

March 12, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: **Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, GN Docket No. 12-268, MB Docket No. 03-185, ET Docket No. 14-175**
Ex Parte Presentation

Dear Ms. Dortch:

U.S. Television, LLC ("USTV") has participated in the above-referenced proceedings to defend the rights of low-power television stations identified by Congress in the LPTV Pilot Project Digital Data Services Act (the "DDSA"). The DDSA grants certain LPTV stations the right to use low-power TV spectrum to distribute two-way wireless data services, directing the FCC to maintain a pilot program that authorizes these stations to provide such services to viewers in their services areas.¹

USTV has advocated in this proceeding that the FCC must follow Congress's directive in the DDSA by ensuring that all stations covered by the DDSA have first priority access to displacement channels during the TV spectrum repack that will follow the upcoming TV broadcast incentive auction.²

In previous filings, USTV has emphasized that granting the requested priority will not restrict the FCC's flexibility in the post-auction repack because the statute was designed to protect only thirteen (13) low-power television stations in the entire country. In fact, due to changes in circumstances for some stations since passage of the DDSA, as set forth on the attached summary, grant of the priority requested by USTV (and mandated by the DDSA) actually would require displacement priority for at most nine (9) low-power stations.³ The

¹ See Pub L. No 106-554, 114 Stat. 4577 (Dec. 21, 2000); *See also* Implementation of LPTV Digital Data Services Pilot Project, *Order*, 16 FCC Rcd 9734 (2001); *Order on Reconsideration*, 17 FCC Rcd 2988 (2002); 47 C.F.R. § 74.785.

² See U.S. Television, Petition for Reconsideration, GN Docket No. 12-268, filed Sept. 12, 2014; Comments of U.S. Television, LLC, MB Docket No. 03-185, GN Docket No. 12-268, ET Docket No. 14-175.

³ See Attachment 1. Of the original thirteen stations listed in the DDSA, two stations have had their licenses cancelled (K34FI and K65GZ) and are barred from participation in the DDSA;

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impact of USTV's requested priority for DDSA stations on the FCC's repack flexibility would be trivial, but that priority would preserve future opportunities for a robust low-power data services alternative that Congress deemed important enough to protect and promote by statute. The small number of affected stations argues forcefully for grant of the priority that USTV has requested in this proceeding.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. §1.1206(b)(2), a copy of this notice is being filed electronically in the above-referenced docket.

Respectfully submitted,

/s/

Dean M. Mosely
CEO and President
U.S. Television, LLC
P.O. Box 3042
Jena, LA 71342

and two have converted to Class A status (WSPY-LP and W24AJ). Class A stations do not need protection in the post-auction repack and, in any event, would need to convert back to LPTV status in order to participate in the DDSA, which is unlikely. Since stations in these two categories either are no longer LPTV licensees eligible to participate in the DDSA (K34FI and K65GZ) or do not need protection in the post-auction repack (WSPY-LP and W24AJ), the priority requested by USTV would not extend to these stations. Note that the information included on Attachment 1 is derived from the FCC's CDBS database and have not been independently verified.

ATTACHMENT

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STATIONS LISTED IN DDSA			PRESENT STATUS OF DDSA STATIONS					
Call Sign	Community	FIN	Call Sign	Community	FIN	Service	Licensee	Notes
(A) KHLM-LP	Houston, TX	57189	KHLM-LD	Houston, TX	57189	LD	Lotus TV of Houston LLC	Flash-cut to digital 6/30/2009.
(B) WTAM-LP	Tampa, FL	9027	WTAM-LD	Tampa, FL	168552	LD	TMA TIG LLC	Primary status transferred to digital companion channel FIN 168552 / Analog license FIN 9027 cancelled 1/19/2011.
(C) WWRJ-LP	Jacksonville, FL	39420	WWRJ-LP	Jacksonville, FL	39420	TX	U.S. Television, LLC	No change
(D) WVBG-LP	Albany, NY	74018	WVBG-LP	Albany, NY	74018	TX	Wireless Access, LLC	No change
(E) KHHI-LP	Honolulu, HI	52919	KHHI-LP	Honolulu, HI	52919	TX	U.S. Television, LLC	No change
(F) KPHE-LP	Phoenix, AZ	30885	KPHE-LD	Phoenix, AZ	168602	LD	Lotus TV of Phoenix LLC	Primary status transferred to digital companion channel FIN 168602 / Analog license FIN 30885 cancelled 5/05/2010.
(G) K34FI	Bozeman, MT	55698	DK34FI-D	Bozeman, MT	55698	LD	Bluestone License Holding Inc.	Station license cancelled 08/23/2013
(H) K65GZ	Bozeman, MT	38577	DK44GE	Helena, MT	38577	TX	Wireless Access, LLC	Station license cancelled 05/08/2008
(I) WYOB-LP	Richmond, VA	587	WYOB-LP	Richmond, VA	587	TX	New York Spectrum Holding Co., LLC	Silent since 03/14/2014; LPTV digital pilot project authorization issued by FCC letter dated 5/04/2011.
(J) WIIW-LP	Nashville, TN	26908	WIIW-LP	Nashville, TN	26908	TX	U.S. Television, LLC	No change
(K) Kenai Peninsula Borough, Matanuska Susitna Borough			Identity of FCC determined stations unknown.					
(L) WSPY-LP	Plano, IL	72078	WLPD-CD	Plano, IL	189058	DC	Locuspoint WSPY Licensee, LLC	Class A and primary status transferred to digital companion channel FIN 189058 / Class A analog license FIN 72078 converted to an LPTV analog companion channel 10/07/2011.
(M) W24AJ	Aurora, IL	72079	WPVN-CD	Chicago, IL	168237	DC	Polnet Communications, Ltd.	Class A and primary status transferred to digital companion channel FIN 168237 / Class A analog license FIN 72079 cancelled 01/27/2012.