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May 26, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington DC 20554

Re: 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:

This letter reports on meetings held on May 23, 2016 with Johanna Thomas and Marc Paul, Legal Advisors for the Office of Commissioner Jessica Rosenworcel. Also present were James Winston, President of the National Association of Black Owned Broadcasters (NABOB); Ravi Kapur, Owner and Operator of Diya TV; and DeVan Hankerson, Director of Research at MMTC.

During the meeting MMTC reiterated its position on LPTV stating that the FCC's proposal to reserve the last channel in each market, or "vacant channel" for unlicensed use will have a negative and devastating impact on multicultural programming and broadcast station ownership by people of color. Specifically, over the last several decades, low power television (LPTV) has proven itself as among the most successful means for achieving these goals. MMTC believes that if the Commission moves forward with its unprecedented proposal to force open additional channels for unlicensed use by displacing LPTV stations—viewed in conjunction with the displacements resulting from the TV spectrum auction—that action will adversely affect and potentially extinguish LPTV stations, particularly in mid-sized and larger markets where spectrum availability is limited.

Marlene H. Dortch

May 26, 2016

Page 2

Mr. Kapur of Diya TV discussed the impact the proposal would have on LPTV owners and operators like himself who offer diverse local content to multi-lingual communities. He expressed that the proposal would adversely impact diversity by eliminating LPTV opportunities in the most heavy-handed way. Mr. Kapur pointed out that after the incentive auction, citizens would be facing a marketplace with less than one percent of broadcast licensees owned by diverse communities.

Similarly, Mr. Winston made the argument that LPTV should not be sacrificed and stated that the purported engineering challenges are “manageable,” particularly considering that the issues are primarily in a handful of major urban markets. It was expressed in the meeting that protecting LPTV should be a FCC priority. Twenty percent of Americans watch Over-the-Air Television (“OTA TV”) which suggests that there is enormous public interest value in preserving the LPTV ecosystem. Unlicensed uses can also be migrated to other bands which present a unique, win-win opportunity scenario in which unlicensed opportunities can continue to grow.

The meeting concluded with some discussion on the public service benefit offered by LPTV. All meeting attendees urged the Commission to consider solutions that preserve both LPTV and unlicensed, while managing any engineering-related challenges. All parties agreed that there should be further discussion on these issues.

Respectfully submitted,

DeVan Hankerson, MPP

A handwritten signature in blue ink that reads "DeVan Hankerson". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Director of Research,  
Multicultural Media, Telecom and Internet Council

cc: Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Reilly