



1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000  
FAX 202.719.7049

7925 JONES BRANCH DRIVE  
MCLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

www.wileyrein.com

March 28, 2013

Ari Meltzer  
202.719.7467  
ameltzer@wileyrein.com

**BY ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
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 ORAL EX PARTE PRESENTATION**

Dear Ms. Dortch:

On Wednesday, March 27, 2013, Preston Padden, Executive Director of the Expanding Opportunities for Broadcasters Coalition (the “Coalition”) met with Chairman Julius Genachowski, Zac Katz and Renee Gregory from the Office of the Chairman, Gary Epstein of the Incentive Auction Task Force, and William Lake of the Media Bureau.

During the meeting, Mr. Padden emphasized the consensus among stakeholders that the participation of willing broadcasters is critical to the success of the reverse auction and explained the concerns raised by the Coalition, which represents approximately 40 television stations concentrated in the country’s largest markets, in its Reply Comments and Informal Comments.<sup>1</sup> Mr. Padden urged the Commission not to “score” broadcasters participating in the reverse auction on any basis other than the effect their removal would have on the repacking of broadcast stations. Mr. Padden stressed that the threat of arbitrary scoring or other efforts to interfere with market-based pricing will discourage broadcaster participation and could result in an insufficient supply of broadcast spectrum.

Mr. Padden noted that channel sharing could increase the amount of spectrum reallocated for mobile broadband use and urged the Commission to facilitate channel sharing by permitting a broadcaster that relinquishes its spectrum to

---

<sup>1</sup> See Reply Comments of Expanding Opportunities for Broadcasters Coalition, GN Docket No. 12-268 (Mar. 10, 2013); Letter from Preston Padden, Executive Director, Expanding Opportunities for Broadcasters Coalition, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (Mar. 26, 2013).



Ms. Marlene Dortch  
March 28, 2013  
Page 2

channel share with any other station in the same DMA. Mr. Padden also encouraged the FCC to adopt a flexible approach for stations currently operating under Special Temporary Authority and that are interested in offering their spectrum rights for auction.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Ari Meltzer".

Ari Meltzer  
Counsel to the Expanding Opportunities for Broadcasters Coalition

Enclosure

cc (via e-mail):

Chairman Julius Genachowski  
Gary Epstein  
Renee Gregory  
Zac Katz  
William Lake