

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

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JAMES T. WILLIAMS, JR.  
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CHRISTOPHER K. POE  
CRAIG D. SCHAUER  
KIMBERLY M. MARSTON  
ANDREW L. RODENBOUGH  
CAITLIN M. POE

MAILING ADDRESS  
POST OFFICE BOX 1800  
RALEIGH, N.C. 27602

OFFICE ADDRESS  
1600 WELLS FARGO CAPITOL CENTER  
150 FAYETTEVILLE STREET  
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300  
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

HENRY E. FRYE  
OF COUNSEL  
WILLIAM G. ROSS, JR.  
OF COUNSEL

SARA R. VIZITHUM  
OF COUNSEL

DAVID D. SMYTH III  
OF COUNSEL

THOMAS G. VARNUM  
OF COUNSEL

EDWIN L. WEST III  
OF COUNSEL

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C.T. LEONARD, JR. (1929-1983)  
THORNTON H. BROOKS (1912-1988)  
G. NEIL DANIELS (1911-1997)  
HUBERT HUMPHREY (1928-2003)  
L.P. McLENDON, JR. (1921-2010)

OTHER OFFICES  
GREENSBORO, NC  
WILMINGTON, NC

WRITER'S DIRECT DIAL  
(919) 834-9216

March 18, 2014

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

*Via Electronic Comment Filing System*

Re: Written *Ex Parte* Submission Expanding  
the Economic and Innovation  
Opportunities of Spectrum Through  
Incentive Auctions  
GN Docket No. 12-268

Dear Ms. Dortch:

The ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates (the "Affiliate Associations") are pleased to submit these supplemental written comments in response to an informal inquiry from Aspasia Paroutsas of the Commission's Office of Engineering and Technology ("OET"). Specifically, Ms. Paroutsas inquired about a statement contained in the Affiliate Associations' Comments<sup>1</sup> that the Commission, in repacking stations in the spectrum

<sup>1</sup> See Comments of ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, GN Docket No. 12-268 (filed Jan. 25, 2013) ("Comments").

auction process,<sup>2</sup> must undertake all reasonable efforts to preserve both the existing population and geographic areas served by each television broadcast station. The statement is based upon the statutory mandate that the Commission

shall make all reasonable efforts to preserve, as of the date of the enactment of this Act, the *coverage area and population served* of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission.<sup>3</sup>

The Congressional mandate is unambiguous. To honor it, the Commission must “make *all* reasonable efforts” to preserve each station’s existing “coverage area *and* population served” during the repacking process using the methodology of OET Bulletin 69 (emphasis added). The Affiliate Associations agree with the *Notice*’s proposal that the statutory term “coverage area” means “service area,” as used in OET Bulletin 69, and that the term “service area” is the “geographic area within a station’s existing noise-limited F(50,90) contour where its signal strength is predicted to exceed the noise-limited service level.”<sup>4</sup>

However, the *Notice*’s proposal to consider a station’s signal to be receivable at *all* locations within its noise-limited contour for purposes of repacking means that terrain losses will be ignored. OET Bulletin 69 implements the Longley-Rice methodology for evaluating coverage area and interference. As stated in the Comments, “The principal distinguishing feature of the Longley-Rice computer model is that it predicts signal strength at specified geographic points based on the elevation profile of the terrain between the transmitter and each reception point. In other words, the effect of terrain on signal reception is the *sine qua non* of the model.”<sup>5</sup>

More specifically, and as explained in the Engineering Statement accompanying the Comments, the Longley-Rice methodology recognizes that terrain obstructions can result in field strength levels within the defined contour being less than needed for satisfactory reception. As explained in OET Bulletin 69, interference is determined only *after* service within the defined limiting service contour, as limited by terrain, has been determined. Thus, the determination of the service area first takes into account terrain factors that reduce the available signal strength at each affected cell within the noise-limited contour below the level established for satisfactory reception. Only afterwards is existing interference evaluated—and only to those cells that were

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<sup>2</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, FCC 12-118 (released Oct. 2, 2012) (“*Notice*”).

<sup>3</sup> Middle Class Tax Relief and Job Creation Act of 2012, Title VI, PUB. L. NO. 112-96, 125 Stat. 156 (2012) (“*Spectrum Act*”).

<sup>4</sup> See Comments at 19 (quoting *Notice* at ¶ 93 (citing OET Bulletin 69 and quoting 47 C.F.R. § 73.622(e)(1))).

<sup>5</sup> Comments at 30 (citing OET Bulletin 69 at 1).

*previously determined to be served.* In other words, the net coverage, or service, provided by a station takes into account areas within the confines of the noise-limited contour that do not receive adequate signal strength for satisfactory service due to terrain losses. Interference from other existing stations is then determined. *New* interference from other stations is determined only *after pre-existing interference has been evaluated.*<sup>6</sup> Thus, ignoring terrain losses is incompatible with “using the methodology described in OET Bulletin 69.”<sup>7</sup>

Because it is inevitable that there will be small changes in coverage areas as a result of new channel assignments, the Affiliates Associations suggested that the Commission could satisfy the statutory requirement to replicate existing coverage areas by allowing up to a 0.5% difference in the same geographic area being served.<sup>8</sup> In addition, and just as it did during the DTV transition, the Commission should also allow flexibility in specifying alternative facilities that increase a station’s coverage area if that is necessary to fully preserve the coverage area and population served of a station following repacking.

The Affiliates Associations realize that preserving both existing coverage area and population served may obviously constrain the total amount of television spectrum that can be recovered through the incentive auction process. However, Congress made the public policy determination that television stations not participating in the auction should be fully protected, and it directed the Commission to preserve existing service areas and populations served through the statutory requirements set forth in Section 6403(b)(2) of the Spectrum Act. Thus, the Commission can only repurpose as much television spectrum as the congressionally authorized process makes available.

Please contact any of the undersigned should you have any questions concerning the information provided herein.

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<sup>6</sup> See Comments, Engineering Statement of Bernard R. Segal, P.E., at 3-4.

<sup>7</sup> Spectrum Act § 6403(b)(2).

<sup>8</sup> See Comments at 31.

/s/

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Jennifer A. Johnson  
Gerard J. Waldron

COVINGTON & BURLING LLP  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
Telephone: (202) 662-6000

*Counsel for CBS Television Network  
Affiliates Association and  
NBC Television Affiliates*

/s/

---

Wade H. Hargrove  
Mark J. Prak  
David Kushner  
Julia C. Ambrose

BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, L.L.P.  
Wells Fargo Capitol Center, Suite 1600  
150 Fayetteville Street (27601)  
Post Office Box 1800  
Raleigh, North Carolina 27602  
Telephone: (919) 839-0300

*Counsel for ABC Television  
Affiliates Association*

/s/

---

John R. Feore

DOW LOHNES PLLC  
1200 New Hampshire Ave., N.W.  
Suite 800  
Washington, D.C. 20036  
Telephone: (202) 776-2000

*Counsel for FBC Television  
Affiliates Association*

cc: Aspasia Paroutsas  
Alan Stillwell  
Robert Weller