development of LPTV stations. The FCC should also be recognized for its past

success in serving non-English speaking residents through the proliferation of myriad multi-cultural and foreign language stations represented across America by the LPTV industry.

Finally, the FCC should also be recognized for the past success achieved through its active partnership with the LPTV industry, as so many large numbers of *LPTV licensees have been encouraged by the FCC, just as it has also recently and similarly done in heavily promoting the virtues of community-based Low Power FM Radio (LPFM), to take the leap of faith into the future by investing in expensive equipment, hardware, software, and the capital intensive expenditures required by LPTV stations to deliver the high quality digital services that are now provided by thousands of LPTV stations across America.*

Although many LPTV operators were skeptical of the digital future, the FCC did a tremendous job of helping our industry understand the wonderful opportunities that exist through providing the high quality services that can now be seen in most American cities through the expanded services freely provided by LPTV stations through digital technologies, multicasting various streams of programming, and exciting new services that will soon be provided by innovative television broadcasters that adopt the new ATSC3.0 standards.

Most of the many LPTV operators that I know look forward to providing new services to our communities as soon as the new standard is finalized and we are unshackled from the restrictive standard currently in place. The FCC should also be commended for encouraging such innovation and for insuring that true competition will exist for the benefit of consumers and for the development of the highest and best uses for broadcast TV spectrum.

As a progressive LPTV broadcast entity, EICB-TV EAST, LLC was quick to embrace digital technologies and multicast capabilities to provide more and better free services to the communities where we serve the public. We look forward to expanding, along with the entire industry as new and better capabilities enable us to provide even more dramatic and beneficial interactive and richer broadcast services to the public if only the FCC finally relents and allows us to be unleashed to innovate.

This is the American way, and we commend the FCC in the past for allowing and encouraging LPTV broadcasters like us to pursue the American dream. Our unrelenting dream is to delight American families with our programming and new services as we deliver Christian inspiration and encouragement. After all, the acronym of our name stands for Excellence in Christian Broadcasting (EICB). We want to influence viewers to find hope and faith. We believe that with hope and faith, struggling families can climb out of despair. Our LPTV stations deliver entertaining, educational, creative, inspirational programming to viewers for free. And we did all this, and with much continuing financial risk, with great joy and enthusiasm, and much appreciation to the FCC for this privilege to serve the public. Thank you!

The successful creation of thousands of LPTV and Translator stations is proof that the FCC had a great and implemented a great idea. The entrepreneurial LPTV industry has led to the creation of many new jobs and services. And as expected, LPTV broadcasters now deliver free benefits to millions of Americans every day through LPTV stations that would never have been built had the FCC not created the path for the "little guys" to finally catch a break and share in the American dream. The FCC did a remarkable job. The prolific services now freely provided by thousands of LPTV broadcasters and Translator TV stations is self-evident proof. My husband and I want to thank the FCC for having created the LPTV industry for us "little guys."

The FCC did a great job encouraging and enabling many of us to build LPTV stations. The FCC successfully *encouraged us* to convert our analog stations into digital stations. I believe it is now the FCC's continuing duty to protect our LPTV stations at this crucial time, not to forsake us.

I. EICB-EAST asks the FCC to clarify how it will not forsake LPTV in repack by selling spectrum beyond what it bought and sold in the auction Congress envisioned.

I am confident that nobody at the FCC believes it would be O.K. for the FCC to destroy our business or to silence our voices. Certainly the FCC would not want to stop us from fulfilling our ongoing covenant with the public. It is in that spirit, and consistent with Paragraph 59 of the 3rd NPRM that seeks added ideas on protecting LPTV, that I must ask the FCC to promptly clarify how it intends to make sure that we don't become collateral damage in any spectrum auction or repack. Everyone can

agree that the wireless industry has been enormously successful. Certainly they could not expect to be enriched through the intentional destruction of the LPTV stations which EICB has licensed and built.

Therefore, it is important that the FCC explain how we will be protected and not damaged through any plan that would unintentionally enhance the wireless industry at our expense to threaten our very existence. I enjoy the use of my cell phone when it is working. But unless service is better in Washington, DC, there are times I want to throw it in the river too. Every company, just like those in LPTV, faces pressures to deliver a quality product. But this is an appropriate time to mention that if that river was about to overflow, it would probably be our local TV station that warned us of the coming flood. And unlike my cell phone, whenever I need my television, it works, including reception of our stations.

Today, I must now ask the FCC to protect us entrepreneurial and diverse "little guys" in LPTV. I must also remind the FCC that the American public is well served by the wonderful example of innovation and free market investment that was stimulated through the FCC's invitation to churches, religious groups, schools, local governments, small businesses, and individuals (like my husband and me) who have followed the creative agenda developed by the FCC for us "little guys" to pursue the American dream in the American way to compete and be free to innovate.

Our efforts serve local communities are precisely in the manner envisioned by the FCC according to the description detailed from the FCC's own words:

"LPTV stations are operated by diverse groups and organizations - high schools and colleges, churches and religious groups, local governments, large and small businesses and individual citizens. LPTV modes of operation and programming vary widely. These include satellite-delivered programming services, syndicated programs, movies and a wide range of locally-produced programs. LPTV stations sometimes tailor program segments or entire schedules to specific viewer groups (on the basis of age, language or particular interest)."

(See FCC website site-- <http://www.fcc.gov/guides/low-power-television-lptv-service>.)

II. We call upon the FCC to not take our stations, to use great care and grant deference in its repack methods, and rather to provide relocation reimbursement post-auction, all of which are within its power today.

I hope someone at the FCC takes into account that our LPTV stations, like so many others, were built by investing much of our life savings. That is how the “little guys” often get things done. But the idea that our stations could now be taken without compensation doesn't seem possible in America. And should the proposed repack lead to any of our licensed LPTV stations being taken to some way enhance the income statements of monopolies or giant corporations, that would seem to signal the end of the America most of us love.

The independent voices of diverse groups and organizations, schools, churches and religious groups, local governments, large and small businesses and individual citizens--such as me and my husband, should not be silenced! A nation built on Judeo-Christian values must never have those values silenced in the marketplace of ideas if men and women of faith remain willing to build and broadcast through stations like those operated by EICB.

The LPTV services we provide are authorized by broadcast licenses that are secondary only to full service and Class A TV broadcasters. In the last auction we agreed to move and at our own expense, but the situation then was completely different than today: Now there is no more room for us just to relocate to without some assurance or clarifications from the Commission on repack. And everyone recognizes that new licensees do not automatically trump and extinguish any bona fide licensee.

In addition, we already paid once to relocate. Lacking technical flexibility and the freedom to innovate we cannot afford that ever again. We seek relocation reimbursement that is within the Commission's authority to grant. It is true Congress offered relocation to larger broadcasters, but it never explicitly denied LPTV at similar treatment would never be possible. The Commission has the authority to do the right thing.

Our licenses, and the construction permits that we were issued, are pursuant to the settled rules of the FCC. The regulations and practices established that define our secondary status are also through the Media Bureau. The FCC Wireless Telecommunications Bureau did not issue our licenses, and we urge

the Commission not to turn a blind eye to the repeated statements of LPTV's secondary status to other TV stations only, not to any manner and number of new licensees the Commission may now let to new entrants, or gift to unlicensed new services. Neither were we evaluated as secondary services to wireless providers when invited to build our LPTV stations to serve the public. When we were asked to invest tremendous amounts of money to convert our stations from analog to digital service, it was through the Media Bureau that assured us that our authorizations were secondary services according to well-defined standards.

“LPTV stations have 'secondary spectrum priority' to full-service stations. This means LPTV stations must not cause interference to the reception of existing or future full-service television stations, must accept interference from full-service stations, and must yield to new full-service stations where interference occurs.” (See FCC website site -- <http://www.fcc.gov/guides/low-power-television-lptv-service>.)

EICB serves the public through multicasting family entertainment and religious programming that is not otherwise available as free content to many of the markets served by our stations. Likewise, we seek to tailor program segments and, in many cases, entire schedules to specific viewer groups and people of faith that would be underserved if our LPTV services were discontinued because of the proposed spectrum repack.

Congress specifically provided for the protection of LPTV stations stating that nothing in the repacking provision "shall be construed to alter the spectrum usage rights of low-power television stations Congress never intended for any person or agency to wipe out existing licensed LPTV broadcasters who were serving the public in order to create wholly new licenses for those eager to seize and usurp our productive in-use spectrum.

Our current spectrum usage rights are easily identifiable through widely used industry standards recognized by the FCC. Our current LPTV licenses and/or LPTV Construction Permits allow us to broadcast within our specific 6MHZ at least one program stream, or as many program streams as we deem practical. The spectrum usage rights licensed are to present these program streams to a protected contour engineered with known population estimates based on accepted Longley Rice contour studies done in accordance with FCC OET Bulletin 69. These licenses and permits are subject to interference

only from full power broadcast television stations. There should be no other licensed or unlicensed users that can diminish our bona fide and existing spectrum usage rights. If there were, the FCC would have informed us before we acted on the implicit promises of the agency that authorized in writing our extensive investments into the communities where we were licensed to serve the public through free over-the-air television broadcasts.

After the repacking, we are forced to move to another channel, that move should not again be done at our own expense. But neither the repacking nor the costs of relocating after the spectrum auction should cause the FCC's processes to silence any of our LPTV stations or hinder us from continuing to fulfill our mission to bring hope and encouragement to our communities. It is imperative that the FCC protects all licensed LPTV stations. Congress has insisted that our spectrum usage rights must be preserved. The FCC has both the legal and the moral obligation to protect honest licensed LPTV broadcasters, and the expense of another forced relocation.

It has also been suggested that the FCC may intend to take the valuable spectrum that we have licensed away from us so that it can be given to unlicensed users for free. That sounds impossible, but the plan put forth by the FCC states it will indeed happen. The subtle transmutation and seeming conversion of our licensed broadcast spectrum into "white space" at the instigation of Microsoft or Google would mean leaders in America decided to allow small independent licensed businesses to be crushed for the benefit of unlicensed powerful corporate giants. That would suggest that a sea change has come to Washington. I certainly hope things haven't deteriorated to the place where unlicensed, non-paying, non-residents are given enormous beneficial priorities over existing licensed, tax-paying citizens. I realize this is not the same thing. But in the TV broadcast universe, there are 1st class citizens (full powers and Class A stations), 2nd class citizens (LPTV and Translators), and now others seeking use of the longstanding broadcast space wholly outside the mandates of the auction design of the Spectrum Act and also outside the law, not FCC rules, that require any available spectrum to be auctioned not gifted. Even a Commissioner entrusted with (and sworn to) obeying the law is now engaged in overreach that sadly

cannot stand in court. Consider the headline that suggests it could happen in a report entitled *FCC Commissioner Wants More Spectrum for WiFi*, January 27, 2015 at <http://pcitems.altervista.org/>:

“FCC commissioner Jessica Rosenworcel today said the government needs to do a better job of allocating spectrum for unlicensed access, such as WiFi. Rosenworcel, speaking at the State of the Net Conference, emphasized the importance of WiFi and the role it plays in the economy. For example, she noted more than half of Americans have used public hotspots . . . she wants the FCC to commit to freeing up more spectrum for WiFi, such as the white space spectrum in the 600MHz band. Second, she wants the government to change the way it accounts for spectrum, assigning more value to spectrum set aside for unlicensed access.”

See more at: <http://pcitems.altervista.org/fcc-commissioner-wants-more-spectrum-for-wifi/#sthash.MnEnmPB8.dpuf>.

May I suggest that if the Commissioner is right and "half of Americans have used a hot spot," that might be impressive. But just about everyone has used broadcast TV, which is always available for free with no fees, unlike the broadband service provided via WiFi. The net crowd doesn't need to kill LPTV so it can grow.

In conclusion, permit me to ask two obvious questions:

1) If Google, Microsoft, or even Verizon or AT&T needs spectrum, is no one in Washington able to think of a more American lawful way for them to gain access to what they need than to extinguish license rights?

2) Has confiscation and redistribution become the only answer that our Ggovernment can envision?

It simply cannot be just for the most prosperous, giant corporations to be granted "free spectrum" by the FCC at the expense of those small, independent entrepreneurs within the LPTV industry who may be destroyed to accommodate their unwholesome desires through the proposed repack. That was not the intention of Congress. That should not be the result of any action taken by the FCC. The loss of use of valuable spectrum licensed by LPTV broadcasters should never be taken without just compensation.

Respectfully submitted,

 /s/ Adrienne Weiss

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