

T «PHONE»

FROM THE DESK OF

MANEESH PANGASA

F «

September 2, 2013
Mignon Clyburn
Chairwoman
Federal Communications Commission
445 12th St. SW
Washington D.C. 20554

Dear Chairwoman Mignon Clyburn;

As stated in my July 31st letter on the issue of incentive auctions I would be filing a public comment and/or a submission for the record in the coming weeks with documents proving that AT&t and Verizon Wireless do not have a spectrum crisis - they say this to justify capricious and arbitrary data caps for consumers but tell Wall Street different. Wall Street by the way loves data caps and loves consolidation. I know I have yet to provide those documents and will do so soon. However, I wanted to share another letter with you first discussing a few things I left out of the last letter like mobile DTV or Digital Television in the U.S. which often require special airwaves to work in the U.S.

As I stated in my last letter no broadcaster should feel compelled to give up spectrum they have and are currently using or are planning to use whether it is for broadcasting DTV signals to actual TVs or for wireless services providing mobile DTV. Mobile DTV is still relatively new in the U.S. and services like Dyle mobile DTV are limited geographically to specific areas of the country. Furthermore, in areas that have Dyle service you can only get your local channels thru Dyle resulting in channel selection and availability being limited. So if I have Dyle I only have 2 or 3 channels and I cannot get broadcast channels from another city in mobile DTV although regular over the air broadcast TV enables me access to KCAL9 in Yuma AZ I could only get that channel over Dyle if I lived in Los Angeles California. Currently, Yuma AZ does not even have Dyle service but if it did I would only be able to get KYMA (NBC) and KSWT

(CBS) stations. Not all channels are available in all areas. Some localities with Dyle mobile TV (www.dyle.tv) may have Univision programming but other areas may not have Univision related TV channels. That being said any auction must respect the right of broadcasters as stated earlier not wanting to participate to continue using their existing spectrum. There should also be a use it or lose it rule for the wireless carriers acquiring this spectrum to ensure the big players cannot buy spectrum just to sit on it.

In fact a use it or lose it rule for broadcasters could also be a good idea. Some broadcasters have forgotten they are supposed to serve the public interest and have begun suing innovative services like Aero which remind the public they can get broadcast TV signals for free over the air when these retransmission fee disputes keep coming up between pay TV providers and broadcasters. In the Time Warner Cable CBS dispute now reportedly settled CBS could have solved the issue much earlier by giving up on some if not all of their demands that Time Warner Cable pay them a lot more money to continue carriage of CBS channels.

Furthermore during the dispute CBS could have reminded viewers upset about losing their CBS channels that they could just use an antenna to get the channels for free over the air. In fact the public spectrum these broadcasters use requires them to offer their stations free over the air and in exchange lets them make money through advertising on their channels.

CBS greedily wanting to squeeze as much money as they can from pay TV providers though demanded an outrageous rate increase from Time Warner Cable that the pay TV operator would have to pass on to their customers. When TWC unable to reach a deal removed access to CBS channels from their lineup started informing people they could watch CBS programming free online via CBS.com the company retaliated with a Web blackout for Time Warner Cable internet customers which violated the spirit of Net

Neutrality but not the law itself as the Open Internet Order applies only to service providers of Internet access not content providers. For those living in areas with Aereo service or getting Aereo they could use that service which runs antennas to pick up broadcast TV signals and then beams/transmits the signal from those antennas to the Internet. Aereo customers basically are renting antennas from Aereo instead of installing and operating their own and accessing broadcast TV over the Web. Aereo is not free but it's cheap enough to entice users living in their coverage area. Despite lawsuits Aereo has repeatedly been found by the courts to be legal. Mobile DTV services like Dyle enable users of iPads and similar devices to pick up over the air TV signals without using an Internet connection and watch live TV without using up a data cap from your Internet provider. So Dyle.TV is certainly an interesting service as is Aereo.

I therefore urge the Federal Communications Commission to craft reasonable pro competitive rules for the spectrum auctions while respecting the rights of broadcasters choosing not to participate and taking into consideration that mobile DTV services need to not only maintain their spectrum holdings but perhaps acquire more when expanding, I would also encourage the Commission to consider use it or lose it rules for broadcasters behaving badly - making empty threats to shut down their channels if Aereo is not shut down by the courts. If these broadcasters want to get out of the broadcast business they can do so and other companies would gladly pick up their licenses to operate these stations. We would not lose free over the air broadcast TV the station owners would just change.

Thanks for the opportunity again to express my concerns and views on this matter and I will be filing these documents as soon as possible.

Sincerely,

FROM THE DESK OF

MANEESH PANGASA

Maneesh Pangasa