

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

In the Matter of)	
)	
Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions)	GN Docket No. 12-268
)	
Office of Engineering and Technology Releases and Seeks Comment on Updated OET-69 Software)	ET Docket No. 13-26
)	
Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services)	ET Docket No. 14-14
)	

**REPLY COMMENTS OF BLOCK COMMUNICATIONS, INC., LIMA
COMMUNICATIONS CORPORATION, INDEPENDENCE TELEVISION COMPANY,
WAND(TV) PARTNERSHIP, IDAHO INDEPENDENT TELEVISION, INC.,
AND WEST CENTRAL OHIO BROADCASTING, INC.**

Block Communications, Inc., by its attorneys and on behalf of its subsidiaries Lima Communications Corporation, Independence Television Company, WAND(TV) Partnership, Idaho Independent Television, Inc., and West Central Ohio Broadcasting, Inc. (collectively, the “Block Stations”),¹ hereby submits these reply comments in support of protecting TV viewers

¹ The Block Stations are local operating affiliates of Block Communications, Inc., an integrated media company headquartered in Toledo, Ohio. Lima Communications Corporation is the licensee of WLIO(TV), Lima, Ohio; Independence Television Company is the licensee of WDRB(TV), Louisville, Kentucky and WMYO, Salem, Indiana; WAND(TV) Partnership is the licensee of WAND(TV), Decatur, Illinois; and Idaho Independent Television is the licensee of KTRV(TV), Nampa-Boise, Idaho. West Central Ohio Broadcasting, Inc. is the licensee of Class A television station WOHL-CD, Lima, Ohio, and low-power stations WLQP-LP, Lima, Ohio, WLMO-LP, Lima, Ohio, and WFND-LP, Findlay, Ohio.

from losing television service as a result of the TV spectrum repack that will follow the upcoming TV broadcast incentive auctions.²

I. THE FCC’S CURRENT AUCTION PLANS CREATE UNLAWFUL RISKS TO THE TV SERVICE RELIED UPON BY MILLIONS OF AMERICANS.

The Block Stations have repeatedly emphasized, Congress’s incentive auction legislation explicitly requires the FCC to protect existing TV service for American consumers.³ This is both a statutory directive and basic common sense. Americans rely on the TV broadcasting system for essential news and emergency programming, as well as the most popular types of entertainment and sports programming. Congress directed the FCC in no uncertain terms to fully protect existing television service as it seeks to repurpose some TV spectrum for wireless broadband uses.

Fulfilling Congress’s directive will take time and careful planning – which is why Congress provided the FCC with a full decade to carry out the incentive auctions. And the Block Stations pointed out more than two years ago that the FCC’s post-auction TV repack plans created special new interference risks that must be accommodated before any repack could possibly satisfy the statute.⁴ Nonetheless, the FCC continues to press forward with the auction on an unrealistically accelerated timetable that will not adequately protect average American TV

² See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, *et al.*, *Second Report and Order and Further Notice of Proposed Rulemaking*, GN Docket No. 12-268, ET Docket No. 13-26, ET Docket No. 14-14, FCC 14-157 (Oct. 16, 2014).

³ See Comments of Block Communications, Inc., *et al.*, MB Docket No. 03-185, *et al.*, filed Jan. 5, 2015, at 4; Petition for Reconsideration of Block Communications, Inc., *et al.*, GN Docket No. 12-268, filed Sept. 15, 2014, at 4-6; Reply Comments of Idaho Independent Television Inc., GN Docket No. 12-268, filed Nov. 18, 2013, at n.2; Comments of Lima Communications Corp., *et al.*, GN Docket No. 12-268, filed June 14; at 1-2, 3-4; Reply Comments of Lima Communications Corp., *et al.*, GN Docket No. 12-268, *et al.*, filed Mar. 12, 2013, at 1-5; Comments of Lima Communications Corp., *et al.*, GN Docket No. 12-268, filed Jan. 25, 2013, at 3-7 (the “BCI Jan. 25, 2013 Comments”).

⁴ See BCI Jan. 25, 2013 Comments at 7-10 & Attachment A.

viewers.⁵ The FCC's approach violates the Spectrum Act and endangers the entire incentive auction enterprise. No reviewing court will give the FCC extra points for getting the auction done fast if it fails to adhere to the basic requirements of the Spectrum Act. And the auction and repack as currently contemplated fails the statutory test.

II. THE FCC MUST CHANGE IT REPACK BLUEPRINT BASED ON EVIDENCE IN THE RECORD DEMONSTRATING THAT IT WILL LEAD TO UNACCEPTABLE RISKS OF SERVICE LOSS TO AVERAGE AMERICANS.

The Block Stations are filing these reply comments to highlight its support for the thoughtful comments of the Consumer Electronics Association ("CEA") regarding the risks that the FCC's current auction plan poses every American that uses a DTV receiver.⁶ CEA demonstrates at length that the FCC's current plans for market variability and the comingling of TV and wireless broadband frequencies will lead to intermodulation interference that will compromise DTV signal reception in modern DTV receivers.⁷ In other words, as a result of the FCC's repack plans, the TVs in every American household won't work for over-the-air reception. CEA's research confirms earlier submissions by the Block Stations and some consulting engineers that suggested the same thing.⁸ These issues demand the FCC's immediate attention, and the agency should not move forward with definitive auction plans until it has gotten to the bottom of this problem.

If the FCC ignores these problems now, it will make holding a lawful auction impossible in the future. Neither Congress nor the courts will permit the FCC to complete an auction and

⁵ See, e.g., Gary Epstein, *Incentive Auction Progress Report*, October 24, 2014, available at <http://www.fcc.gov/blog/incentive-auction-progress-report> (stating that auction continues to be slated for early 2016).

⁶ See Comments of the Consumer Electronics Association, GN Docket No. 12-268, *et al.*, filed Jan. 21, 2015 (the "CEA Comments").

⁷ See *id.* at 3-20.

⁸ See n.4, *supra*.

repack that renders millions of television sets useless. And there is no rational way to interpret the Spectrum Act to permit such an outcome. Congress insisted that the FCC protect existing TV service; it did not leave the agency free to adopt a repack plan that would severely impair that service.

As the Block Stations have pointed out in the past, the FCC has more than enough time to get this auction right. Congress gave the agency until 2022 to hold the incentive auction. If it takes that long to protect TV service relied upon by all Americans, then the FCC should take every minute of that time. In any event, now that the potential interference and accompanying service losses are coming to light, the FCC has no choice but to fully investigate these risks. Once these interference problems have been fully investigated, the FCC must make appropriate changes to its auction and repack plans that will preserve current levels of TV service as Congress intended.

III. CONCLUSION

For the foregoing reasons, the Block Stations request that the FCC take the steps described herein.

Respectfully submitted,

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February 5, 2015