



May 31, 2017

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

Re: Notice of Ex Parte Communication, GN Docket No. 16-306

Dear Ms. Dortch:

The Commission's rules governing the repacking of television stations following the close of the incentive auction allow low power television and television translator stations to continue to operate on their current channels until they are notified that they will cause interference to new 600 MHz operations.¹ Under these rules, wireless licensees must provide affected LPTV and TV translator stations notice that they intend to commence operations 120 days prior, after which these LPTV and translator stations must cease operations.

To accommodate displaced LPTV and translator stations, the Commission directed the Media Bureau to open a limited window for displacement applications for new channels.² This window will likely not open until early 2018.³ In the meantime, if a new 600 MHz licensee provides its 120-day notice and displaces LPTV or translator stations, those stations will have no opportunity to remain on the air using an alternate channel. This outcome effectively defeats the stated purpose of the displacement window.

T-Mobile has begun notifying frequency coordinators and broadcasters that it intends to commence operations in 2017. Assuming the Commission moves quickly to grant T-Mobile's new licenses, this means that LPTV and translator stations currently serving viewers may be

¹ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, ¶¶ 668-671 (2014).

² *Id.* at ¶ 659.

³ *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, MB Docket No. 16-306, GN Docket 12-268, DA 17-442, ¶ 6 (May 12, 2017).

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displaced in the next four to five months, with no possibility of operating on an alternative channel – even if channels are available.

The Commission can help preserve service to viewers by allowing displaced translator and LPTV stations to apply for Special Temporary Authority to operate on alternative channels until the FCC processes displacement applications. While this approach may not help in every case, it would at least allow displaced stations an opportunity to stay on the air where channels are available. We urge the Commission to take this step, and consider other remedies, to mitigate the harm to viewers of displaced stations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden
Associate General Counsel,
National Association of Broadcasters

cc: Barbara Kreisman
Hillary DeNigro
Joyce Bernstein
Shaun Maher
Hossein Hashemzadeh