

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
)  
Amendment of Parts 73 and 74 of the ) **MB Docket No. 03-185**  
Commission's Rules to Establish Rules for Digital )  
Low Power Television, Television Translator, and )  
Television Booster Stations and to Amend Rules )  
For Digital Class A Television Stations )

To: The Commission (*filed through ECFS*)

**REPLY COMMENTS OF CTB SPECTRUM SERVICES LLC**  
**AND CTB SPECTRUM SERVICES FOUR LLC**

1. CTB Spectrum Services LLC and CTB Spectrum Services Four LLC (together "CTBSS")<sup>1</sup> hereby submit these Reply Comments with respect to the *Petition for Blanket Extension or Waiver* filed by the Advanced Television Broadcasting Alliance, asking that the expiration date of all construction permits for new unbuilt digital LPTV stations be extended until at least September 1, 2015.

2. The overwhelming majority of comments filed in this proceeding supported a blanket extension and agreed that in light of the current schedule for the upcoming broadcast spectrum incentive auction, the deadline will have to be set later than September 1, 2015. Only the Wireless Internet Service Providers Association ("WISPA") dissented, for reasons CTBSS will demonstrate do not have merit.

3. WISPA urged that the Commission should extend the expiration dates of construction permits for new Low Power Television ("LPTV") stations one application at a time, based on case-by-case evaluations. The underlying assumption is that the LPTV is a secondary service; so

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<sup>1</sup> As noted in their initial Comments in this proceeding, these two entities have substantial ownership in common and were both created as part of the overall national plan for development of LPTV capabilities.

it must take a back seat to WISPA's desire to have more spectrum for use by WISPA's own industry, notwithstanding the potential for road kill of innocent licensees. In other words, WISPA wants something for nothing, at someone else's expense.

4. WISPA's petition does not benefit an organization that represents small businesses which pride themselves on innovation in spectrum utilization. The WISPA and LPTV industries are both characterized largely by small business innovators, and the benefits offered by opportunities for cooperative efforts between them far exceed the costs of the Commission's trying to pick and choose winners and losers. The broadcast industry is on the cusp of moving forward with significant advances in its own technology, which will allow LPTV operators to cooperate with WISPs, for example, in offloading video traffic, carriage of which is the biggest burden faced by WISPs, without sacrificing broadcast services. This kind of inventive and creative synergy should be encouraged by the Commission, especially where, as in this case, unserved and underserved rural areas will benefit.

5. WISPA's approach is impractical as well as harsh. Requiring a separate extension application for each construction permit every six months will explode the amount of paper work for both permittees, which, remember, are small businesses, and the Commission, whose resources are far from infinite. When a common set of circumstances, imposed by the Commission rather than by actions of permittees, affects a deadline for hundreds, if not thousands, of authorizations, addressing the problem on a blanket basis is the most reasonable and efficient approach.

6. WISPA's approach also ill benefits an organization which itself has complained to the FCC that its own secondary operations must not be impaired. *See* WISPA's Report of *Ex Parte* Communications in ET Docket No. 13-49, dated August 22, 2014, complaining about the threat to WISPs' use of the 5725-5850 MHz band posed by recently adopted new FCC rules. These WISP operations are authorized under Part 15 of the Rules and are thus secondary to all licensed

services, in contrast to the LPTV stations whose fate WISPA would disregard, which are licensed services under Part 74 and are secondary to only full power television and certain land mobile operations.

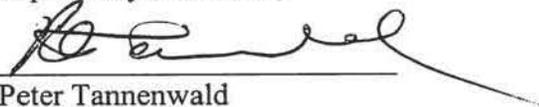
7. CTBSS appreciates WISPA's position that existing useful services should be preserved, especially when service is provided in rural areas, which are the last to receive service from large corporate service providers, and when small businesses stand ready, willing, and able to provide service. Rural service is the promise of most outstanding and unbuilt LPTV construction permits, and it is certainly the case with virtually all of CTBSS' permits. Both the Commission, and hopefully WISPA, should appreciate the potential for rural innovation and ownership diversification that exist in both the LPTV and WISP industries. WISPs strive to be "smart" and to serve "smart" devices. LPTV, too, can be, and wants to be, "smart." If the Commission will only unleash LPTV from technology restrictions, multiple "smart" systems will be able to work in tandem to achieve the equality in opportunity for rural and urban citizens alike that the Commission is striving so hard to attain through its "Connect America" and other programs, which, unlike privately-financed LPTV, require involuntary, consumer-financed subsidies.

8. Accordingly, CTBSS urges the Commission to reject WISPA's position and, as CTBSS urged in its initial comments, to modify the LPTV construction deadline as part of the anticipated omnibus rulemaking addressing a broad range of LPTV issues that will arise during and after the spectrum repack and incentive auction.

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August 28, 2014

Respectfully submitted,

  
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and CTB Spectrum Services Four LLC

## CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, do hereby certify that I have, this 28<sup>th</sup> day of August, 2014, caused a copy of the foregoing "Reply Comments of CTB Spectrum Services LLC and CTB Spectrum Services Four LLC" to be sent by first class United States mail, postage prepaid, to the following:

Advanced Television Broadcast Alliance  
Attention: Louis Libin, Executive Director  
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Wireless Internet Service Providers Association  
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Evelyn M. Ojea