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December 6, 2013

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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, December 5, 2013, Preston Padden, Executive Director of the Expanding Opportunities for Broadcasters Coalition (the "Coalition"), along with Richard Bodorff of Wiley Rein LLP, met with William Lake, Chief of the Media Bureau, and the following Media Bureau staff: Michelle Carey, Tom Horan, and Sarah Whitesell of the Front Office; Shabnam Javid and Sean Yun of the Engineering Division; Martha Heller of the Industry Analysis Division; Pamela Gallant, Mary Margaret Jackson, and Kim Matthews of the Policy Division; and Barbara Kreisman, Dorann Bunkin, and Evan Morris of the Video Division.

During the meeting, the Coalition representatives stressed that broadcaster participation is critical to the success of the incentive auction and that the Commission has not done nearly enough to attract a critical mass of broadcaster participation. The representatives encouraged the FCC to adopt flexible and creative approaches to channel sharing to expand the number of broadcasters that choose to participate in the incentive auction. By example, the Coalition representatives presented the scenario of three television stations located outside of an "antenna farm" in a large metropolitan area. Because of their location, each station would preclude the use of three other channels in that market: co-channel, upper-adjacent channel, and lower adjacent channel. As a result, if each of the stations elects not to participate in the auction, those three stations would preclude a combined nine channels. If, instead, the three stations were to share a single, 6 MHz channel, located at the "antenna farm," they would preclude the use of only a single channel, thereby freeing up to eight channels, or 54 MHz, for reallocation.



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The Coalition representatives explained that certain legacy regulations, such as 47 C.F.R. § 73.625 (requiring that television stations place a city grade contour over their entire community of license), serve as a barrier to this and other creative arrangements that have the potential to greatly expand the pool of interested broadcasters and the amount of spectrum available for reallocation. The Coalition representatives encouraged the FCC to address such impediments in the Order in this proceeding and to take additional steps sooner rather than later that will allow potentially interested broadcasters to incorporate auction participation into their business planning.

Respectfully Submitted,

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

Ari Meltzer
Counsel to the Expanding Opportunities for Broadcasters Coalition

cc (via e-mail):

William Lake
Dorann Bunkin
Michelle Carey
Pamela Gallant
Martha Heller
Tom Horan
Mary Margaret Jackson
Shabnam Javid
Barbara Kreisman
Kim Matthews
Evan Morris
Sarah Whitesell