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January 26, 2016

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VIA ECFS

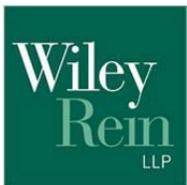
Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

On January 25, 2016, Kathleen Kirby and Ari Meltzer of Wiley Rein, LLP, on behalf of Latina Broadcasters of Daytona Beach, LLC (“Latina”), participated in a telephonic conference with Gary Epstein (IATF), Howard Symons (IATF), William Scher (OGC), Michelle Carey (MB), and Joyce Bernstein (MB) to discuss the Informal Comments filed by Latina on January 22, 2016 pertaining to the eligibility of Latina’s station, WDYB-CD (Fac ID No. 41375), Daytona Beach, Florida (“WDYB”), for protection in the repacking.

In the *Second Order on Reconsideration* in this proceeding, the Commission extended protection to stations “that hold a Class A license today and that had an application for a Class A construction permit pending or granted as of February 22, 2012.” Ms. Kirby and Mr. Meltzer explained that: (1) WDYB had not one, but two, Class A construction permits granted as of February 22, 2012, which the Commission recently acknowledged in a pleading at the D.C. Circuit; (2) the prior licensee reaffirmed in its 2006 application that it had continuously been operating as a Class A station; and (3) prior to February 22, 2012, Latina was operating WDYB as a Class A station, including through the filing of quarterly children’s programming reports. They also described how the Media Bureau and the Commission already had considered WDYB’s merits as a Class A station, including by: (1) taking no adverse action against Latina after receiving its response to a 2011 show cause letter; (2) granting WDYB Class A status in response to a petition for reconsideration filed by Latina; (3) including WDYB on its protected station list following a series of *ex parte* meetings involving Latina; and (4) representing to the U.S. Court of Appeals for the D.C. Circuit that WDYB is distinguishable from other, non-eligible, Class A stations. Because there have been no changed facts or



January 26, 2016

Page 2

circumstances, they explained, there is no basis for the FCC to reconsider its protection of WDYB.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Ari Meltzer".

Ari Meltzer