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December 4, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation

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
Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

Louis Libin, Executive Director of the Advanced Television Broadcasting Alliance (“ATBA”), Rebecca Hanson, Senior Vice President, Strategy and Policy of Sinclair Broadcast Group, and I met with Commissioner Michael O’Rielly and Robin Colwell, his Chief of Staff and Senior Legal Advisor, on December 1, 2015.

We explained that the proposal to reserve one or two “vacant” channels for unlicensed use would be devastating to underserved communities and the owners and operators of hundreds or thousands of LPTV and television translator stations. We emphasized that reserving a vacant channel would prevent many LPTV and translator stations from finding displacement channels and would lead to a loss of essential local services. We also explained that the proposal would severely limit full power stations’ ability to enhance and expand service, and, in particular, would make deployment of single frequency networks using ATSC 3.0 impossible or impractical in many or most cases.

We stated that elevating unlicensed (which does not even have an allocation in the broadcast band) to supra-primary status would be arbitrary and capricious absent a full record considering whether the FCC’s decades-old interpretation of its mandate under Section 307(b) of the Communications Act can and should be overhauled. We also stated that the FCC is required to process broadcast applications under 47 U.S.C. §309, and does not enjoy discretion to, for example, refuse to auction mutually exclusive

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applications for licenses in the broadcast band simply to advance an unrelated policy objective.

Respectfully submitted,

_____/s/
John K. Hane

cc: Robin Colwell