



**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 Meeting Regarding GN Docket No. 12-268: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; and, MB Docket No. 03-185.

Dear Ms. Dortch:

Michael Gravino, Director of the LPTV Spectrum Rights Coalition, (the "Coalition"), met on October 13, 2015 with the Incentive Auction Task Force, including Chair Gary Epstein, Media Bureau Chief William Lake, Video Division Chief Barbara Kreisman, Deputy Chief Media Bureau Michelle Cary, and Video Division staff Shaun Maher.

1. **The Coalition asked about the timing of the 3rd LPTV NPRM Report & Order**, and was told that the Commission is planning to act on it before the end of the year.

2. **The Coalition asked how the FCC uses TV DMA's to govern LPTV and TV translators.** A long discussion ensued which various methods of how TV DMA's are and are not used in the governance of licenses and permits. We further asked how DMA's would be used in the LPTV and TV translator displacement window, some six months after the auction ends. It was told that DMA's will not be used in the auction, nor are used now, when it comes to displacement channels, or voluntary channel moves.

For example: a displaced station 70 miles due west of the core of the DMA could not apply for a channel in the core of the DMA, because there would not be any overlap of the old and new contours. **But what happens if still no displacement channel could be found?** The answer was channel sharing, or wait for a new application window to open, and then file a new application.

3. **The Coalition asked about the displacement application process for the 1000's of new, yet not built, digital construction permits.** When would they be allowed to file for new channels, and what would be the process. It was told that all new digital construction permits would have to wait until after the formal displacement window and process. And then when they did file, no process other than everyone filing at once in a first come first serve manner. The Coalition requested that a formal second displacement window, with the same rules as the first, be used for new digital construction. The Video Division provided this quote to the Coalition to clarify:

In the Incentive Auction R&O, the Commission stated that the post-incentive auction displacement window will be only for operating LPTV and translators, including DRTs. Further, this filing window will be open only to operating stations that (1) are displaced by a full power or Class A television station as a result of the incentive auction or the repacking process, (2) will cause interference to or receive interference from frequencies repurposed for new, flexible use by a 600 MHz Band wireless licensee, or (3) are licensed on frequencies that will serve as part of the 600 MHz Band guard bands. Some commenters in the LPTV DTV proceeding have asked that the window be expanded to include parties with unbuilt construction permits. However, as it stands now, CP holders would not be eligible and would have to wait until after the displacement window to file a displacement application.

4. **Earlier that day the Coalition requested of the Video Division statistics related to remaining analog to digital construction permits.** It was reported by the Video Division that, "approximately 61% of LPTV and 78% of TV translator stations, have completed their transition to digital. However, 780 LPTV, and 760 TV translator stations have not yet completed their conversion." All of these, if displaced, will be eligible to participate in the 1st displacement application window.

5. **The Coalition asked about the Vacant Channel proposal, so as to get clarification about both the "naturally occurring" vacant channels, and the possible second channel for unlicensed in auction constrained markets.** It was told that the second channel is not intended to be a national band, but only used in those markets where the duplex gap problem exists.

6. **The Coalition asked about how LPTV and TV translator channel sharing could work if there were no willing sharing stations in your market or DMA?** It was told that the concept of sharing anywhere in the country was being considered.

7. **The Coalition provided an update to its' proposed LPTV and TV translator voluntary spectrum rights buyback bill.** This included new research related to the valuation of LPTV and TV translator licenses and permits.

Respectfully submitted,

Mike Gravino, Director
LPTV Spectrum Rights Coalition

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