

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

In the Matter of)
)
Expanding the Economic and) GN Docket No. 12-268
Innovation Opportunities of Spectrum)
Through Incentive Auctions)

To: The Commission

COMMENTS

Connecticut Public Broadcasting, Inc. (“CPBI”), by counsel, files these comments in response to the Notice of Proposed Rulemaking (NPRM), FCC 12-118, released October 2, 2012. CPBI is the licensee of four public television stations, including non-commercial educational Station WEDY, New Haven, Connecticut. CPBI proposes a change to the standard of eligibility for participation in the reverse auction to relinquish spectrum rights, as follows.

In the NPRM, the FCC has interpreted the Spectrum Act¹ as limiting participation in the reverse auction to licensees of full power and Class A television stations, including licensees of full power noncommercial stations.² The FCC has further proposed that spectrum usage rights an eligible licensee will be bidding to relinquish “must be associated with the license held ...as of February 22, 2012” and further:

We do not propose to entertain bids to relinquish spectrum usage rights associated with construction permits or pending applications for construction

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402, 6403, 125 Stat. 156 (2012) (Spectrum Act).

² NPRM, paras. 73 -76.

permits to modify authorized facilities for which a license was not granted by February 22, 2012.

Id., para. 79. The Commission, however, proposed to allow holders of currently unbuilt construction permits to participate based on spectrum usage rights authorized in construction permits held on February 22, 2012 if the entity obtained a license by the commencement of the reverse auction process. Id., para. 77. Moreover, the Commission has proposed to allow Class A stations which have not yet completed their digital transitions to participate based on the station's licensed facility on the date of commencement of the reverse auction process. Id., para 80.

CPBI submits that it should be permitted to participate in the reverse auction as licensee/permittee of Station WEDY, New Haven. Station WEDY currently operates on Channel 6 with facilities authorized in FCC File No. BLEDT-20060906ABJ. CPBI holds a construction permit for operation of Station WEDY on Channel 41 (FCC File No. BPEDT-20110512AAI), the three-year expiration date for which is November 18, 2014.

If the FCC determines that WEDY is not eligible to participate in the reverse auction, the result will be one of two alternatives, neither of which would adequately serve the public interest. CPBI may decide not to construct on Channel 41, and remain on Channel 6, to the disadvantage of co-channel stations which encouraged and supported the rulemaking (MB Docket No. 09-123) that changed the New Haven reserved television channel in the Table of Digital Allotments from Channel 6 to Channel 41. In the alternative, should CPBI construct on Channel 41, it would remain there during the course of and after the reverse auction and lessen the Commission's flexibility for reaching its spectrum clearing goal for the Hartford-New Haven DMA.

The rationale that applies to allowing participation by holders of construction permits for unbuilt stations applies equally to CPBI and WEDY. That course would be consistent with the Commission's goal "of maximizing the amount of spectrum available in the reverse auction." *Id.*, para. 78.

Accordingly, CPBI asks the FCC to adopt a policy permitting licensees that currently hold modification construction permits for UHF channels to participate in the reverse auction so long as the subject modification has been completed and an application for license filed prior to the commencement of the reverse auction.

Respectfully submitted,

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