



July 27, 2015

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

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, AU Docket No. 14-252; Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones, MB Docket No. 15-146; Notice of *Ex Parte* Communication

Dear Ms. Dortch:

On July 27, 2015, the undersigned of the National Association of Broadcasters and other broadcast representatives had separate meetings with Commissioner Clyburn and David Strickland of her office, Jessica Almond of Chairman Wheeler's office, Valery Galasso of Commissioner Rosenworcel's office, and Robin Colwell and Erin McGrath of Commissioner O'Rielly's office. A complete list of meeting attendees is attached. During these meetings, NAB discussed the effect of the incentive auction on television translator and low power television facilities in light of proposals to reserve television channels in the broadcast band for non-television uses.

Particularly in some Western states, TV translators serve a vital role in extending service to viewers far beyond the reach of a main station's signal. As shown, for example, in the attached maps, many television markets in these states are simply too large to serve without the use of translators. Translators are not extraneous or expendable. Rather, they are a vital part of the broadcast ecosystem and a lifeline to local news and information for viewers who otherwise could not receive over-the-air service. For that reason, television channels that are not occupied by full power stations following the auction should not be treated as "vacant" – they are precisely the channels that displaced low power and translator stations will need to continue to serve viewers they reach today.

Translator and low power stations will be displaced during the incentive auction. The FCC is not required to protect these stations during the auction, and there will not be enough

1771 N Street NW  
Washington DC 20036 2800  
Phone 202 429 5300

channels for all of them to stay on the air after the auction. While it is not required to protect these stations, neither should the Commission act as though they do not exist or do not serve the public interest. Reserving for unlicensed users a channel that would otherwise be available in the broadcast band for television service will force more translators and low power stations off the air. That problem could become even worse if the Commission treats low power and translator stations as a solution to the FCC's proposed impairment of the duplex gap by reserving a second channel for unlicensed users.

The translator networks in place in many states create a spectral environment that is far more congested than might be assumed based solely on the number of full power stations operating in that market. A market that includes, for example, only five full power stations, may use far more than five channels to provide over-the-air service throughout that market. Further, sharing is not a solution, as many translator networks are already at the limit of their capacity, because they transmit multiple streams of programming to serve their viewers.

At a minimum, we hope the Commission will not rely solely on untested assumptions regarding the amount of available spectrum in various markets following the auction. Before the Commission considers removing one or more television channels from the broadcast television band, it is imperative for the Commission to release and seek comment on data illustrating the impacts in different states of such a decision. All affected stakeholders should have a common set of facts to serve as the basis for comments and discussion regarding the effects of reserving television channels for unlicensed operations base.

Specifically, we urge the FCC to study the number of translators and low power facilities that will be displaced following the auction assuming a range of different spectrum clearing scenarios, and the additional displacement that will occur if one or more channels in the television band is reserved for unlicensed use. This analysis would have no effect on the timing of the auction; indeed, the entire question of setting aside a television channel for unlicensed use could be resolved after the auction when the Commission has a clearer picture of the number of available channels in different markets. NAB would be happy to assist the Commission in studying this issue expeditiously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a stylized flourish at the end.

Patrick McFadden  
Vice President Spectrum Policy,  
Legal and Regulatory Affairs  
National Association of Broadcasters

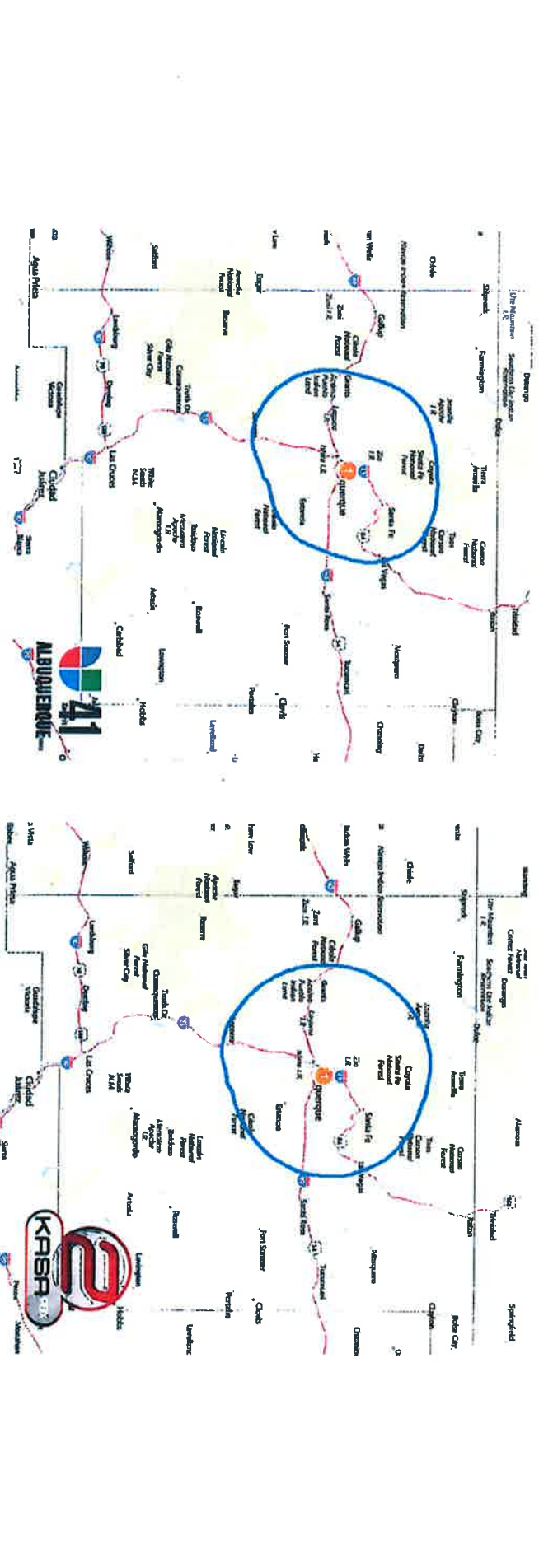
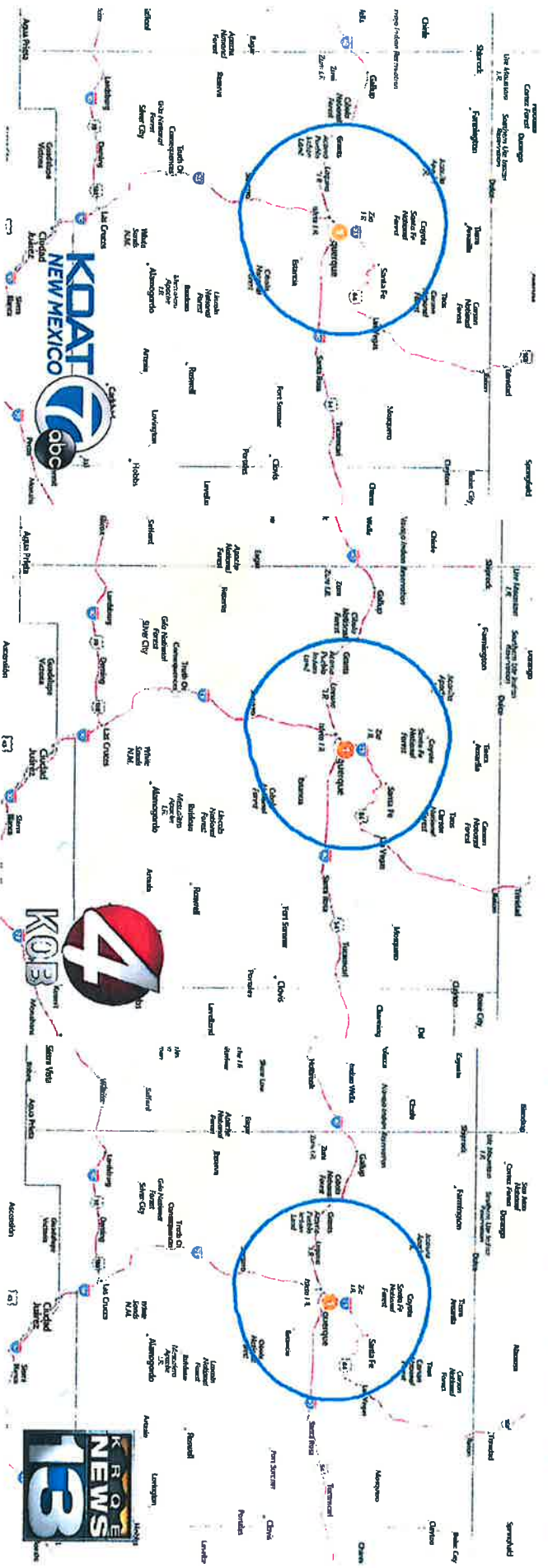
cc: Commissioner Clyburn  
David Strickland  
Louis Peraertz  
Jessica Almond  
Valery Galasso  
Robin Colwell  
Erin McGrath

## Broadcast Representatives

Birdena Sanchez (Pueblo of Zuni, New Mexico)  
Paula Maes (New Mexico Broadcasters Association)  
Oscar Rodriguez (Texas Association of Broadcasters)  
Bill Johnstone (Oregon Broadcasters Association)  
Dewey Bruce (Montana Broadcasters Association)  
Art Brooks (Arizona Broadcasters Association)  
Michelle Zabriskie (Utah Broadcasters Association)  
Bob Singer (NPG of Oregon, Inc.)  
Richard Dautre Jones (ABC4 Utah; KTVX-TV)  
DJ Wilson (KGW-TV)  
Rich Howe (KAZT-TV)  
Tim Keating (Cordillera Broadcasting)  
Andy Suk (Cordillera Broadcasting)  
Brent McClure (NewsChannel 10 Media)

**ATTACHMENT 1**  
**New Mexico Television Coverage**

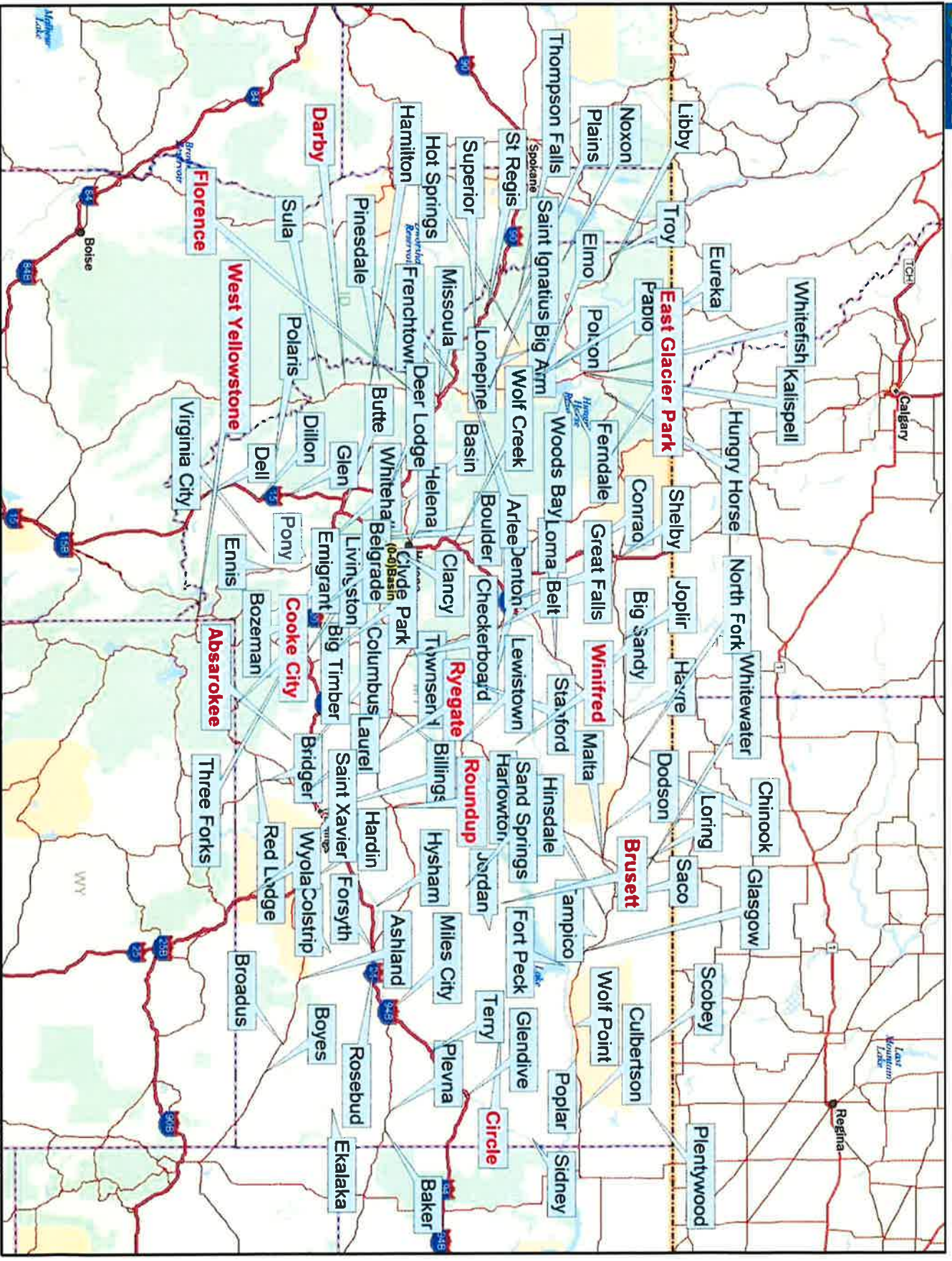
# NEW MEXICO TELEVISION COVERAGE



## **ATTACHMENT 2**

### **Communities in Montana Served by Translators**

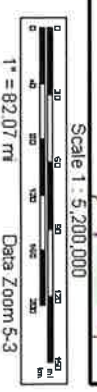




Data use subject to license

© 2006 Delorme, Street Atlas USA® 2007.

www.delorme.com



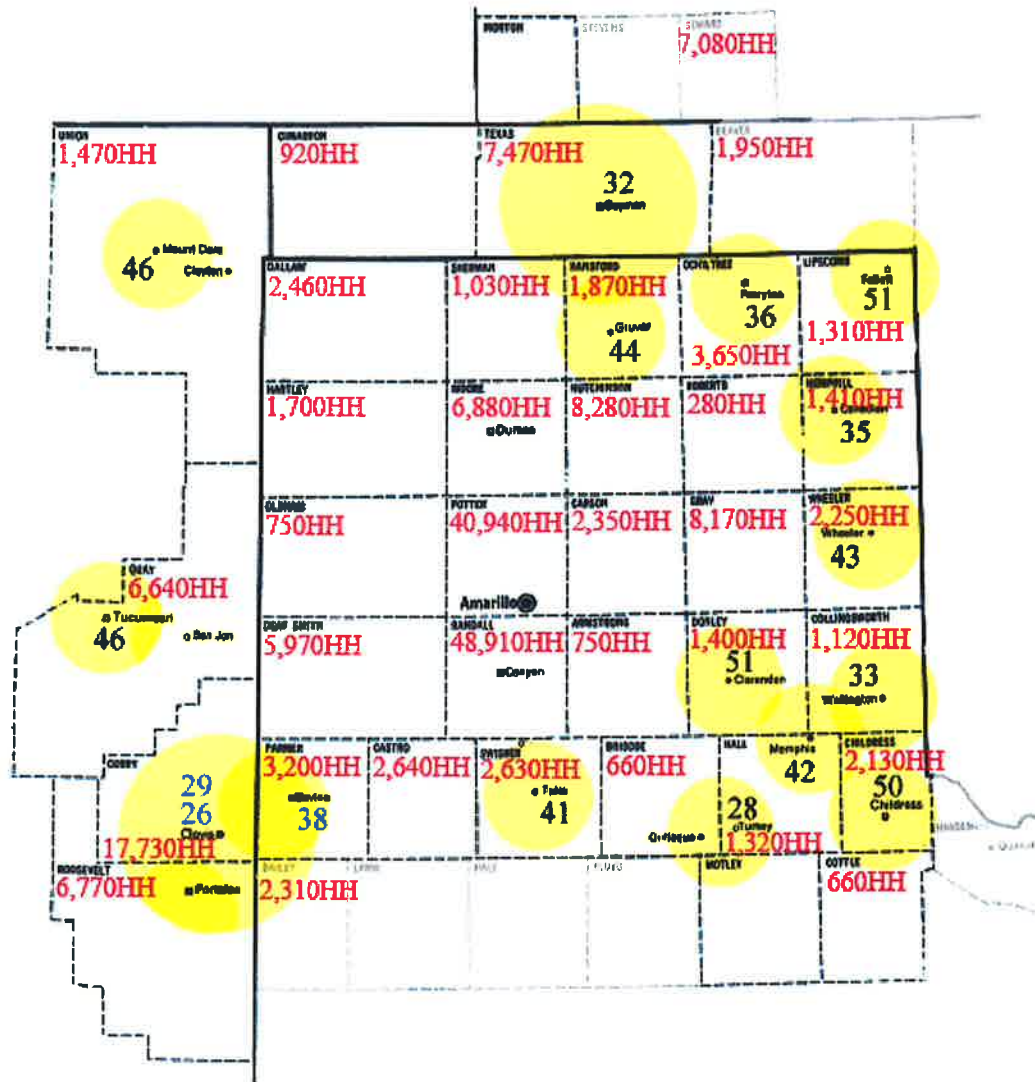


## **ATTACHMENT 3**

### **Amarillo, Texas Translator Network**

# Translators

and HH by County



DMA HH = 194,670  
METRO HH = 93,700

ADS HH = 50%  
METRO ADS HH = 37%  
CABLE HH = 52%

Cable HH = 80,180.....41.2% of DMA  
Suddenlink = 65,830.....33.8% of DMA  
82% of Cable