



July 27, 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; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; 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 July 23, 2015, the undersigned of the National Association of Broadcasters, met with Commissioner Clyburn. On July 24, 2015, the undersigned met with Ruth Milkman and Jessica Almond in Chairman Wheeler's office and, in a separate meeting, the undersigned and Patrick McFadden, also of NAB, met with Valery Galasso and Johanna Thomas in Commissioner Rosenworcel's office. During these meetings, NAB reiterated the importance of exclusive UHF spectrum for wireless microphones and noted the dearth of information supporting the need to put TV stations in the duplex gap.

NAB also discussed its proposed compromise with respect to putting stations in the duplex gap. This compromise is far from ideal for broadcasters, as it potentially leaves certain markets without an immediate solution for reliably operating wireless microphones. Indeed, should the FCC accept the compromise, it must work quickly to find an adequate solution in those markets. Moreover, NAB does not support any proposal that goes beyond six markets, as NAB proffered its proposal in attempt to meet the Chairman's public plea to impair the duplex gap in that specific number of markets.

In its conversations, NAB also made clear its objection to removing a second (let alone first) channel from the reduced TV band for exclusive use by unlicensed services. The incentive auction was not designed to be a catalyst to pillage the TV band and such a proposal elevates unlicensed services above licensed ones. This approach would ultimately serve to undermine innovation, as it would freeze the broadcast TV industry in time, restricting its ability to innovate within an increasingly crowded neighborhood. Offering a new channel in a

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handful of markets to the unlicensed community also does little for them; apart from the fact the availability of second channels is extremely limited, the best chance for unlicensed innovation is the nationwide, common channel offered in the duplex gap. For example, in the five-plus years since it was launched, TV white space operation has been underwhelming, in part (according to the unlicensed industry) because unlicensed device developers do not have access to a dedicated, nationwide channel.

At the very least, if the FCC seeks to ask questions about the use of any “vacant” channels within the TV band, it should ask equally and without preference whether channels in the six markets where the duplex gap is impaired should be reserved for licensed Part 74 (including wireless microphone) use or unlicensed operations. There is simply no public policy reason why the FCC should favor – especially at this stage – yet another unlicensed allocation over one for wireless microphones in markets where the duplex gap is impaired.

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: Commissioner Clyburn
Chanelle Hardy
Louis Peraertz
David Strickland
Ruth Milkman
Jessica Almond
Valery Galasso
Johanna Thomas