



Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

tel 202.663.8116  
john.hane@pillsburylaw.com

September 23, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

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

Dear Ms. Dortch:

On September 18, 2014 Louis Libin, Executive Director of the Advanced Television Broadcasting Alliance (“ATBA”), Mark Aitken, ATBA board member, Patrick McFadden of the National Association of Broadcasters and I met with Gary Epstein, Howard Symons and Alison Glusman of the Incentive Auction Task Force; Bill Lake, Michelle Carey, Shaun Maher, Barbara Kreisman, Joyce Bernstein and Alison Neplokh of the Media Bureau; and Julius Knapp of the Office of Engineering and Technology.

In the meeting we expressed concern that the FCC is not taking appropriate account of the value of service provided by LPTV and translator stations as it plans for the incentive auction of broadcast spectrum. Mr. Libin stated that LPTV stations provide hyper-local programming and serve diverse minority, ethnic and other populations with unique needs and interests. Mr. Libin noted estimates that 75 to 100 million people rely on LPTV and translators for service and that LPTV stations provide thousands of hours of original programming annually. We reiterated the point, made in the ATBA’s petition for reconsideration, that the FCC has an obligation to consider the impact of different auction scenarios on LPTV and translator service.

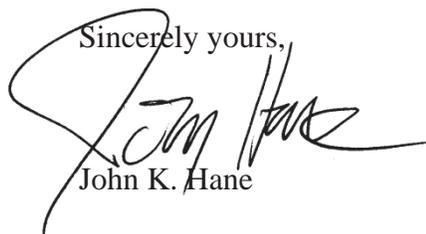
We stated that although the FCC has taken the position that it is not obligated to protect LPTV and translator facilities, it does not have authority to eliminate LPTV service when there is no corresponding benefit. We indicated that some people in the legislative branch have been under the impression, based on information from the FCC, that some translators and LPTVs would be protected in the auction. We noted that in large areas of the country where LPTV and translator facilities may be eliminated, there is no shortage of spectrum, as reflected in the fact that much of the 700 MHz former broadcast spectrum remains fallow years after broadcasters have

exited the band. We stated that the FCC should not take spectrum in areas where it is not needed for broadband, and thereby needlessly displace LPTV and translator service. We explained the problem of “daisy-chained” translators exacerbates the potential loss of service for many people. We also explained that these daisy-chained translator networks can cover vast areas using as many as 16 different television channels in different locations, and that it is unlikely that these networks can be preserved post-repacking. If the FCC were to permit broadcasters to use a newer broadcast standard that accommodates single frequency networks, we pointed out, it may be possible to preserve translator and LPTV coverage to large areas of the country that might otherwise be disenfranchised.

Mr. Libin and Mr. Aitken urged the FCC to take specific steps throughout the auction planning, execution, and repacking processes to minimize the impact on LPTV and translator stations. Some examples of efforts the FCC could and should undertake include (1) conducting an LPTV/translator impact study, as requested in the ATBA petition for reconsideration; (2) one or more “LEARN” sessions to explore ways the FCC can better ensure continuity of LPTV and translator service; (3) consideration of LPTV and translator disruption in optimization, including “opening up” the FCC’s feasibility studies and analyses so that more people can work to find better solutions; (4) allowing broadcasters to propose partial or full-market repacking solutions, and (5) permitting LPTV and translators to use different transmission standards and architectures if doing so would allow preservation of service that otherwise would be reduced or lost altogether. Mr. Aitken stressed that, while it would be inappropriate to mandate use of a different technology or service architecture, it should be permitted. He explained that newer transmission technologies perform much better in a tightly constrained interference environment and should be one of the tools available to broadcasters attempting to preserve service.

We also pointed out that many LPTV and translator stations already multicast, so channel sharing will not be a panacea, and stated that we do not believe the FCC has authority to make LPTV and translator service secondary to unlicensed services.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John K. Hane". The signature is stylized and written over the typed name below it.

John K. Hane

cc (via e-mail): Patrick McFadden  
Gary Epstein  
Howard Symons  
Alison Glusman  
Bill Lake  
Michelle Carey

Shaun Maher  
Barbara Kreisman  
Joyce Bernstein  
Alison Neplokh  
Julius Knapp