

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: The Commission

**REPLY COMMENTS OF
RAYCOM MEDIA, INC.**

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SUMMARY

In implementing the Spectrum Act, the Commission must honor the letter and spirit of the Congressional determination that television stations that choose not to participate in the voluntary incentive auction — and those stations' viewers — are to be held harmless.

Congress included protections in the Spectrum Act to ensure that the public's free, over-the-air television service remains a thriving part of the communications landscape following the incentive auction and the related repacking process. Congress authorized the repacking process so that, after certain stations voluntarily cede their spectrum rights in the incentive auction, the television stations that wish to continue broadcasting can be consolidated in a fashion permitting the auction of freed-up spectrum on a nationwide basis, instead of in a Swiss cheese pattern on a market-by-market basis. The repacking is not authorized as a secondary means of extracting additional spectrum from television stations, and treating it as if it were would cause serious harms to television stations and to their viewers, contrary to the legislation and public policy.

The repacking process should not be used to penalize viewers, including viewers that have been experiencing service losses since the digital transition. Accordingly:

- The Commission should promptly grant the long-pending, pre-freeze petition of WMC, Memphis, Tennessee, to move from its low VHF channel to Channel 17. This would allow WMC to restore service to viewers that have been experiencing reception problems for years. A key provision in the Spectrum Act, and related explanations from members of Congress, make clear that far from ruling out Commission action on petitions such as WMC's, Congress *wants* the FCC to move forward on processing the pre-freeze petitions, as the FCC said that it would do and as it has for many other VHF stations.
- The Commission must protect the coverage area and population served of stations as of February 22, 2012. Depriving stations and their viewers of protection for facilities that were in operation when the Spectrum Act was enacted would be directly contrary to the statutory language and the overall

“hold harmless” imperative of the Spectrum Act. Thus, WOIO, Shaker Heights, Ohio, should not lose any of the protection required by the Spectrum Act simply because the station was operating pursuant to special temporary authority as of February 22, 2012. Similarly, the Commission must protect the current facilities of WFXG, Augusta, Georgia, which facilities were in operation and the subject of a license application as of February 22, 2012. In addition, the statute provides for the same level of protection for Class A stations.

- The Commission must protect the service provided by digital replacement translators, which the Commission authorized in connection with the digital transition specifically to restore service to viewers of full-power stations.

In implementing the Spectrum Act, the Commission should bear in mind the “lessons learned” from the digital transition. When viewers lose access to their local television stations, they sustain harms that are quite real, and that cannot and should not be ignored. The comments filed in this proceeding show that television broadcasters are still mindful of the digital transition and the disruption caused by service losses — in many cases because viewers are still voicing objections to such losses. Clearly, Congress is also paying heed to the lessons of the digital transition, and it has crafted statutory protections designed to avoid inflicting service losses on viewers or stations. Knowing the stakes for the viewing public, the Commission can proceed to implement the Spectrum Act as a “win-win” for *all* interested parties.

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Raycom Media, Inc. (“Raycom”) respectfully replies to the comments filed in this proceeding concerning the Commission’s proposals with respect to the repacking process. As Raycom noted in its initial comments, the Commission can and should achieve a “win-win” outcome in this proceeding.¹ The goal of a successful spectrum auction is in no way mutually exclusive with providing television stations and television viewers with the protection required by the Spectrum Act.

Congress made the essential policy decision that stations that choose not to participate in the incentive auction are to be held harmless. Congress authorized the repacking process to facilitate the Commission’s reallocation of spectrum that is voluntarily contributed as a part of the incentive auction. The Commission is not authorized to use the repacking process as a means of extracting television spectrum beyond that yielded in the incentive auction, at the expense of the public’s free, over-the-air television service. As it implements the Spectrum Act, the Commission must adhere to Congress’s fundamental goal of preserving a robust broadcast

¹ Comments of Raycom Media, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Raycom”).

television service for the future. Accordingly, the prospect of a future repacking should not be used as a justification for denying viewers relief for service losses that have persisted since the DTV transition. The FCC's proposal to further delay action on the long-pending, pre-freeze petition of WMC, Memphis, Tennessee, to move from its low VHF channel to Channel 17 would do just that. Nor should the Commission adopt certain other proposals outlined in the Notice of Proposed Rulemaking ("NPRM") that fall short of the Spectrum Act's requirements.

I. THE COMMISSION SHOULD GRANT WMC'S LONG-PENDING, PRE-FREEZE PETITION THAT REQUESTS AUTHORIZATION TO MOVE FROM LOW VHF CHANNEL 5 TO UHF CHANNEL 17.

As Raycom noted in its initial comments, the digital transition caused serious service disruptions for WMC's viewers.² In connection with the digital transition, WMC commenced digital operations on low VHF Channel 5. Since that time, and despite remedial measures described in Raycom's initial comments and in its long pending channel change petition, many long-time viewers of WMC have been unable to receive a reliable signal from the station. A disproportionate number of viewers affected by WMC's unreliable low VHF signal are senior citizens, African Americans, and low income households.³ WMC filed a petition seeking authorization to move to a UHF channel (Channel 17) prior to the FCC's May 31, 2011 freeze on such requests ("Freeze Notice"),⁴ so that the station can resolve these serious reception

² Comments of Raycom at 3-4.

³ *Id.* at 5; *see also* Comments of Univision Communications Inc., GN Dkt. No. 12-268, 8 (Jan. 25, 2013) ("Comments of Univision"); Comments of Entravision Holdings, LLC, GN Dkt. No. 12-268, p 14-15 (Jan. 25, 2013); Comments of Gray Television, Inc., GN Dkt. No. 12-268, 8 (Jan. 25, 2013) ("Comments of Gray") (explaining that minority communities skew disproportionately toward over-the-air viewing, making it critical that the FCC not marginalize minority groups in the repacking process by diminishing broadcast television's vital communications resource to these communities).

⁴ FCC Public Notice, "Freeze on the Filing of Petitions for Digital Channel Substitutions Effective Immediately," 26 FCC Rcd 7721 (rel. May 31, 2011) ("Freeze Notice").

problems and so that it can launch mobile DTV offerings.⁵ The Commission has granted many similar petitions, including one granted just days before the Freeze Notice,⁶ and a refusal to act on WMC's petition, which was filed with the Commission before the Freeze Notice was issued, is contrary to the Spectrum Act, public policy, and basic principles of fairness.⁷

The NPRM proposes inaction on WMC's petition on the theory that it could restrict the Commission's flexibility in the repacking.⁸ No commenter on the record agreed with the concern outlined in the NPRM, while three other commenters, in addition to Raycom, explained the problems with the NPRM's proposal.⁹

First, as a factual matter, there are only two pending pre-freeze petitions in the entire country that seek UHF channels for stations currently operating on low VHF channels.¹⁰ It

⁵ See Amendment of Section 73.622(b), Final DTV Table of Allotments, Television Broadcast Stations (Memphis, Tennessee), Petition for Rulemaking, filed by WMC License Subsidiary, LLC (May 26, 2011).

⁶ See, e.g., Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Nashville, Tennessee), Report and Order, 26 FCC Rcd 7677 (rel. May 25, 2011) (authorizing VHF-to-UHF channel change for a station seeking to address service losses in its core service area); Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Cadillac, Michigan), Report and Order, 24 FCC Rcd 4760 (2009) (authorizing VHF-to-UHF channel change).

⁷ See Comments of Media General, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013) ("Comments of Media General"), at 3 (in the Freeze Notice, the FCC stated that the Media Bureau would "continue its processing of rulemaking petitions that are already on file with the Office of the Secretary.").

⁸ *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, GN Dkt. No. 12-268, 27 FCC Rcd 12357 (Oct. 2, 2012), at n. 180-81 ("NPRM").

⁹ Comments of Media General at 3-9; Comments of Bonten Media, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013) ("Comments of Bonten"), at 2-9; Comments of the National Association of Broadcasters ("NAB"), GN Dkt. No. 12-268 (Jan. 25, 2013) ("Comments of NAB"), at 31-33.

¹⁰ In addition to WMC's petition, there is a petition filed on behalf of WCYB, Bristol, Virginia. See Comments of Bonten at 5.

is very difficult to understand how granting narrow relief for two television stations would have any harmful effect on the repacking process.

Second, the unique problems associated with VHF digital television operations are well documented and have been acknowledged repeatedly by the Commission.¹¹ These problems are serious. Denying Raycom relief on its long-pending channel change request has particularly severe consequences for the station and its viewers.

Third, the concern articulated by the Commission puts the cart before the horse. It prioritizes the goal of reallocating as much UHF spectrum as possible from broadcasters to wireless operators, although that goal is *not* required or even endorsed by the Spectrum Act.¹² Indeed, the Spectrum Act expressly provided the FCC with authority to proceed with pre-freeze VHF-to-UHF channel change requests regardless of its impact on the availability of UHF spectrum for the auction or repacking.¹³ As Bonten pointed out in its comments, “[w]hen an early draft of the Spectrum Act would have precluded the FCC from acting on WCYB’s channel

¹¹ See NPRM at para. 127 (“Use of the ‘low VHF channels’ (channels 2-6) for digital television service can be particularly difficult because of increased signal interference caused by the higher levels of ambient noise from other electronic devices operating on or near the low VHF frequency range”); see also *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Report and Order*, 19 FCC Rcd 18279, at paras. 51 and 63 (2004). As the Commission has noted, in the digital transition process, “it was recognized that use of the low-VHF channels 2-6 for digital service could be particularly difficult because of the generally higher levels of background noise on those channels.” *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, ET Docket No. 10-235, 25 FCC Rcd 16498, para. 43 (2010) (acknowledging special difficulties of low VHF channels).

¹² See Comments of the Association of Public Television Stations, Corporation for Public Broadcasting and Public Broadcasting Service, GN Dkt. No. 12-268 (Jan. 25, 2013), at 12; Comments of Sinclair Broadcast Group, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013), at 7 (pointing out that Congress did not intend for the FCC to clear as much spectrum as possible at the cost of broadcasters who choose not to participate in the voluntary incentive auction).

¹³ See Comments of Raycom at 2, *citing* Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 125 Stat. 156, Title VI (2012) (“Spectrum Act”), at § 6403(g)(1). See also Comments of Media General at 4-5; Comments of Bonten at 3.

change petition,” Congress amended “the pertinent provision so as to preserve the rights of stations that filed their channel change requests prior to the FCC’s freeze... clearly showing its intent that television stations that filed before the freeze retain the opportunity to have their petitions processed in the ordinary course.”¹⁴ Moreover, as Media General explains in its comments, when Congress changed the legislative language to enable the Commission to continue to process pre-freeze petitions, it did so knowing that the FCC had made a commitment that it *would* continue to process such petitions.¹⁵ The Commission’s proposal to deny action on WMC’s long-pending channel change request thus sacrifices the clear goal of the Spectrum Act to “hold harmless” television stations and their viewers, in contravention of the FCC’s own statement to the contrary¹⁶ and Congress’ express authorization to act,¹⁷ and without any support in law or policy.¹⁸

Indeed, several members of Congress are concerned that the Commission’s proposed refusal to act on the pending, pre-freeze petitions will harm viewers and violate the intent of the Spectrum Act. For example, Senators Kay Hagan, Lindsey Graham, and Saxby Chambliss wrote to the Commission to explain that earlier versions of the Spectrum Act were amended specifically “to allow those broadcasters who had invested the time and resources necessary to file reallocation petitions to have their petitions considered in accordance with

¹⁴ Comments of Bonten at 6.

¹⁵ See Comments of Media General at 7, *citing* Freeze Notice.

¹⁶ *Id.* See also Comments of Comments of Media General at 3.

¹⁷ Spectrum Act at § 6403(g)(1)(B). See also Comments of Raycom at 3-4; Comments of Media General at 4; Comments of Bonten at 3.

¹⁸ See Comments of NAB at 8 (“the primary role of repacking is to rationalize the results of the auction by creating nationwide bands of spectrum for commercial mobile wireless service; it was not intended as a second shot at extracting spectrum from broadcasters that choose not to participate in the auction.”).

existing Commission standards and processes.”¹⁹ These lawmakers added that not processing these petitions would be “counter both to the specific legislative intent behind inclusion of the ‘freeze’ exception and to principles of fairness that entitle parties, who have proceeded in accordance with FCC rules and deadlines, not to have their rights truncated unexpectedly.”²⁰ Media General also directed the Commission’s attention to similar letters, including one from five members of Congress who are worried that “unless the [FCC] acts quickly to move forward with these petitions, our constituents will be denied full access to local news and informational programming and the benefits of emerging technologies like Mobile DTV.”²¹

Fourth, Raycom strongly agrees with Media General that the NPRM’s proposal regarding pending VHF-to-UHF channel reallocation petitions raises procedural concerns. Media General explains that a decision not to act on petitions that were filed *before* the Freeze Notice was issued would be arbitrary and capricious, because it would amount to a retroactive freeze without fair notice and without regard to the principle of treating like parties alike.²² Likewise, NAB states that the Commission’s “proposal not to extend protection in cases where applications were filed before the freeze... is arbitrary and capricious and an abuse of discretion.”²³

¹⁹ Comments of Bonten at 16, *citing* Letter from Senators Kay Hagan, Lindsey Graham, and Saxby Chambliss to Chairman Julius Genachowski (May 1, 2012).

²⁰ *Id.*

²¹ *See* Comments of Media General at 6, n. 13, *citing* Letter from Hons. G.K. Butterfield, Kathy Castor, Morgan Griffith, Gregg Harper, and Cliff Stearns to Chairman Julius Genachowski (July 26, 2012).

²² *See* Comments of Media General at 9-10.

²³ Comments of NAB at 31-32. *See also id.* at 31 (“the Commission should not, and indeed cannot, engage in a *de facto* freezing of applications for channel substitutions prior to its actual May 2011 freeze.”).

In short, prompt action on WMC's long pending pre-freeze petition is compelled by legal, equitable and public interest reasons. Congress unequivocally supports Commission action on the pending, pre-freeze channel change petitions. Congress understands that stations such as WMC filed these petitions in order to improve service for viewers that rely on over-the-air television service. Refusal to act on these petitions would be contrary to Congressional intent and would penalize viewers that the Commission should be protecting. It also would be arbitrary and capricious. In order to allow WMC to remedy service problems that arose in connection with the digital transition, the Commission should grant WMC's petition promptly.

II. THE COMMISSION MUST PROTECT THE COVERAGE AREA AND POPULATION SERVED BY WOIO AS OF THE SPECTRUM ACT'S ENACTMENT (INCLUDING THE SERVICE PROVIDED BY WOIO'S REPLACEMENT TRANSLATOR).

Raycom's initial comments noted that the Commission's proposed interpretation of § 6403(b)(2) of the Spectrum Act would fall short of the statute's requirements.²⁴ Specifically, the Commission proposed to protect only "facilities that were licensed, or for which an application for license to cover authorized facilities already was on file with the Commission, as of February 22, 2012."²⁵ As of February 22, 2012, Raycom's station WOIO, Shaker Heights, Ohio, was operating pursuant to Special Temporary Authority, as it has been since late 2009, with facilities that serve a substantially larger population and service area than the facilities described in WOIO's license. This facility must be protected in the repacking.

Dozens of commenters agreed that the Commission should protect the coverage area and population of stations as of February 22, 2012, whether or not the applicable facilities

²⁴ Comments of Raycom at 6-8.

²⁵ NPRM at para. 98.

were licensed (or the subject of a license application) as of that date,²⁶ while only one commenter disagreed.²⁷ For example, Post-Newsweek Stations, Inc. stated that “[t]he Commission’s proposal creates a gap in protection for coverage area and population that must be protected under the plain language of the Spectrum Act.”²⁸

²⁶ Comments of Post-Newsweek Stations, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Post-Newsweek”) at 2-4; Comments of ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Affiliates Associations”), at 21-22; Comments of Gray at 2-5; Comments of Belo Corp., GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Belo”), at 16-18; Comments of Comcast Corporation and NBCUniversal Media, LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 6; Comments of National Religious Broadcasters, GN Dkt. No. 12-268 (Jan. 25, 2013), at 19; Comments of Univision at 8-12; Comments of LaSea Broadcasting Corporation, GN Dkt. No. 12-268 (Jan. 25, 2013), at 1-3; Comments of Lincoln Broadcasting, LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 1-4; KAZN License, LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 7-9; Comments of SATV10 LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 3-4; Comments of Tribune Company, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Tribune”), at 20; Comments of Bahakel Communications, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Bahakel”), at 1; Comments of Channel 32 Montgomery LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 3-10; Comments of The Walt Disney Company, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Walt Disney”), at 13-16, 21-23; Comments of Parker Broadcasting of Louisiana LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 3-9; Comments of Community Television, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013), at 1-3; Comments of Carolina Christian Broadcasting, Inc., GN Dkt. No. 12-268 (Jan. 25, 2013), at 1-3; Comments of the Computer & Communications Industry Association, GN Dkt. No. 12-268 (Jan. 25, 2013), at 12-13; Comments of Dispatch Printing Company, GN Docket No. 12-268 (Jan. 25, 2013) (“Comments of Dispatch”), at 1-2; Comments of CBS Corporation, Fox Entertainment Group, Inc., NBCUniversal Media, LLC, The Walt Disney Company, and Univision Communications Inc., GN Dkt. No. 12-268 (Jan. 25, 2013), at 8; NAB Comments at 31-33; Comments of Vision Communications, LLC, GN Dkt. No. 12-268 (Jan. 25, 2013), at 5-7; Comments of Named State Broadcasters Associations, GN Dkt. No. 12-268 (Jan. 25, 2013), at 14; Comments of WGAL Hearst Television Inc., GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of WGAL”), at 8-11; Comments of Cox Media Group, GN Dkt. No. 12-268 (Jan. 25, 2013) (“Comments of Cox Media Group”), at 6-8; Comments of The Durst Organization, GN Dkt. No. 12-268 (Jan. 25, 2013), at 3-4.

²⁷ Comments of the Telecommunications Industry Association, GN Dkt. No. 12-268 (Jan. 25, 2013), at 8.

²⁸ Comments of Post-Newsweek at 2; *see also id.* at 2-3 (“Section 6403(b)(2) of the Spectrum Act requires the Commission to ‘preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee.’ The term ‘licensee’ refers to which entities the Commission must protect — not what must be protected. What must be protected is the ‘coverage area and population served’ as of the date of the Spectrum Act’s enactment — without regard to whether such facilities were licensed.”); *see also, e.g.*, Comments (continued...)

In order to fulfill the Spectrum Act’s mandate, the Commission must also protect the service provided by WOIO’s digital replacement translator.²⁹ The replacement translator serves long-time station viewers who lost service in connection with WOIO’s digital transition, and it is licensed as a part of WOIO’s license (there is no separate authorization for digital replacement translators). Numerous commenters agreed that the Commission should protect the service provided by replacement translators, with commenters noting that they serve the viewers of full power stations who lost service in the digital transition and that Congress clearly sought to avoid service losses for viewers of full power television stations.³⁰

III. THE COMMISSION SHOULD PROTECT WFXG’S EXISTING COVERAGE AREA AND POPULATION SERVED.

As Raycom explained in its initial comments, its station WFXG, Augusta, Georgia, is operating on Channel 51.³¹ The station’s current facilities are the subject of a pending license application, and these Channel 51 facilities were in operation as of February 22, 2012, when the Spectrum Act was enacted. Accordingly, the station’s coverage area and population served by these Channel 51 facilities must be protected in the repacking, notwithstanding the fact that the Commission earlier authorized Raycom to construct a facility on Channel 31. (The station’s former licensee ultimately determined that it would not be

of Affiliates Associations, GN Docket No. 12-268 (Jan. 25, 2013), at 20-21 (“The *Notice*’s proposal is inconsistent with both the plain language and statutory purpose of the Act....”).

²⁹ Comments of Raycom at 8.

³⁰ See, e.g., Comments of NAB at 33 (“[t]here is little question that the Commission authorized these translators as a means to fill in areas within full power stations service contours, and thus should be protected as an integral part of the full service facilities protected during repacking”); Comments of the Affiliates Associations at 39-41; Comments of Cox at 4-5; Comments of Gray at 7-8; Comments of Walt Disney at 14, n. 42; Comments of WGAL at 14-15; Comments of Bahakel at 3; Comments of Belo at 15-16; Comments of Tribune at 15, 18-21; Comments of Bonten at 10.

³¹ Comments of Raycom at 8-10

necessary or feasible to construct a new facility on Channel 31, and accordingly requested that the Commission reallocate Channel 51 to WFXG. The Commission issued a Notice of Proposed Rulemaking proposing to do so.³²⁾

IV. THE COMMISSION SHOULD PROTECT THE COMPLETE COVERAGE AREAS AND POPULATIONS SERVED OF CLASS A STATIONS.

Numerous commenters agreed with Raycom that the NPRM's proposal concerning Class A stations was too narrow, explaining that the Spectrum Act requires protection for the "coverage area" and "population" served by Class A stations.³³ Raycom agrees with Dispatch Printing Company that "Congress unambiguously has required that the Commission provide the same level of protection to Class A stations (and their viewers) that it provides to full power television stations."³⁴ The express language and intent of the Spectrum Act is designed to avoid real-world service losses for both Class A stations and full-power stations. Accordingly, the protection required by the Spectrum Act is not meant to be constrained by looking solely to areas within which a Class A station is entitled, as a regulatory matter, to protection from interference.³⁵

* * *

³² See Final DTV Table of Allotments, Television Broadcast Stations (Augusta, Georgia), Notice of Proposed Rulemaking, 26 FCC Rcd 3870 (Video Division 2011).

³³ See, e.g., Comments of Casa En Denver, GN Dkt. No. 12-268 (Jan. 25, 2013), at 1-4; Comments of Dispatch at 4-5.

³⁴ Comments of Dispatch at 5.

³⁵ See, e.g., *id.* at 4-5; Comments of Bonten at 11 ("The clear meaning and intent of this requirement is to avoid the loss of service to viewers or areas served by such stations, and Congress did not provide that viewers relying on Class A stations' service were any less entitled to protection than the viewers of full power stations"); Comments of Affiliates Associations at 25 ("there is nothing in the Spectrum Act that suggests that Congress intended 'coverage area' to mean one thing for full power television stations and a different thing for Class A television stations").

Almost every commenter in this proceeding remarked on the unprecedented nature of the task before the Commission. At some level, this is true. The voluntary incentive auction is novel, and it will take creativity and cooperation from all stakeholders to be successful. But the Commission is not heading into entirely uncharted waters, and it would be folly to navigate this process without paying heed to the knowledge gained in the digital transition that was completed only a few years ago.

The digital transition entailed widespread channel changes and other facilities modifications. So too will the repacking. The digital transition can show us what hazards lie ahead in the repacking, and how to avoid them. Most notably, the digital transition made clear that viewers will not tolerate losing access to free, local television service (nor should they). Viewers call, send e-mails, and write letters until their concerns are addressed because they depend on over-the-air television as a free source of news, weather, emergency information, and entertainment programming. The digital transition also revealed that households that rely on over-the-air service are often low income, minority, or elderly households. The Commission should protect all television viewers, and it should take particular care that its repacking rules do not cause harm to vulnerable members of our population.

In sum, while the Commission has never implemented the Spectrum Act before, it has administered a process that bears many similarities to the repacking. As it proceeds, the Commission should draw on the lessons of the digital transition. The Commission's lodestar should be the preservation of free, over-the-air, local television service to American viewers. By getting the repacking rules right from the beginning, the Commission can achieve a successful outcome and can avoid causing lasting harm to the public.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Johnson", written over a horizontal line.

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