

March 6, 2013

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: In the Matter of Expanding the Economic and Innovation Opportunities of
Spectrum Through Incentive Auctions, GN Docket No. 12-268, Notice of Ex
Parte Communication

Dear Ms. Dortch:

On March 4, 2013, the following people met with Commissioner Ajit Pai and his Chief of Staff Matthew Barry: Gregory MacDonald, President/CEO, Montana Broadcasters Association; Jon Saunders, V.P. Cordiellera Communications (Montana Television Network); Michelle Zabriskie, President/CEO Utah Broadcasters Association; Dale Zabriskie, Utah Broadcasters Association.

In the meeting, we shared our concerns about the implementation of the Spectrum Act; specifically the potential harm to television viewers throughout Montana and Utah if the statute is not implemented faithfully. We urged the Commissioner to restrict repacking during the auction to the role of ensuring that the auction yields nationwide bands of spectrum, rather than attempting to turn repacking into a reallocation exercise that ends up most negatively impacting rural and Western states.

We noted that, while translators did not receive formal protection in the statute (i.e., are not protected in repacking and are not compensated for their moves), in Montana, Utah and other Western states they are numerous and serve critical functions. Between our two states, we utilize more than 1,100 translators, which amounts to more than the entire Eastern seaboard combined. A significant number of these television translators in our states are used to serve small, rural areas with local television signals. Indeed, many of these translators are owned by small, local community groups and “television translator districts,” which are groups of individuals in a community that have organized to bring local television to their remote towns.

Moreover, Montana and Utah translators serve low-income communities, including many seniors and Native Peoples living on reservations. Unemployment on Montana’s seven reservations averages 66 percent with a commensurate poverty level, and Utah faces similar challenges. Cable is rarely available in these rural areas and satellite service is prohibitively expensive for those living well below the poverty line. Free over-

the-air television is often the only link to the daily news of the state and emergency information.

We also noted that because Montana and Utah are large states with limited population, there is little demand for new spectrum for wireless broadband. In fact, large amounts of spectrum designated for wireless broadband use have not yet been built out in our states, and it is unlikely to be built out in the near future. So if the Commission were to simply reallocate large amounts of spectrum beyond what it reclaims through the market-based auction, the people in Montana and Utah would be losing essential television service in order for wireless companies to acquire licenses that they likely will never use.

We respectfully asked the Commission to bear these facts in mind and not take unnecessary action that would harm our communities. In that regard, we urged the Commissioner to support policies that would adhere to the market-based process that animates the Spectrum Act. We also requested that, where spectrum that is auctioned that is currently occupied by a translator, that translator can continue to operate until (if ever) that spectrum is actually used by the corresponding wireless carrier. It would be unfair and unwise to require a translator to move without any imminent wireless service being offered to the public.

Please direct any questions to the undersigned.

Respectfully submitted,

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