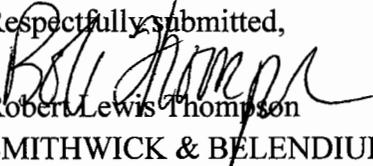


**Comments of NPGCo in the FCC's Spectrum Repacking Rulemaking**

News-Press & Gazette Company (“NPGCo”)<sup>1</sup> submits these comments in the FCC’s NPRM, Docket No. 12-268, rel. October 2, 2012 (“NPRM”). Certain provisions in the NPRM<sup>2</sup> suggest that the FCC has authority under the 2012 Spectrum Act<sup>3</sup> to force some full power, digital television stations to involuntarily downgrade from the UHF TV spectrum to the inferior VHF TV band. Not only is the FCC’s proposal conspicuously contrary to an expressly stated prohibition in the Act itself,<sup>4</sup> this clear and reasonable Congressional limitation of the FCC’s discretion in any repacking of the UHF spectrum has been widely acknowledged.<sup>5</sup> Indeed, after NPGCo’s vast expenditures to comply with the FCC’s recently mandated conversion from analog to digital broadcasting -- and the attendant migration of digital TV stations to the superior UHF band -- the FCC’s imposition, just a few years later, of a mandated and involuntary relegation of even one NPGCo TV station back to the VHF band would be unreasonable and unlawful, even if Congress had failed expressly to protect TV stations against such capriciousness.<sup>6</sup> But Congress has spoken. The FCC has no legal basis--directly or via definitional trickery in any repacking scheme--to force any NPGCo TV station to be *involuntarily* demoted, back to the clearly inferior VHF TV band.

Respectfully submitted,



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<sup>1</sup> NPGCo, a family-owned Missouri company that publishes one of America’s oldest newspapers, is the parent of subsidiary companies that are licensees of nine full power (and 4 “Class A”) TV stations in eight states.

<sup>2</sup> See, e.g., NPRM, paragraphs 113-118.

<sup>3</sup> See Pub. L. No. 112-96, 125 Stat. 156, at Sections 6402-03 (2012) (“Spectrum Act”).

<sup>4</sup> See Section 6403(b)(3) of the Spectrum Act. (For example, NPGCo station KVIA-TV’s Petition to migrate from Ch. 7 to Ch. 17 was granted, after certain delay, on September 27, 2011, prior to Congressional adoption of the Spectrum Act in 2012 ; neither KVIA-TV’s subsequent filing of a “minor mod” application in September 2012 [merely for a Ch 17 power increase] nor KVIA-TV’s “delay” in filing a Ch 17 license application (due to the FCC’s inaction on the “minor mod” application) is a reasonable basis for depriving KVIA-TV of its full digital Ch 17 rights.

<sup>5</sup> See, e.g., TV Technology, October 5, 2012 (<http://www.tvtechnology.com/prntarticle.aspx?articleid=215805>).

<sup>6</sup> Indeed, NPGCo’s award-winning KVIA-TV [ABC], El Paso, TX, has spent vast sums in recent years to obtain FCC authority to migrate from trouble-plagued VHF Channel 7 to UHF Channel 17, and to share a common digital antenna with KTSM-TV, Channel 16 (which station is filing separate, illuminating Comments in this proceeding).