March 31, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (Docket No. 12-268); Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations (Docket No. 03-185); and Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002 (Docket No. 14-252)

Dear Ms. Dortch:

This letter is to notify you that on March 30, 2015, Patrick Butler, President and Chief Executive Officer, and Lonna Thompson, Executive Vice President, Chief Operating Officer and General Counsel, of the Association of Public Television Stations; and Eric Wolf, Vice President, Technology Strategy and Planning, and Thomas Rosen, Senior Counsel, of the Public Broadcasting Service (collectively, "PTV") met with Commissioner Ajit Pai and Chief of Staff Matthew Berry.

PTV requested the meeting in order to discuss issues of importance to noncommercial educational broadcasters in connection with the upcoming spectrum incentive auction and repacking process. PTV expressed appreciation for the Commission's willingness to adopt a number of regulatory safeguards that protect and preserve public television stations across the country. PTV recommended that the Commission take the following additional three steps to further ensure that the communities served today by public broadcasting continue to be served after the auction and repack.

First, consistent with longstanding congressional and Commission policy, the FCC should grant the Petition for Reconsideration filed by PTV on September 15, 2014.[1] PTV urges the Commission to reconsider and revise its incentive auction rules to ensure that at least one noncommercial educational reserved channel is preserved in each community following the auction and repacking process. The balanced solution proposed in the Petition would allow any broadcaster to volunteer to participate in the incentive auction, and at the same time would continue the Commission's well-established reserved spectrum policy by ensuring space for a new entrant in the event that an unserved area develops. The Commission has consistently worked to support and further the universal availability of noncommercial

[1] In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Association of Public Television Stations, Corporation for Public Broadcasting, and Public Broadcasting Service, *Petition for Reconsideration*, GN Docket No. 12-268 (filed Sept. 15, 2014).

educational television for over six decades[2] and can continue to do so through prudent design of the upcoming incentive auction.

Second, the FCC should adopt a selection priority for the displacement applications of translators operated by noncommercial educational licensees following the incentive auction, as described in the comments filed by PTV on January 12, 2015.[3] PTV expressed appreciation for the Commission's willingness to mitigate the negative impact of the auction on television translators by ensuring that spectrum clearing in low occupancy markets does not exceed major market recovery and by permitting out-of-core operation with a cessation mechanism similar to that used following the digital transition.[4] PTV urges the Commission to now provide a selection priority for noncommercial educational translators in the rare instances where mutually exclusive displacement applications are filed, which is merited given the wide variety of ways in which FCC regulations already treat noncommercial stations distinctly, particularly the unique must-carry rights of noncommercial translators.[5]

Third, the FCC should refrain from assigning any television stations within the repurposed 600 MHz Band during the repacking process, as recommended in the comments filed by PTV on February 20, 2015.[6] PTV urges the Commission to maintain a contiguous television broadcast band due to the insurmountable challenges with implementation of a repacking plan that intermingles broadcast and wireless services in the 600 MHz Band. Placing television stations in the 600 MHz Band risks creating many of the same challenges faced with channel 51 for years following the digital transition, but magnified and significantly more complicated due to the combined impact of interrelated geography, frequency, and power level variables.

PTV looks forward to continuing to work closely with the Commissioner to ensure that continued noncommercial educational service to the entire American public is achieved in concert with a successful incentive auction.

---

[2] *See, e.g.*, Amendment of Section 3.606 of the Commission's Rules and Regulations et al., *Sixth Report & Order*, 41 F.C.C. 148, ¶ 33, 41 (1952); Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations, *Second Report and Order*, 86 F.C.C. 2d 141, 142 (1981); Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations, *Memorandum Opinion and Order*, 90 F.C.C. 2d 895, 896 (1982); Deletion of Noncommercial Reservation of Channel *16, 482-488 MHz, Pittsburgh, Pennsylvania, *Memorandum Opinion and Order*, 11 FCC Rcd 11700, 11708 (1996); Amendment of the Television Table of Allotments to Delete Noncommercial Reservation on Channel *16, 482-488 MHz, Pittsburgh, Pennsylvania, *Report and Order*, 17 FCC Rcd 14038, 14048–49 (2002).

[3] 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, Comments of the Public Broadcasting Service, Corporation for Public Broadcasting, and Association of Public Television Stations, at 4–7, MB Docket No. 03-185, *et al*. (filed Jan. 12, 2015).

[4] *See* Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, *Report and Order*, 29 FCC Rcd 6567, ¶ 44–46, n.95, 670 (rel. June 2, 2014).

[5] *See* 47 C.F.R. § 76.55(a)(3). *See also* 47 C.F.R. §§ 73.673 (educational and informational programming), 73.3527 (public inspection files), and 76.56(a) (signal carriage obligations).

[6] In the Matter of Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, Comments of the Public Broadcasting Service, Association of Public Television Stations, and Corporation for Public Broadcasting, at 2–5, AU Docket No. 14-252, *et al*. (filed Feb. 20, 2015).

Regards,

/s/ Lonna Thompson

Lonna Thompson
Executive Vice President, Chief Operating Officer and General Counsel
ASSOCIATION OF PUBLIC TELEVISION STATIONS
2100 Crystal Drive, Suite 700
Arlington, VA 22202
Tel: 202-654-4200
lthompson@apts.org

/s/ Thomas Rosen

Thomas Rosen
Senior Counsel
PUBLIC BROADCASTING SERVICE
2100 Crystal Drive
Arlington, VA 22202
Tel: 703-739-5000
trosen@pbs.org