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January 19, 2016

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

Re: In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Notice of Ex Parte Communication

Dear Ms. Dortch:

Michael Gravino, Director of the LPTV Spectrum Rights Coalition, (the "Coalition"), met on January 19th, 2016, with members of the Incentive Auction Task Force including Howard Symons, Vice Chair, William Lake, Media Bureau Chief; and, Barbara Kreisman, Video Division; and, Julius Knapp, Chief of OET; as well as multiple Media Bureau and OET staff.

Our conversations covered the following points:

1. The Coalition asked about key LPTV and TV translator issues in the 3rd LPTV NPRM Report & Order.

2. The Coalition described a post-auction repacking environment where lots of spectrum in each market would not be able to be used for years while licensees and permittees all move around. We reviewed Coalition research into each DMA, the amount of available LPTV and TV translator licenses and permits, and how those map into population counts.

3. The Coalition presented research to show that in most TV markets, multiple LPTV and translator stations already share channels, with some markets having 5+ stations on the same channel in a large geographically disperse market. This is an important consideration in any review of proposal from Microsoft and Google, and the TV white space industry, each wanting 18 MHz for their own purposes. Reserving channels for unlicensed and TV white space in a TV "DMA" could end up displacing many more stations than channels,

since in many markets there are multiple stations on the same channel.

4. We discussed when 39 months in the repack is not 39 months, and under which conditions LPTV and TV translators would have to move. This included the two-stage rule of, first, auction eligible broadcasters completing their own channel relocations, and second, winning wireless bidders being ready to start testing in the partial economic area, PEA. There was an extensive discussion about how the clearing of LPTV and TV translator broadcasters could result in huge coverage gaps for secondary networks.

5. We also discussed how any "regional repacking" post auction should include all eligible LPTV and translators, since otherwise, these important components of a local EAS system, could be left behind. We also discussed why construction permits should be included in the regional repacking, assuming they are ready to build out their stations.

6. We discussed the three new major categories of TV translators: 1) Civic-owned, being those 200+ government agencies, and dozens of educational institutions which manage and control over 1000 LPTV and TV translators; and, 2) Indie-owned non-com and private translator systems, which are more than 1,000; and, 3) what is classically thought of as "captive" of the primary stations, which are in decline and in the minority of all translator groups.

7. We also discussed why the digital channel 6 rulemaking was not addressed in the 3rd LPTV R&O. While the digital rules are still to be reported on at a later date, the effect of providing LPTV and translator construction permits 39 months plus a year to repack, effectively gives the analog channel 6's another 4-5 years of operating their successful alternative use services.

8. Additionally we discussed potential post auction LPTV and TV translator displacement window problems such as a new digital construction permit, which is not displaced in the auction or primary repack, potentially being displaced by an LPTV which has the right to file for a displacement channel. The Media Bureau and Video Division did not have an answer for this and will be reporting back about it.

9. We finally had a lively discussion about a potential "spectrum leasing" program which could be fashioned using excess LPTV spectrum which is tied up in the construction permits which have been stranded after the 2009 rural filing window. This spectrum, for properly incentivized, could be nationwide the additional spectrum the unlicensed and TV white space communities is looking for, and with just a simply tweak of the current FCC spectrum leasing rules, could be made available, and generate revenues for both the holders of the licenses and permits, and revenues for the FCC and government,

Respectfully submitted,

Mike Gravino, Director
LPTV Spectrum Rights Coalition

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