

Before the  
Federal Communications Commission  
Washington, DC 20554

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

To: Marlene H. Dortch, Secretary  
Attn: Wireless Bureau

**COMMENTS OF INTERNATIONAL  
COMMUNICATIONS NETWORK, INC.**

International Communications Network, Inc. ("ICN"), by its counsel and pursuant to Section 1.415 of the Commission's rules, hereby respectfully submits its comments in the above-captioned proceeding. ICN respectfully urges the Commission to adhere faithfully to the admonition in Section 6403(b)(5) of the Spectrum Act<sup>1</sup> that "nothing [in the repacking provisions of the Act] shall be construed to alter the spectrum usage rights of low power television stations." In ICN's view, this admonition requires the Commission to respect current LPTV allocations wherever possible in repacking the spectrum, and to seek to accommodate existing licensees through flexible use of displacement and other allocation tools.

ICN is the long-time, minority-owned licensee of Station KSDY-LD, San Diego, California. Since the turn of the century, ICN's owners have struggled gamely to maintain a local TV service against long odds, including financial challenges, competition from group owners and Mexican full-power stations, scarcity of spectrum issues, and Mexican coordination problems. KSDY-LD was displaced from a prior channel and lost another channel due to

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96.

homeland security concerns.<sup>2</sup> But ICN has continued locally-oriented television service to its community of license, and fervently hopes to do so in the future. In order for this outcome to be assured, ICN believes the Commission must recognize the importance in the communications world of LPTV service to local communities by minority, independently-owned operators and the consequent need to utilize every available means to preserve that service while repacking the spectrum after the incentive auction. ICN urges the Commission to apply maximum flexibility in facilitating displacement and channel-sharing opportunities in considering facilities and community changes designed to allow the LPTV operator to co-exist with repacked full-power stations and new wireless facilities.

If the Commission adopts the proposed flexible attitude, the decades of labor and the more than five million dollars small operators like ICN have devoted to their LPTV stations will not go for naught. Minority audiences who have become dependent on stations like KSDY-LD for news, public affairs and entertainment video programming will not lose this critical media service, and the public interest in balancing such service with the needs of the wireless winners of the incentive auction will thereby be served.

Respectfully submitted,  
INTERNATIONAL COMMUNICATIONS  
NETWORK, INC.

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<sup>2</sup> As the Media Bureau and the Public Safety & Homeland Security Bureau are aware, ICN's LPTV was at one time slated to operate on channel 38. However, after the expenditure of over one million dollars, this plan had to be abandoned in order to accommodate Mexican interests and homeland security concerns.