

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

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

COMMENTS OF SCHWARTZ, WOODS & MILLER

These Comments are filed on behalf of certain of our television licensee clients that are considering the possibility of entertaining reverse spectrum auction bids to surrender UHF spectrum or spectrum in the high-VHF band (Channels 7-13) and relocating to the low-VHF band (Channels 2-6).¹

VHF channels and in particular low-VHF channels have notoriously poor reception in the digital world. Both the Commission and Congress have recognized their inferiority.² The reduced value of low-VHF channels is reflected in the Commission's tentative proposals for discounting compensation to licensees that are paid at auction to surrender their spectrum and are awarded replacement spectrum in the low-VHF band rather than the high-VHF band. Moreover, it is our understanding

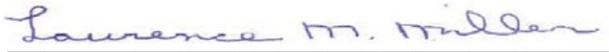
¹ As contemplated in Public Notice DA 12-2040, issued on December 18, 2012, the broadcasters on behalf of which these Comments are filed desire to remain anonymous.

² See, e.g., the provision of the Spectrum Act precluding involuntary reassignments of stations to VHF channels and the VHF Reception Panel report documenting the particular problems on low-VHF channels, http://reboot.fcc.gov/c/document_library/get_file?uuid=b2298da4-bb07-47c0-875f-3945091a4acb&groupId=19001.

from discussions with client station engineering staff that within the low-VHF band the lower the channel the greater the problem. The extreme example, we are informed, is that in some markets Channel 6 may be usable, although far from optimal, while reception of Channel 2 may much more seriously degraded. We therefore suggest that the Commission adopt a protocol for assigning spectrum to willing licensees moving to the low-VHF band that assigns channels as high in that band as feasible.

Respectfully submitted,

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