LPTV SPECTRUM RIGHTS COALITION

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Via ECFS

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

Re: Ex Parte Filing Complaint

Dear Ms. Dortch:

The LPTV Spectrum Rights Coalition, submits a formal complaint against the ex parte filing of the National Association of Broadcasters (NAB), dated May 28, 2015, which was submitted into the GN Docket No. 12-268: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions.

The NAB filing, on behalf of numerous parties in the 12-268 Proceedings, does not meet the requirements for proper ex parte disclosure. Specifically,

> *"Summaries must be sufficiently detailed that they would inform a person who did not attend the presentation of the facts that were discussed, the arguments made, and the support offered for those arguments."*

These are the specific items from the ex parte filing which are not adequately disclosed:

1) *"...NAB and APTS discussed some of the potential challenges associated with the process of repacking broadcasters following the incentive auction."*

A. Which specific potential challenges?
B. When following the Incentive Auction is the time period referenced?
C. Which challenges did NAB discuss, and which discussed by APTS?

2) *"...Wireless participants discussed the importance of certainty and transparency in the spectrum reallocation process…"*

A. Which participants discussed what?
B. Who discussed what as being important?
C. Did who discuss which kinds of certainty and transparency?

3) *"...all participants agreed to collaborate to allow as expeditious a transition as possible."*

A. How was the agreed upon collaboration proposed to be structured?
B. What was discussed as to being deemed as expeditious?
C. Does this "collaboration" rise to the level of collusion between sellers and buyers?
D. Who was Trey Hanbury (Hogan Lovells US LLP) representing at the meeting?

4) Were any printed materials, presentations, or meeting notes distributed to the FCC by any of the parties attending the meeting?

5) Since LPTV Class-A licensees have as many as 436 potential participants in the auction, and they were left out of any representation in the meeting, we want to know if Class-A's were specifically discussed at all in the meeting?

6) Were digital replacement translators, primary station affiliated translators, or PBS-network affiliated translators discussed in the meeting?

As demanded by the FCC, open and transparent decision-making requires that interested parties, and the public, have complete information about who is engaging in ex parte discussions in pending proceedings and what arguments and showing are being made.

To the extent that a presentation merely reiterates data and arguments already contained in the written comments filed by the presenter, the filing would either include a summary of this information or provide specific references, including paragraph or page numbers, to the presenter's prior filings containing the data and arguments presented.

Parties making ex parte presentations that reiterate arguments previously made on the record should provide either a brief summary of the argument or a citation to either the page or the paragraph in the written material where the argument can be found. When an ex parte presentation involves a discussion of new information or arguments, the notice must summarize the new arguments and data.

We do not think the May 28th, 2015 NAB et al ex parte filing meets the level of disclosure required by the FCC and request a proper detailed filing be made as soon as possible.

Respectfully submitted,

Mike Gravino, Director
LPTV Spectrum Rights Coalition
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