



June 24, 2015

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

Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, AU Docket No. 14-252, Notice of *Ex Parte* Communication

Dear Ms. Dortch:

On June 22, 2015, Bruce Franca and the undersigned of the National Association of Broadcasters, along with other broadcasting representatives invited by the Commission, met with Chairman Wheeler and Commission staff.¹ NAB thanked the Chairman for making his staff available to brief stakeholders in advance of the meeting and prior to circulating the Procedures Public Notice to his colleagues. NAB also noted its appreciation of the staff's work to make channel sharing more viable and supported the staff's reported decision to eliminate the use of dynamic reserve pricing during the reverse auction.

We raised two concerns during the meeting. First, NAB addressed the significant amount of spectrum variability among markets the Chairman still intends to employ in the auction. NAB explained that, while it understood the appeal of variability from a pure auction perspective, incorporating any more variability than absolutely necessary – if any at all – is poor long-term spectrum policy. The current proposal simply passes the buck. The negative effects of variability will not be felt in the near term, but only down the line when a future Commission is required to manage the challenges posed by broadcasters and wireless operators attempting to serve consumers on the same frequencies in the 600 MHz band. Recent history provides a great example, as one

¹ NAB members also in attendance who were represented by NAB at the meeting were NBCUniversal, Sinclair Broadcast Group, CBS Corp. and 21st Century Fox.

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need look no further than the many years the FCC has spent dealing with the 700 MHz A block's challenges due to its close proximity to TV channel 51. With between 10 and 20 percent market variability planned as a result of this auction, the FCC is laying the groundwork for technical problems far beyond what is still being experienced by 700 MHz license holders.

Second, NAB raised the issue of the FCC relocating TV stations in the duplex gap in certain markets, which will wipe out licensed wireless microphone use for breaking news purposes in those areas. We reminded the Chairman and staff that the Commission just recently reduced dedicated wireless microphone spectrum down to two 6 MHz channels in the 2010 TV white spaces order. Then, when it proposed to further shrink this allocation, the Commission committed to broadcasters that it would provide 4 MHz in the duplex gap for the same purpose. The Commission is now poised to walk back yet another commitment. Once again, this proposal is the result of a singular focus on auction design and not on the resulting landscape after the auction. As a result of this approach, broadcasters that were already struggling to figure out how to cover breaking news and emergencies on just 4 MHz of spectrum will be further hampered. Most of all, the public will be harmed as a result of this misguided plan. There is no chance the wireless companies that will benefit from the extinction of exclusive wireless microphone spectrum will put a single dollar into covering breaking news in local communities across the nation. This development is plainly contrary to the public interest.

NAB continues to look forward to working with the very able and dedicated FCC staff as we move towards an early 2016 incentive auction.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Chairman Wheeler