

ANALYSIS OF VACANT CHANNEL COMMENTS

LPTV SPECTRUM RIGHT COALITION LLC – EX PARTE MEETING NOTES – FCC IATF – MAY 6, 2016

	GOOGLE	NAB	COALITION
1) MARKETS STUDIED	5, NO TOP-20	ALL, NATIONWIDE ANALYSIS	2247 COMMUNITIES OF LICENSE WERE STUDIED TO DETERMINE EFFECTS OF 1 OR 2 CHANNELS BEING RESERVED
2) WERE CP'S STUDIED	NO	NO	YES, ABOUT 2000+ NEW, NEVER BUILT CPs FROM THE 2009 RURAL FILING WINDOW, AND THE REMAINING 1500 A-D CONVERSIONS SPLIT EVENLY BETWEEN LPTV AND TRANSLATORS.
3) WAS THE ANALYSIS BASED IN PART ON ANALOG TV COVERAGE DATA?	NOT STUDIED	YES, ANALOG COVERAGE USED IF THAT IS THE LICENSED OPERATION. CPs NOT STUDIED IF LICENSED FACILITY IS IN OPERATION.	YES, ABOUT 1500 REMAINING A-D CONVERSION, ABOUT EQUALLY SPLIT BETWEEN LPTV AND TRANSLATORS SHOULD US THEIR DIGITAL COMPANION CHANNEL COVERAGES FOR DISPLACEMENT ANALYSIS
4) WERE ACCEPTED APPLICATIONS STUDIED?	NOT STUDIED	NOT STUDIED	YES, MORE THAN 1300 ACCEPTED APPLICATIONS WERE STUDIED.
5) AREAS STUDIED	STUDIED 5 MAJOR TRADE AREAs (MTAs) OF THE 51 THERE ARE - DID NOT STUDY PEAs	SELECTED TV MARKETS DID NOT STUDY PEA'S	COMMUNITIIES OF LICENSE, TV DMA, AND PEAs
6) WERE POTENTIAL NEW CHANNEL ASSIGNMENTS STUDIED?	NO, JUST THE AVAILABILITY OF A 2 KM SQUARE UNDER CURRENT CHANNEL ASSIGNMENTS. DID NOT STUDY CHANNEL CHANGES, NOR THE MOVING WITHIN 30 MILES OF YOUR CONTOUR	NO, ANALYZED TO SEE IF THE SAME TOWER AND SAME CONTOURS COULD BE REPLICATED. WHILE THIS IS A HUGE LEAP ABOVE AND BEYOND THE GOOGLE STUDY, IT DOES NOT TAKE INTO CONSIDERATION REAL WORLD POST AUCTION CONDITIONS CHANGES.	HAVE NOT YET STUDIED WHAT ARE IMPACTS FROM AS MANY AS 4000 CHANNEL CHANGES. ONCE AUCTION BAND PLAN IS ANNOUNCED WE WILL KNOW A LOT MORE.

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7) WAS THE IMPACT ON DIVERSITY PROGRAMMING STUDIED?	NO	NO	YES. PROGRAMMING NETWORKS ARE ANTICIPATING SIGNIFICANT CHANGES TO LOCAL AFFILIATES
8) WAS THE IMPACT ON DIVERSITY OWNERSHIP STUDIED?	NO	NO	NO. THE FCC'S MANDATED OWNERSHIP REPORTS DO NOT STUDY TV TRANSLATORS. THIS MEANS THE MASSIVE SWITCH FROM PURE TRANSLATORS TO REAL LOCAL TV STATIONS OPERATED BY CIVIC, GOVT AND ED GROUPS IS NOT KNOWN.
9) WAS THE IMPACT ON THE LOSS OF THE EAS PUBLIC SERVICE OBLIGATION TO A LOCAL COMMUNITY OF LICENSE STUDIED?	NO	NO	YES. OF THE 2267 CITIES OF LICENSED STUDIED, AS MANY AS 950 ONLY HAVE ONE LPTV OR TV TRANSLATOR LICENSE OR PERMIT. AND AS MANY AS 1200 WITH JUST TWO. SO RESERVING TWO 6-MHZ CHANNELS EVERYWHERE IN THE COUNTRY FOR OPEN PUBLIC USE COULD ESSENTIALLY WIPE OUT THE ONLY EAS IN 1200 COMMUNITIES. THIS NEEDS A DETAILED FCC ANALYSIS.
10) WAS THE SPECTRAL EFFICIENCY OF ALLOWING UNLICENSED CHANNELS TO LAY FALLOW FOR 5 YEARS UNTIL A CONSUMER PRODUCTS MARKET IS CREATED?	NO	NO. BUT IF THE ATSC 3.0 RULE MAKING PROCEEDS AFTER THE AUCTION IS DONE, THE MARKET FOR OFDM-BASED 3.0 CONSUMER ELECTRONICS WOULD ALSO TAKE 3-5 YEARS TO DEVELOP.	YES. LPTV ALREADY HAS CONGRESSIONAL AUTHORITY, AND THE FCC ALREADY HAS CONDUCTED RULE MAKING FOR THE DIGITAL DATA SERVICES ACT FOR TOTAL FLEX-USE FOR ANY LPTV LICENSE. LPTV COULD STARTING WITH JUST A FEW MONTH BE ABLE TO DEPLOY USABLE WIRELESS SERVICES FOR COMMUNITIES NEEDING THEM.
11) WAS 12-MHZ OF UNLICENSED LOW BAND SPECTRUM STUDIED FOR "MINIMALLY SUFFICIENT" USE?	YES, AND THEY ACKNOWLEDGE IT IS A SUFFICIENT AMOUNT FOR THE URBAN CORES	CURRENT AND FUTURE UNLICENSED OPERATIONS HAVE ACCESS TO SPECTRUM IN MULTIPLE ALTERNATIVE BANDS.	YES. 12-MHZ IS NOT ENOUGH TO ACCOMPLISH THEIR STATED GOAL AND FUTURE ASPIRATIONS OF THE UNLICENSED ADVOCATES. TAKING TWO CHANNELS FROM EACH OF THE TOP 25 TV MARKETS WILL RESULT IN A SIGNIFICANT LOSS OF LPTV COVERAGE. WITHIN THE TOP 25 MARKETS WHERE 50% OF ALL LPTV AND TRANSLATOR COVERAGE POPULATIONS ARE LOCATED.

	GOOGLE	NAB	COALITION
12) WAS THE LPTV AND TV TRANSLATOR "RIGHT OF DISPLACEMENT" ACKNOWLEDGED?	YES	YES	YES, BUT...NEITHER GOOGLE NOR NAB ARTICULATES THAT DISPLACEMENT DOES NOT MEAN LICENSE REVOCATION. BOTH LPTV AND TV TRANSLATORS, LICENSEES AND PERMITEES HAVE VARIOUS RIGHTS FOR FILING FOR NEW CHANNEL ASSIGNMENTS. DISPLACEMENT IS A MERE METRIC IN THE CHANNEL CHANGE PROCESS. IT ALSO IS A FINANCIAL METRIC RELATED TO THE CONGRESSIONALLY MANDATED UNFUNDED MANDATE ON OUR INDUSTRY, INCLUDING MORE THAN 200 LOCAL GOVERNMENT, CIVIC, AND EDUCATIONAL LICENSEES WITH MORE THAN 2000 LICENSES AND PERMITS, IN ALL MARKET SIZES.
13) WERE THE FINANCIAL COSTS TO LPTV AND TV TRANSLATOR LICENSEES AND PERMITEES ANALYZED RELATED TO THE ENGINEERING SHOWING THAT TWO CHANNELS IN THE 2 KM SQ IS AVAILABLE?	<p>"...WILL HAVE ONLY A SMALL EFFECT ON THE AVAILABILITY OF CHANNELS..."</p> <p>"...WILL HAVE SIGNIFICANT BENEFITS FOR THE WIRELESS USERS WITH LITTLE EFFECT ON THE NATION'S LPTV AND TRANSLATOR STATIONS..."</p>	NO	FCC ENGINEERING STAFF HAS PUBLICALLY ACKNOWLEDGED THAT THEY HAVE NOT BEEN TASKED NOR HAVE WORKED ON HOW THE VACANT CHANNEL SHOWING COULD BE ACCOMPLISHED UNDER THE CURRENT RULES. THIS MEANS THE ENGINEERING CONSULTANTS, WHICH LPTV AND TRANSLATORS RELY ON, DO NOT YET KNOW THE PROCESS. SO THE COSTS ARE ALSO NOT KNOWN. WE DO ESTIMATE THE AVERAGE COSTS IN DISPLACEMENT TO BE \$150,000, HARD AND SOFT COSTS IN A SIMILAR MANNER AS IN THE AUCTION.
14) WERE THE FINANCIAL COSTS ANALYZED RELATED TO NOT HAVING GOOGLE PARTICIPATE IN THE INCENTIVE AUCTION BUT RELYING ON THE GUARD BANDS, DUPLEX GAP, AND NOW THE VACANT CHANNELS TO GET FREE 15) SPECTRUM TO USE?	YES. GOOGLE BELIEVES THAT, "...THE COMMISSION'S VACANT CHANNEL PROPOSAL WILL HAVE SIGNIFICANT BENEFITS FOR THE WIRELESS USERS..." THEY HAVE A MISSION OF OPENING MORE WAYS FOR THE INTERNET TO BE ACCESSED. THEY DO NOT HOWEVER PROVIDE ANY FINANCIAL COSTS RELATED TO THE POTENTIAL LOSS TO THE FEDERAL TREASURY BY NOT SELLING THESE CHANNELS IN THE AUCTION.	NOT IN THIS ANALYSIS	YES. WE HAVE CREATED FOR CBO SCORING A VALUATION OF LPTV AND TV TRANSLATOR SPECTRUM IN EACH OF THE 2267 CITIES OF LICENSE, NATIONWIDE, WITH AND WITHOUT A VHF DISCOUNT, AND BASED ON BOTH THE AWS-3 PRICES PAID IN 2015, AND THE INCENTIVE AUCTION OPENING BIDS. THE VACANT CHANNEL PROPOSAL WITH TWO CHANNELS DENIES THE TREASURY MANY BILLIONS OF DOLLARS OF NET PRESENT REVENUES.