

Congress of the United States
Washington, DC 20510

June 29, 2016

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

We write concerning the “incentive auction,” authorized under the Middle Class Tax Relief and Job Creation Act of 2012 that began on March 29, 2016. We are interested in learning more about the Federal Communications Commission (FCC)’s plan to ensure a successful repack of television stations that minimizes disruption to viewers and local broadcasters.

In particular, we seek information on the agency’s preparation for the possibility that the 39-month timetable for repacking stations may be insufficient to accommodate as significant a repack as you project. We also seek details on the agency’s plan should the TV Broadcaster Relocation Fund be inadequate to fully compensate local stations that are required to be relocated in order to accommodate the auction.

We support a robust, voluntary broadcast spectrum incentive auction, but would like to ensure that consumers’ access to local television broadcasting is not harmed in the process. We understand that the plans for the repacking process may vary depending on the outcome of the auction beforehand.

There are a number of factors that inform our concerns regarding whether the current repack timeframe and budget will be sufficient to hold broadcast stations and consumers harmless.

First among our concerns is the sheer volume of variables that are difficult to predict or impossible to control. The repacking process will be construction intensive. Factors impacting the ability of this construction to proceed within the time frame and budgets allotted include: the availability of necessary heavy construction equipment, weather conditions, local regulations and the availability of personnel skilled in planning, engineering analysis and construction.

Second, we are concerned that the FCC cannot ensure that antennas, transmitters and other equipment necessary for relocation will be available to stations to ensure a seamless repack. Such a shortfall could inflate costs and cause delays.

Finally, there remains a lack of clarity on how the status of border agreements regarding channel assignments with Canada and Mexico will impact the timing of this repack. The status of these agreements should be considered as the FCC crafts a realistic relocation schedule that minimizes

delays outside of the FCC's, or any individual broadcaster's, control. We also ask that the FCC more rapidly advance its work with Canadian and Mexican authorities to mitigate signal interference along the borders that could arise during and after stations are relocated.

Any repacking deadlines must account for interference concerns and channel availability in adjacent markets, which is a significant undertaking if viewers and broadcasters are to be protected. Given the lack of detail in the Commission's repacking plan, and the projections that suggest that far more stations will be repacked than previously anticipated, we are uneasy with the conclusion that the repacking process can be achieved in 39 months and within the current \$1.75 billion relocation budget.

Accordingly, we ask that within 105 days after the completion of the forward portion of the auction, that the FCC provide us and the Senate Committee on Commerce, Science, and Transportation with its analysis of whether the \$1.75 billion dollar budget and 39-month time frame for the repack are adequate to complete the project.

We thank you and your staff for your dedication to addressing these issues. We look forward to a successful conclusion of the broadcast spectrum incentive auction that maintains a strong, robust local broadcasting system for viewers.

Sincerely,



MARIA CANTWELL
United States Senator



JEANNE SHAHEEN
United States Senator