



March 7, 2013

Gary Epstein, Incentive Auction Task Force Chair  
Mindel De La Torre, Chief, International Bureau  
Ruth Milkman, Chief, Wireless Telecommunications Bureau  
William Lake, Chief, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

Re: *Expanding the Economic and Innovation Opportunities of Spectrum  
Through Incentive Auctions, GN Docket No. 12-268*

Dear Gary, Mindel, Ruth and Bill:

As you know, more than one year has passed since Congress enacted the groundbreaking Spectrum Act, which authorized the Commission to conduct the world's first-ever incentive auction of spectrum. The Spectrum Act obligates the Commission to, among other things, coordinate with Canada and Mexico prior to conducting the auction and repacking broadcasters in the 600 MHz band.<sup>1</sup> The coordination requirement is significant, as there are approximately 795 full power stations licensed within the 250-mile Canadian coordination zone alone, amounting to nearly 45% of all full power broadcasters.

Apart from the statutory requirement, the ultimate success of the incentive auction depends in part on coordination with Canada and Mexico.<sup>2</sup> To repurpose

---

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6403(b)(1)(B), 126 Stat. 156 (2012) (Spectrum Act) (stating that the Commission may repack broadcast stations as part of the auction process, "subject to international coordination along the border with Mexico and Canada").

<sup>2</sup> See Letter of Joan Marsh, Peter Pitsch, Rick Kaplan, Dean Brenner, Kathleen Ham and Charla Rath to Gary Epstein, Incentive Auction Task Force Chair, GN Docket No. 12-268, filed January 24, 2013.

1771 N Street NW  
Washington DC 20036 2800  
Phone 202 429 5300

Gary Epstein, Incentive Auction Task Force Chair  
Mindel De La Torre, Chief, International Bureau  
Ruth Milkman, Chief, Wireless Telecommunications Bureau  
William Lake, Chief, Media Bureau  
March 7, 2013  
Page 2

nationwide bands of spectrum for mobile broadband, the Commission must engage with our neighbors to update existing cross-border digital television (DTV) agreements. Without revised agreements, the Commission will be unable to repack a sufficient number of stations within 250 miles of the Canadian border and 170 miles of the Mexican border to yield viable nationwide bands of spectrum for commercial wireless use. The result would be far less spectrum repurposed and far less money for the U.S. Treasury. Further, a new agreement is needed simply to permit mobile broadband operations in the 600 MHz band.

Having worked through significant coordination issues leading up to the 2009 DTV transition, NAB is uniquely positioned and eager to assist the Commission in its effort to expeditiously engage and complete its coordination with Canada and Mexico. To this end, NAB has developed a five-point proposal for international coordination that we believe will help reduce the cross-border challenges that stand in the way of a truly successful auction. While our proposal does not address every challenge associated with relocating television stations along the borders, it is designed to provide the FCC with a greater level of repacking flexibility in a reasonable timeframe.

With those principles in mind, NAB recommends that a successful path to international coordination should include the following:

**First**, identify the number of non-operational allotments that are currently being protected by Canada, Mexico and the U.S. Immediately thereafter, propose to Canada and Mexico using these non-operational allotments to find new channels that would be pre-approved and pre-coordinated to accommodate repacked U.S. stations in the border areas. For example, in the December 2008 Table A of the existing U.S. and Canadian Post-Transition Allotment Plan – the document that governs what channel allotments must be protected by both countries – Canada has 1,552 channel allotments designated for its TV operations. Of those 1,552 protected allotments, however, only about 550 represented operating TV stations. Furthermore, approximately 1,140 of the 1,552 entries (about 75%) are for channels in the UHF portion of the TV spectrum, and only 285 of these entries were assigned to operating stations. The post-transition allotment plans and the vacant allotments contained therein provide a useful starting point for the Commission to begin negotiations.

Gary Epstein, Incentive Auction Task Force Chair  
Mindel De La Torre, Chief, International Bureau  
Ruth Milkman, Chief, Wireless Telecommunications Bureau  
William Lake, Chief, Media Bureau  
March 7, 2013  
Page 3

**Second**, after determining what flexibility might be available, the Commission should expedite – and NAB could assist with – detailed technical and repacking analyses to determine the breadth and scope of the border challenge and its potential impact on spectrum recovery. These studies and analyses would establish baseline band plans to determine and maximize the amount of spectrum that can be recovered while still protecting existing Canadian and Mexican TV operations (although not protecting allotments, as noted above). The studies would help identify where and how many TV broadcast volunteers are needed to meet a reasonable clearing target during the reverse auction.

**Third**, the Commission must study the potential impact of Canadian and Mexican TV broadcast operations on future U.S. mobile broadband operations, and vice versa. In many, but not all instances, the constraints on U.S. broadband operations will be manageable.<sup>3</sup> This step is essential so that the FCC can make public prior to the forward auction any remaining encumbrances on particular blocks of spectrum. This will allow bidders to take into account any impairment that might exist should they consider pursuing those particular licenses at auction.

**Fourth**, the Commission, with the help of the affected industries, needs to develop the technical sharing criteria between new broadband operations and existing TV stations. This includes agreeing with Canada and Mexico that commercial wireless operations are permitted on the channel allotments currently subject to the agreement (which they are not currently), and agreeing on the new separation distances required.

**Fifth**, the Commission should also begin to engage with Canada and Mexico on a long-term 600 MHz band plan across the borders. This cross-border band plan should provide for the eventual commonality of broadband and broadcast use and harmonization of spectrum across the border.

A successful auction requires that channels along the border be pre-coordinated and available for use by stations subject to repacking. Any delay in

---

<sup>3</sup> An initial analysis suggests that the greatest remaining challenges will be in Detroit, MI, and Buffalo, NY, and surrounding areas.

Gary Epstein, Incentive Auction Task Force Chair  
Mindel De La Torre, Chief, International Bureau  
Ruth Milkman, Chief, Wireless Telecommunications Bureau  
William Lake, Chief, Media Bureau  
March 7, 2013  
Page 4

this critical element of pre-auction planning will also delay the auction, limit new available spectrum for wireless broadband, reduce the auction proceeds and diminish over-the-air television service for viewers near the border. NAB respectfully submits this proposal as a means to avoid such unnecessary delays or complications and stands ready to assist the Commission in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan  
Executive Vice President, Strategic Planning

cc: Chairman Julius Genachowski  
Commissioner Robert McDowell  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai