



July 9, 2015

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

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, and related proceedings (AU Docket No. 14-252, ET Docket Nos. 13-26, 14-14, 14-165, MB Docket No. 03-185, GN Docket No. 14-166)

Dear Ms. Dortch:

Throughout the various proceedings implementing rules and procedures for conducting the forthcoming broadcast spectrum incentive auction, the National Association of Broadcasters (NAB) has urged the Commission to focus on simplicity and fairness. The auction will be unavoidably complex in many ways, but the Commission should not needlessly compound this complexity. At the same time, the Commission must strive to develop rules that ensure all stakeholders are treated fairly, and to avoid picking winners and losers among the various industries the auction will affect.

On July 9, 2015, CTIA - The Wireless Association, filed a letter in the above-referenced proceedings urging the Commission to take a number of steps to provide greater certainty and transparency for CTIA's members during the auction. NAB does not object to a number of these proposals, but others threaten to create an imbalanced auction that fails to treat all stakeholders fairly.

Preserving the Duplex Gap for Wireless Microphones

CTIA stresses the need to protect future LTE operations in the 600 MHz band from licensed wireless microphone operations and unlicensed operations in the duplex gap. CTIA's concerns are understandable, however, they fail to recognize key compromises the Commission has already made to benefit wireless carriers and make more spectrum available in the forward auction.

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300

In its incentive auction framework order, the Commission determined not to continue to reserve two channels presently available for exclusive use by wireless microphones, because it believes that preserving those channels could threaten the FCC's ability to offer sufficient spectrum to wireless carriers in the forward auction. Thus, wireless microphones, which are essential for covering breaking news and emergencies, lost access to 12 MHz of exclusive use spectrum to benefit wireless carriers and help ensure the auction's success. Recognizing the importance of wireless microphones to newsgathering, the Commission crafted a compromise to allow both licensed wireless microphones and unlicensed users access to the duplex gap.¹ The Commission should resist calls to upset this compromise in the name of providing superior interference protection from unlicensed and wireless microphones to LTE operations, which are already the beneficiaries of reduced spectrum for exclusive use by wireless microphones.

Interservice Interference

NAB does not object to CTIA's request that the FCC make more granular information available to forward auction bidders concerning interservice interference predictions. However, any such additional information should in no way be viewed as conclusive or reliable.

NAB has repeatedly warned the Commission that its ISIX methodology was unnecessarily complex, particularly because the FCC will make ISIX predictions during the auction based solely on hypothetical wireless deployments that bear little or no relationship to real world wireless deployments. That is, the ISIX predictions the FCC will make for purposes of estimating interference to wireless blocks during the auction may ultimately bear no resemblance to wireless carriers' actual obligations to prevent interference to broadcast television following the auction.

The only way to minimize the potential for interservice interference is to minimize the degree of variability allowed between markets. NAB thus agrees with CTIA that the FCC should seek to minimize variability and focus on offering unimpaired, paired spectrum during the forward auction. This will maximize both revenues and the amount of useable spectrum available for LTE following the auction. However, the degree to which wireless carriers can use spectrum rights they acquire at auction without being subject to or causing interservice interference will ultimately be determined by ISIX calculations made after the auction, based on actual proposed wireless deployments.

For this reason, NAB opposes any request to reduce or eliminate the ISIX analysis carriers must make prior to making initial or modified deployments. While NAB agrees that the

¹ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, para. 314 (2014)

auction procedures and rules should be as simple as possible to encourage broadcast and wireless participation, those rules must provide adequate protection for incumbent users. If the Commission insists on allowing variability in the forward auction, both the Commission and forward auction bidders must accept a certain amount of unavoidable complexity post-auction to avoid creating harmful interference.

Commencement of Operations

NAB is sensitive to forward auction bidders' desire to access the spectrum usage rights they acquire at auction as quickly as possible. However, carriers should not be allowed to displace existing incumbent operations providing valuable service in their communities based solely on an empty notification that a carrier intends to commence some limited form of testing at some point. For this reason, NAB continues to support the FCC's proposal to define the "commencement of operations," the triggering event for displacement of certain incumbent operations, upon site commissioning testing, and no sooner.² Allowing spectrum to lay fallow is not in the public interest, and the Commission should consider operations to have commenced only at a point when a carrier has invested capital and resources indicating that actual deployment and service are forthcoming.

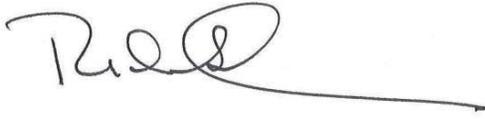
Additional Participant Information

NAB has no objection to CTIA's request that the Commission make new file formats and bidder packages available. Further, NAB supports CTIA's request that the Commission hold one or more mock auctions prior to the beginning of the actual auction, which can only help all potential participants prepare for the auction.

Finally, NAB also supports CTIA's proposal for a 10-day period between the reverse and forward auctions. This allows a reasonable amount of time for forward auction bidders to evaluate post-reverse auction conditions. Most importantly, it will also allow some time for parties to identify potential problems that may have occurred during the reverse auction process, especially with regard to repacking, before they become difficult or impossible to fix.

² See Comments of NAB, GN Docket No. 12-268 (filed May 1, 2015)

Respectfully Submitted,

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

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

cc: Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Renee Gregory
Jessica Almond
David Strickland
Chanelle Hardy
Valery Galasso
Matthew Berry
Brendan Carr
Robin Colwell
Erin McGrath