

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
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
)	
Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auction 1001 and 1002)	AU Docket No. 14-252
)	
Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones)	MB Docket No. 15-146
)	

To: The Commission

REPLY COMMENTS OF ONE MEDIA, LLC

ONE Media, LLC¹ (“ONE Media”) supports the comments submitted in response to the Notice of Proposed Rulemaking released June 16, 2015² (the “*Vacant Channel NPRM*”) by the National Association of Broadcasters, Pearl TV, Sinclair Broadcast Group, Inc., Gray Television, Inc. and others (“Broadcast Commenters”) who question the policy rationale for prioritizing unlicensed over licensed service in the TV bands, assert that the FCC lacks authority to do so, and contend that even if the FCC does have authority, adopting the proposal on this record would not comport with the requirements of the

¹ ONE Media, LLC is a technical development company engaged in the development of the next generation broadcast transmission technology.

² *In the Matter of Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Notice of Proposed Rulemaking, MB Docket No. 15-146, 30 FCC Rcd 6711 (2015); see also *Matter of Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Order, MB Docket No. 15-146, DA 15-918 (rel. Aug. 12, 2015) (establishing September 30, 2015 comment deadline and October 30, 2015 reply comment deadline).

Administrative Procedures Act.³ ONE Media likewise opposes commenters who assert that unlicensed services should be granted what amounts to a supra-primary status allocation, that the FCC has authority to do so, and that the record supports such a radical action.⁴ The comments filed by the Broadcast Commenters, and One Media’s own initial comments, explain why those assertions are wrong.

These comments focus on a critically important point raised by Pearl TV: the proposed vacant channel showing could severely limit, and may altogether preclude, broadcasters’ efforts to deploy ATSC 3.0 in a manner that provides the greatest public interest benefits.

ATSC 3.0 is being designed from the ground up to enable broadcasters to remain robust competitors in the media and communications industries by meeting the ever-higher expectations and demands of consumers for reliable, high quality service whenever and wherever they are. As Pearl TV notes, one benefit of ATSC 3.0 is flexibility to deploy single frequency networks (SFNs). SFNs offer many advantages, including more reliable and consistent service across the service area for both fixed and mobile services. But to achieve the greatest benefits and to provide the most consistent, reliable service to viewers, and to make the cost of SFNs manageable, broadcasters serving a market must share common transmitter sites and towers. This means that all broadcasters participating in SFNs must converge on what is more or less a common coverage area for the market.

The proposal to reserve one or two “vacant” channels in each market would make SFNs unworkable. *Every* participating station would have to make the vacant channel showing for *every* 2 km grid cell in the common coverage area that its pre-SFN facility does not cover. Even though the net effect of SFNs would likely be to make the broadcast bands more useful for opportunistic unlicensed services (because broadcast spectrum use would be “normalized” across large geographic areas, creating more

³ See *Comments of National Association of Broadcasters*, GN Docket No. 12-268, WT Docket No. 12-269, AU Docket No. 14-252, MB Docket No. 15-146 (filed Sept. 30, 2015); *Comments of Gray Television, Inc.*, MB Docket No. 15-146, GN Docket No. 12-268 (filed Sept. 30, 2015); *Comments of Pearl TV*, MB Docket No. 15-146, GN Docket No. 12-268 (filed Sept. 30, 2015); *Comments of Sinclair Broadcast Group, Inc.*, GN Docket No. 12-268, WT Docket No. 12-269, AU Docket No. 14-252, MB Docket No. 15-146 (filed Sept. 30, 2015). Not all commenters cited addressed all three points, but ONE Media supports each commenter’s comments to the extent they address these points.

certainty for opportunistic users), the vacant channel showing would preclude them from ever being deployed.

The primary goal of the Spectrum Act and of the FCC's implementation of the Spectrum Act is to make spectrum available to serve a population that increasingly demands services on the go. Mobile users expect consistent service as they move from place to place. SFNs will allow broadcasters to provide consistent, reliable mobile service.⁵

One Media agrees with Pearl TV that the ATSC 3.0 transition is likely to be getting underway during the repacking process, but it will not be complete in all (or perhaps in any) markets before the end of the 39 month repacking period. Thus, for several years after repacking has been completed, broadcasters will need flexibility to adjust their service areas to the extent possible consistent with protecting other primary users. ONE Media also calls on the FCC to hold to its decision in the *Incentive Auction Order* that the portion of the UHF band not reassigned to wireless will "remain allocated and assigned only to broadcast service."⁶ Maximizing broadcast television service in the TV bands is a core, essential mission of the FCC.

Of course, even without regard to ATSC 3.0 and SFNs, broadcasters must be able to make changes in their facilities to adapt to changing conditions, whether that be the need to serve new or larger communities or to deploy new and better technology. In the 21st century no regulator can lock a communications service into a highly specific facility designation for all time and expect that service to remain competitive. For all of these reasons, and for the reasons explained in ONE Media's opening comments and in the other Broadcaster Comments, ONE Media urges the FCC to reject calls to elevate unlicensed to what is, in all but name, an allocated, supra-primary service in the TV bands.

⁴ See, e.g., *Comments of Open Technology Institute at New America and Public Knowledge*, MB Docket No. 15-146, GN Docket No. 12-268 (filed Sept. 30, 2015).

⁵ ATSC 3.0 offers many new features and benefits for consumers, discussion of which is beyond the scope of this submission. The focus here on mobile, in a proceeding that is focused on improving mobile services, is not intended to diminish the importance of other benefits.

⁶ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6683 (2014) ("*Incentive Auction Order*").

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