



July 29, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 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 Thursday, July 24, 2013, Rick Kaplan, Jane Mago, Victor Tawil and Bruce Franca of the National Association of Broadcasters ("NAB"), met with Dave Grimaldi, Louis Peraertz and Sarah Whitesell of the Office of Acting Chairwoman Mignon Clyburn.

In the meeting, NAB addressed a number of topics related to the Federal Communications Commission's (Commission) incentive auction proceeding. As a general matter, NAB explained that the Commission would be best served if they were more transparent and engaged more directly with outside stakeholders. NAB offered two examples in particular: (1) repacking and (2) international coordination. NAB also again urged the Commission to lift the freeze on station modification applications or, in lieu of lifting the freeze, move immediately to an order that determines which stations can participate and the extent of protection in the incentive auction.

With respect to repacking, while NAB was pleased to receive more information from the Commission on potential inputs into the repacking software, NAB encouraged the Chairwoman's office to engage more directly with external stakeholders on the repacking model itself. No one outside of the Commission and its contractors has any information about the key decisions being made with respect to the development of the not-yet-released model or any information regarding the timeline for the model's release. NAB explained that the staff could save significant time and effort by engaging stakeholders *at this juncture* as opposed to waiting until the final proposal is complete. Having public and ex parte conversations about the substance and

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direction of the model might help the Commission identify problems and concerns up front, rather than waiting for a final output that may require significant after-the-fact revisions. NAB reiterated that there is no more important and complex piece to the auction than repacking, and it is eager to assist in making it a success.

NAB also noted that coordination with Canada and Mexico is another area where transparency and engagement can be improved to ensure the best chance for a successful auction. To date, the Commission has not offered any details regarding the substance of its efforts to coordinate internationally, and external stakeholders are struggling to figure out how to best assist the Commission on this essential piece. NAB in particular has some of the leading engineering minds at its disposal when it comes to developing an international broadcast coordination plan, and can offer its unique experience to the process. Indeed, NAB has submitted two letters to the Commission on the issue: a five-point plan for expedited international coordination;<sup>1</sup> and a joint letter with the Consumer Electronics Association,<sup>2</sup> encouraging the Commission to develop a working group with industry to best effectuate a border transition plan.

NAB reiterated its desire and commitment to work with the Commission and all interested stakeholders to resolve outstanding issues and move forward as expeditiously as possible toward a successful auction.

Respectfully submitted,



Rick Kaplan  
Executive Vice President, Strategic Planning

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<sup>1</sup> See Letter from Rick Kaplan, Executive Vice President, Strategic Planning, NAB, to Gary Epstein, Incentive Auction Task Force Chair, *et al.*, in GN Docket No. 12-268 (filed March 7, 2013).

<sup>2</sup> See Letter from Rick Kaplan, Executive Vice President, Strategic Planning, NAB, and Julie Kearney, Vice President, Regulatory Affairs, CEA, to Chairwoman Mignon Clyburn, in GN Docket No. 12-268 (filed May 30, 2013).