



**EXPANDING  
OPPORTUNITIES  
FOR  
BROADCASTERS  
COALITION**

April 7, 2013

**VIA E-MAIL AND ECFS**

Ruth Milkman, Brett Tarnutzer, Sasha Javid (Wireless Telecommunications Bureau)  
Evan Kweral (Office of Strategic Planning and Policy Analysis)  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: “Scoring” of Broadcast Stations  
In the Matter of Expanding the Economic and Innovation Opportunities of  
Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Milkman and Messrs. Kweral, Tarnutzer, and Javid:

Thanks very much for meeting on April 4 with representatives of the Expanding Opportunities for Broadcasters Coalition (the “Coalition”). From our standpoint, the meeting was very productive, constructive, and cordial, and we are very grateful to you.

As the Coalition has stated in its Comments of January 24, its Reply Comments of March 10, and its Informal Comments of March 26, stations participating in the auction are selling spectrum to be reallocated for wireless. They are NOT selling broadcasting businesses. Therefore, a station’s audience size and enterprise value are not relevant to the price the station should receive for tendering its spectrum. Only two factors should determine the value that a station receives in the reverse auction: (1) the preclusive effect that the station has on the repacking of other stations; and (2) the market price, as determined by the auction.

In the meeting on April 4, we reviewed the examples contained in the Coalition’s filing of March 26 that demonstrate that the population covered by a TV station’s signal is NOT a valid way to measure the station’s preclusive effect on repacking. It was our impression that you found these examples to be useful. Nonetheless, you expressed a desire to retain the flexibility to pay more to “big” stations and less to “small” stations.

In thinking back over the meeting, it is not clear to the Coalition what you meant by “big” and “small”. The Coalition acknowledges that the FCC may pay more to a station with a “big” preclusive effect on the repacking of other stations and less to a

Ruth Milkman, Evan Kweral, Brett Tarnutzer, Sasha Javid  
April 7, 2013

station with a “small” preclusive effect. But, if by “big” and “small” you meant to reference any other station characteristic (such as audience size, population covered, enterprise value, etc.) then we must respectfully disagree that such “picking of winners and losers” by the Commission staff is appropriate or permissible under the Statute.

There will be no auction without TV station volunteers. Commission expressions of intent to consider factors other than a station’s preclusive effect on repacking are driving away from the auction the very stations most likely to otherwise consider surrendering their spectrum. The Coalition urges the Commission to clarify, at the earliest opportunity, that it will not weigh or “score” a station on any basis other than its preclusive effect on repacking other stations.

Thank you again for meeting with us. We look forward to continuing our dialog as the Commission prepares for this historic and challenging auction endeavor.

Respectfully Yours,

/s/ Preston Padden /s/

Preston Padden  
Executive Director  
Expanding Opportunities for Broadcasters Coalition

cc: Gary Epstein, Incentive Auction Task Force  
Zachary Katz, Office of the Chairman  
William Lake, Media Bureau  
GN Docket No. 12-268