

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

In the Matter of:)	
)	
International Comparison and Consumer)	GN Docket No. 09-47
Survey Requirements in the)	
Broadband Data Improvement Act)	
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Deployment of Advanced Telecommunications)	GN Docket No. 09-137
Capability to All Americans in a Reasonable and)	
Timely Fashion, and Possible Steps to Accelerate)	
Such Deployment Pursuant to Section 706)	
of the Telecommunications Act of 1996)	

To: Office of the Secretary

**JOINT REPLY COMMENTS OF
GRANITE BROADCASTING CORPORATION AND
COMMUNICATIONS CORPORATION OF AMERICA**

NBP PUBLIC NOTICE # 30

Granite Broadcasting Corporation (“Granite”) and Communications Corporation of America (“CCA”), by their attorney, hereby submit these Joint Reply Comments in response to the Commission’s *Public Notice* of January 13, 2010, regarding the National Broadband Plan.¹ In particular, Granite and CCA address comments reported in various publications subsequent to release of the *Public Notice* indicating that the Broadband Task Force is considering voluntary programs that would make broadcast spectrum available for wireless broadband services.²

¹ Reply Comments Sought in Support of National Broadband Plan (NBP Public Notice # 30), *Public Notice*, DA 10-61 (rel. Jan. 13, 2010).

² See, e.g., Jonathan Make, *FCC Broadband Staffer Seeks TV Response to Low-Power Plan*, *Communications Daily*, Jan. 19, 2010, at 10.

Through their ownership and operation of roughly two dozen full-power television stations in markets as large as San Francisco and as small as Alexandria, Louisiana, Granite and CCA have concluded that a Commission-sanctioned, market-based approach for reallocating unused and underutilized broadcast spectrum deserves serious consideration by the Commission. Indeed, a market-based voluntary approach is the logical outgrowth of often conflicting comments submitted in this proceeding by broadcasters, the wireless industry, and consumer electronics manufacturers, because such an approach could ensure that spectrum would be put to its highest valued use while maintaining sufficient spectrum for broadcasters to continue their critical role as spectrum-efficient, locally-based providers of news, weather, and entertainment video programming to the public.

To implement a voluntary, market-based approach to reallocating excess broadcast spectrum, the Commission need not start from scratch with a lengthy, complicated, or potentially divisive rule making. Instead, the Commission could simply extend its “Secondary Markets” policy to television broadcast spectrum.³ Indeed, six years ago, the Commission extended this policy to the Educational Broadcast Service (“EBS”) and the Broadband Radio Service (“BRS”) to address similar concerns regarding the need for additional spectrum to facilitate competition among wireless providers.⁴ As a result of that Commission action, licensees of EBS and BRS spectrum retain the right to broadcast video over-the-air (with EBS licensees reserving a portion of their spectrum capacity to serve the educational needs of their communities), while also possessing the flexibility to lease, on a voluntary basis, any excess capacity to third parties who also utilize the spectrum efficiently for wireless voice and data communications. The Commission’s extension of its Secondary Market policy to these

³ See, e.g., Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 20604 (2003).

⁴ Amendment of Parts 1, 21, 73, 74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 14165, ¶¶ 177-81 (2004).

services is regarded as having been highly successful, allowing new wireless providers to compete more effectively with incumbents and thereby advancing important national interests in competition and innovation. Significantly, this voluntary reallocation of spectrum from broadcast to broadband wireless use was accomplished purely by market forces, thereby ensuring an efficient and swift transition. Spectrum reallocation pursuant to government fiat rather than market forces, in contrast, would guarantee a prolonged, inefficient proceeding with an uncertain outcome.

Broadcasters currently cannot follow the lead of EBS and BRS licensees and allow market forces to guide their spectrum to its highest valued use because Section 72.624(b) mandates the broadcast of full-motion video programming on digital signals. Granite and CCA therefore strongly urge the Commission to consider extending its Secondary Markets policy to the television broadcast service. Such a policy would best balance the public interest benefits provided by local broadcast television stations with the claimed need to redeploy spectrum for other uses.

Respectfully submitted,

GRANITE BROADCASTING CORPORATION
COMMUNICATIONS CORPORATION OF AMERICA

/s/

By: _____
Kevin P. Latek

DOW LOHNES PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20036
(202) 776-2000

January 27, 2010