



**LPTV
SPECTRUM
RIGHTS
COALITION**

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Via ECFS

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

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

Dear Ms. Dortch:

Michael Gravino, Director of the LPTV Spectrum Rights Coalition, (the "Coalition"), met on July 13, 2015 with the Incentive Auction Task Force, including Chair Gary Epstein, and staff member, Mary Margaret Jackson. Also attending was Media Bureau Chief William Lake, and Video Division Chief Barbara Kreisman; as well as staff.

The Coalition provided a new line of research related to the FCC's Vacant Channel rule making. The research uses TV Study at the city-of-license level (rather than a DMA level) to view the impacts to LPTV and TV translators from the Incentive Auction.

What this new research shows is that these licensees currently are in operation in 2267 cities of license. They range from 1 to 20+ stations per city of license.

# CITIES OF LICENSE	MHZ	STATIONS IN CITY
943	06	1
377	12	2
197	18	3
226	24	4
102	30	5
102	36	6
69	42	7
58	48	8
41	54	9
152	60+	10+
2267 TOTAL		

The Coalition urged the Incentive Auction Task Force that the Commission needs to be aware that if it takes the last one or two UHF channels in each market for shared use for unlicensed and wireless microphones, that it will potentially be eliminating 943 to 1300+ LPTV and TV translator stations. And, those will not be simple displacements to another available channel, but the total elimination of license opportunities in those cities of license.

Further, we discussed that with the aspiration of having a "balanced" approach to the new post-auction band plan, there needs more weight to be put on the existing licensed rights of LPTV and TV translators. And, that the interests of the unlicensed advocates are overly represented as evidenced by the amount of spectrum already allocated within each of the potential band plans.

MHz Clearing	Duplex Gap	Guard Bands	Total	LPTV MHz
144 MHz	11 MHz	7 MHz	18 MHz	?
138 MHz	11 MHz	11 MHz	22 MHz	?
126 MHz	11 MHz	9 MHz	20 MHz	?
114 MHz	11 MHz	7 MHz	18 MHz	?
108 MHz	11 MHz	11 MHz	22 MHz	?
84 MHz	11 MHz	3 MHz	14 MHz	?
78 MHz	11 MHz	7 MHz	18 MHz	?
72 MHz	11 MHz	11 MHz	22 MHz	?
60 MHz	11 MHz	9 MHz	20 MHz	?
48 MHz	11 MHz	7 MHz	18 MHz	?
42 MHz	11 MHz	11 MHz	22 MHz	?

In these 11 band plans, each has the 18 MHz (3 UHF channels) that the unlicensed advocates have been asking for. It is only within the 84 MHz band plan which it does not.

Since the FCC has not acknowledged completing an LPTV impact study or assessment, simply because it says it is not required by Congress to do so, and that it declines to use its discretion to do so, no projection as to the number of LPTV MHz will be allocated post Incentive Auction as per each of the 11 band plans.

How can a "balance" be achieved if the FCC refuses to study the impacts of the Incentive Auction band plans on LPTV? It cannot, and this issue continues to be part of the larger pattern of Administrative Procedures Act abuse against LPTV and TV translators in this Proceeding.

The Coalition further asked the Task Force when in the process the final auction band plan would be announced. We were told that this would be after the clearing target optimization was run, and would be the last major step before the auction. Depending on how the auction process continues to stay on track for a first-half 2016 launch, the final auction band plan could be announced in early to mid Q1-2016.

It is at this point, early-2016, before the auction, that LPTV and TV translators will know the real damage. Before then, the sellers and buyers will figure out their rules, special privileges, and continued corporate perks from the system. LPTV and TV translators do not know what will be the game board yet because its 3rd LPTV NPRM Report and Order has not yet been voted on, never mind even on circulation with the Commissioners yet.

The LPTV industry needs this information, now. If the FCC is asking us to comment on the auction procedures, which are vital to not only the 400+ Class-A stations attempting to qualify for the auction; but, that these procedures are key to any and all business decisions to be made by 1000's of small family businesses, religious groups, educational institutions, and local governments - the real life licensees of LPTV and TV translators.

In summary, the Coalition does not understand how the FCC can attempt to achieve a balanced band plan if it does study the impact on the number of channels available in each of the band plans after the repacking. By attempting to guarantee unlicensed uses and wireless microphones a 6-MHz channel in all markets, beyond the 14-22 MHz in each market each band plan creates, just 1 of 11 cases (the 84 MHz plan, ie, 51-38) does there be less than 18 MHz as requested by the unlicensed advocates. In all 10 other cases there is 18, 20 or 22 MHz already available.

If the additional vacant is reserved because it is the last channel in each market, then our cities of license research shows that over 940 cities lose their last and only TV station. The FCC has never merged this data point with the band plans. It needs to be done before voting on this issue.

Respectfully submitted,

Mike Gravino, Director
LPTV Spectrum Rights Coalition

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