

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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| In the Matter of                                                                                                                                                                                                                          | ) |                      |
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| Improving Public Safety Communications<br>in the 800 MHz Band                                                                                                                                                                             | ) | WT Docket No. 02-55  |
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| Consolidating the 800 and 900 MHz<br>Industrial/Land Transportation and<br>Business Pool Channels                                                                                                                                         | ) |                      |
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| Amendment of Part 2 of the<br>Commission's Rules to Allocate Spectrum<br>Below 3 GHz for Mobile and Fixed<br>Services to Support the Introduction of<br>New Advanced Wireless Services,<br>including Third Generation Wireless<br>Systems | ) | ET Docket No. 00-258 |
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| Petition for Rule Making of the Wireless<br>Information Networks Forum Concerning<br>the Unlicensed Personal Communications<br>Service                                                                                                    | ) | RM-9498              |
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| Petition for Rule Making of UT Starcom,<br>Inc., Concerning the Unlicensed Personal<br>Communications Service                                                                                                                             | ) | RM-10024             |
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| Amendment of Section 2.106 of the<br>Commission's Rules to Allocate Spectrum<br>at 2 GHz for use by the Mobile Satellite<br>Service                                                                                                       | ) | ET Docket No. 95-18  |
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To: Secretary, FCC  
For: The Commission

**REPLY COMMENTS  
OF HUBBARD BROADCASTING, INC.**

Hubbard Broadcasting, Inc. ("Hubbard"), by its counsel, hereby files these reply comments in support of the January 27, 2006 Petition for Clarification or Reconsideration filed by Mohave County Board of Supervisors in this proceeding (the "Mohave Petition"). Hubbard

joins with other broadcasters and industry associations in supporting Mohave's position that it is entitled to compensation from Sprint Nextel for all of its 2 GHz broadcast auxiliary service ("BAS") licenses.

In addition, a review of the comments filed in this proceeding makes clear that other broadcasters have been denied compensation by Sprint Nextel for reasons similar to those cited by Mohave.<sup>1</sup> Hubbard supports a grant of the relief requested by Mohave and requests that the Commission rule broadly that not only Mohave, but all similarly situated BAS licensees in the 2 GHz band, are entitled to compensation or reimbursement from Sprint Nextel for any relocation costs.

The public interest benefits of granting such relief are a direct outgrowth of the public interest benefits being provided by these BAS licensees. Full power broadcasters and community broadcasters alike provide an important role in distributing free, over-the-air television, particularly in rural and sparsely populated areas, and in doing so rely in large measure on BAS equipment. The Supreme Court and the Commission have repeatedly recognized the important governmental interest in preserving the benefits of free, over-the-air television.<sup>2</sup> In order to ensure the widespread distribution of these important over-the-air television services, including distribution made possible by networks of television translator stations, the Commission should clarify that all BAS licensees in the 2 GHz band are entitled to rebanding reimbursement.

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<sup>1</sup> Mohave Petition, at 5-6.

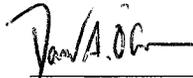
<sup>2</sup> See, e.g., *Turner Broad. Sys., Inc. v. FCC*, 520 U.S. 180, 189-190 (1995) (citing *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 662 (1994)); *2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Notice of Proposed Rulemaking, FCC 03-127, 18 FCC Rcd 13620, ¶ 36 (2003), *rev'd on other grounds*, *Prometheus Radio Project, Inc.* 373 F.3d 372 (3d Cir. 2004), *cert. denied*, 125 S. Ct. 2902, 2903, 2904 (2005); *Implementation of the Satellite Home Viewer Improvement Act of 1999*, Report and Order, FCC 00-417, 16 FCC Rcd 1918, ¶ 13 (2000).

Given the important role that over-the-air television plays in delivering potentially life-saving information during emergencies, the public interest benefits of granting relief to all similarly situated BAS licensees are clear. Particularly in rural and sparsely populated areas, where access to alternative sources of emergency information is often limited or unavailable, over-the-air television plays a critical role in keeping the public informed. In such situations, broadcasters provide an important back-up to public safety operators and first responders by relaying Emergency Alert System information, Amber alerts, severe weather updates, and other critical information. The FCC should adopt a policy in this proceeding that sufficiently permits BAS licensees to continue serving in this back-up role. Without any form of compensation for the forced migration of BAS equipment, many licensees may be forced to give up this important role due to financial infeasibility.

For these reasons, Hubbard joins in supporting the Mohave Petition. Hubbard also urges the Commission to resolve this matter soon, so as not to unduly delay the broadcast industry's relocation efforts.

Respectfully submitted,

HUBBARD BROADCASTING, INC.



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