

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Expanding the Economic and Innovation	)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive	)	
Auctions	)	
	)	
Incentive Auction Task Force and Media Bureau	)	MB Docket No. 16-306
Seek Comment on Post-Incentive Auction	)	
Transition Scheduling Plan	)	
	)	

**PETITION FOR RECONSIDERATION OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

March 17, 2017

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## SUMMARY

The imminent close of the broadcast spectrum incentive auction marks a significant accomplishment for the Commission and its staff. Years of hard work have taken the auction from the purely theoretical to the near-complete. Yet the close of the auction will represent just a first phase in the completion of the incentive auction process as a whole. Repacking several hundred or more television stations to new channels, a process that will begin in just months, will bring unprecedented logistical and operational challenges for the Commission and the broadcast industry. It is likely that bringing the auction to a close will ultimately represent far less than half of the Commission's work to make the overall project a success.

Unfortunately, the Commission has made a number of decisions that will make its job, and the job of the industry, considerably harder. The Commission declined to use the \$1.75 billion relocation fund established by Congress as a repacking budget and instead took an unconstrained approach to repacking, desperate to clear spectrum that wireless carriers ultimately did not even want for three full stages of bidding. This means that the Commission will repack far more stations than necessary, and far more than can likely be fully reimbursed. This will result in the repack taking longer, and causing considerably more viewer disruption, than might otherwise have been necessary.

Compounding these problems, the transition schedule developed by the Media Bureau and the Incentive Auction Task Force does not appear to acknowledge the reality that the repack will present the most challenging transition the Commission has ever overseen.

First, the plan makes essentially no provisions for the active oversight of the repack and the real-time adjustments and course corrections that a project of this magnitude will require. Instead, the plan essentially seems to reflect the hope of the Task Force and the

Bureau that the transition will unfold perfectly. That hope is unlikely to be answered in practice.

Second, the transition plan elevates blind adherence to the Commission's arbitrary and unfounded 39-month deadline above all other considerations, including the preservation of service to viewers and listeners. If the Commission actually allows its 39-month deadline to disrupt service to consumers, it will have failed in its duty to carry out an incentive auction that treats broadcasters fairly by protecting their ability to continue to provide service during and after the repack. Further, even if the Commission ultimately waives its deadline in the years to come, once it becomes apparent that the deadline is unattainable, the deadline itself will have proven counterproductive because it incentivizes a disorganized and chaotic approach to an unprecedented challenge.

Under the current schedule, the repacking process will formally begin in weeks. The Commission has a very narrow window of opportunity to make corrections to the flawed transition plan the staff has developed. Recognizing these limitations, the National Association of Broadcasters asks the Commission to review targeted aspects of the staff plan. We are eager to work with the Commission to revise the transition plan to ensure that the repack treats all stakeholders, including viewers and listeners, fairly. On reconsideration, we urge the Commission to take the first steps towards a cooperative, productive approach that will ensure the repack proceeds as quickly and smoothly as possible.

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Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions	)	GN Docket No. 12-268
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Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan	)	MB Docket No. 16-306
	)	
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**PETITION FOR RECONSIDERATION OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)<sup>1</sup> pursuant to section 1.429 of the Commission's rules<sup>2</sup> seeks reconsideration of a Public Notice released by the Incentive Auction Task Force and the Media Bureau adopting a plan to develop a schedule to transition repacked television stations to new channels following the close of the broadcast spectrum incentive auction.<sup>3</sup> For the reasons set forth below, the Commission should modify the scheduling plan adopted by the Task Force and Bureau.

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<sup>1</sup> The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> 47 C.F.R. § 1.429.

<sup>3</sup> *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, MB Docket No. 16-306, GN Docket No. 12-268, DA 17-107 (Jan. 27, 2017) (Public Notice).

## I. INTRODUCTION

In its 2014 Report and Order laying out the framework for the broadcast spectrum incentive auction, the Commission determined that no repacked station would be allowed to operate on its pre-auction channel more than 39 months after the close of the auction, regardless of whether it has completed construction of facilities for operation on its post-auction channel.<sup>4</sup> That determination remains subject to a pending petition for reconsideration. The Commission also delegated to the Media Bureau the authority to establish construction deadlines tailored to the individual circumstances of repacked television stations.<sup>5</sup>

The Public Notice released by the Bureau and the Task Force adopts a methodology for assigning repacked television stations to one of ten transition phases and establishing deadlines for completion of repacking work for each of those phases. The Public Notice warrants reconsideration pursuant to section 1.429 of the Commission's rules because new facts are available regarding the repack and because reconsideration is required in the public interest. Due to the pressing need for reconsideration, with the repack scheduled to begin in the coming months, we urge the Task Force and the Bureau to refer this matter to the Commission for reconsideration pursuant to section 1.429(a) of the rules. The Commission has not previously resolved critical matters with respect to how best to organize this complex transition, and the Public Notice, which is predicated on perpetuating the fiction that compliance with the arbitrary 39-month deadline is possible, reflects a Commission policy that should be promptly revised.

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<sup>4</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Public Notice, 29 FCC Rcd 6567, ¶ 560 (2014) (Auction R&O).

<sup>5</sup> *Id.* at ¶¶ 34, 569

## II. A SUCCESSFUL TRANSITION WILL REQUIRE REVISION OF THE PUBLIC NOTICE

The repack of broadcast television stations following the successful close of the broadcast spectrum incentive auction will be the most far-reaching transition the Commission has ever overseen. The number of television stations that will need to move to new channels, the complex interference relationships between television stations, the effects of the repack on bystander television and FM stations that are not repacked and the lack of additional channels for transitioning stations will create unique challenges for broadcasters, manufacturers and service providers and the Commission itself. Even under the most optimistic assumptions, the repack will take years and will require consumers to rescan their television sets at least once (and in most cases at least twice) to continue to receive service.

The Commission's overriding goal as it manages this process should be to protect viewers and listeners. In practice, this means not forcing broadcast stations to go off the air or reduce their service due to circumstances outside their control. While wireless carriers have other spectrum bands available to them, including several GHz of high band spectrum the Commission recently identified for future 5G deployment, television stations do not have alternative bands available to continue to serve their viewers. The Commission should not force consumers to subscribe to pay-TV services to get stations they formerly could receive for free or to forgo service entirely because they cannot afford to subscribe to pay-TV services. Similarly, the Commission should not deprive listeners of radio service they currently enjoy because the transition scheduling plan operates as if radio stations do not exist.

Broadcasters have every incentive to see this transition proceed as efficiently as possible. The involuntary relocation of well over a thousand television stations will be disruptive for both repacked and non-repacked broadcasters, as well as their viewers and listeners. An efficient and orderly repack serves broadcasters, consumers and winning

forward auction bidders. An efficient transition will allow broadcasters to focus on serving their viewers and listeners while also providing forward auction winners with access to their licensed spectrum.

Unfortunately, the Commission has made a number of decisions that will make the transition more complex than it otherwise could have been:

- The Commission refused to use the \$1.75 billion TV Broadcaster Relocation Fund as a budget for repacking, which could have limited the number of stations assigned to new channels.<sup>6</sup>
- The Commission refused to take any steps to optimize the repacking results during the auction, which might have ensured that the ultimate repacking plan was as efficient as possible and required the fewest number of stations to move to clear required spectrum.<sup>7</sup> Instead, the Commission chose to optimize its repacking results only after the auction was complete, at which point the ultimate channel plan was already driven to an inefficient solution with limited ability to find alternative channels that would break daisy chains and provide for an easier and less costly repack.
- The Commission designed an overly complex reverse auction bidding mechanism, instead of asking broadcasters to name their own price in a simple sealed bid and then building the most efficient band plan possible based on broadcaster participation and bidding.
- The Commission compounded this decision by forbidding broadcasters from re-entering they auction once they dropped out. Under certain circumstances, it may have been more efficient from a cost and disruption standpoint to buy certain stations rather than repack them, but the Commission elected to tie its own hands in this regard.
- Most importantly, the Commission underestimated the complexity of the repacking challenge. The Commission spent years preparing for the auction while doing little or nothing to prepare for the repack. At the same time the Commission was traveling around the country encouraging broadcasters to participate in the incentive auction, it

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<sup>6</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6831-6832 ¶¶ 646-648 (2014); see also *id.* at 7041-7042 (Commissioner Pai, dissenting, stating “the Commission should have adopted a \$1.75 billion budget for any repack.”)

<sup>7</sup> NAB proposed that the Commission optimize repacking results after every round during the auction or at other intervals. Letter from Rick Kaplan to Marlene H. Dortch, Attachment at 5, GN Docket No. 12-268 (April 23, 2014).



should have been gathering information and developing strategies for a successful repack. Instead, the Commission viewed the repack as an afterthought, and ordered staff to develop a schedule that complied with an artificial and arbitrary deadline.

These mistakes have made the repack significantly more challenging than necessary. More stations will be forced to move, more viewers will be at risk of service disruption and the repack will take longer and cost more because of these choices.

Certain aspects of the transition plan developed by the Incentive Auction Task Force and the Media Bureau compound these earlier mistakes and make an already difficult task even harder. For example, the transition plan sets forth a methodology for determining a schedule without even knowing the scope of work required for any station's move.

NAB is committed to working with the Commission and other stakeholders throughout the transition. We believe the Commission still has opportunities to craft a reasonable repacking plan and transition schedule that will protect viewers and listeners, minimize service disruptions and provide winning forward auction bidders with transparency and predictability regarding the availability of spectrum. This will require the Commission to make adjustments to the transition plan to make it more flexible and capable of responding to unforeseen events, as well as requiring the Media Bureau to take a more active role in the process. Below, NAB sets forth specific steps the Commission should take to make the transition plan more efficient, more predictable and fairer for all stakeholders.

**A. The Commission Should Direct the Bureau to Grant Reasonable Requests for Extensions of Time**

The most problematic aspect of the transition plan released by the Bureau and the Task Force is the plan's rigid and unyielding insistence on the infallibility of a 39-month deadline the Commission adopted without any substantive analysis whatsoever. Under the transition plan set forth in the public notice, stations will be assigned to transition phases with staggered deadlines. We appreciate the considerable effort the staff has put into developing

its plan. However, the Public Notice's statement that the "Bureau does not intend to grant requests [to waive deadlines] that would disrupt the transition" is imbalanced and fundamentally unfair to viewers and listeners.

First, the deadlines the Task Force and Bureau will establish are based on the output of a computer program that relies on imprecise proxies and inputs. These deadlines will be established *months* before the FCC has any meaningful real-world information about the work that will actually be required to move any individual station. Imagine a customer telling a mechanic to fix a car. When the mechanic explains that she will need to examine the car to determine what problems exist, what the solutions are and whether new parts are needed, the customer responds, "and do it tomorrow or you will be punished." This approach, which mirrors the FCC's stance towards the repack, is neither productive nor reasonable.

The record of this proceeding reflects disagreement on the state of critical resources the broadcast industry will need during repacking. What is beyond dispute, however, is that broadcasters cannot know exactly what work will need to be done prior to completing engineering analyses for repacked stations. It simply gives the transition plan too much credit to suggest that the deadlines the staff's computer model will establish, before stations even know what they will actually need to do, will be presumptively reasonable. Television stations and their viewers should not pay the price if the plan's assumptions prove inaccurate and unrealistic. Further, many repacked television stations share towers with other broadcast operations including FM radio stations. Careful coordination may be needed to minimize disruption to FM radio, and bystander FM stations may need to draw on many of the same engineering and other resources as repacked television stations during the transition. The transition plan does not consider these factors.

Second, beyond the potential for ordinary and expected delays, this approach makes no allowance for unforeseen events that prevent stations from being able to complete construction of their new facilities, such as accidents, weather-related delays or local zoning or permitting delays. We understand that the staff will evaluate such situations on a case-by-case basis. But establishing a presumption against the waiver of any deadline that will disrupt the transition risks putting viewers at the mercy of unavoidable delays wholly outside the control of a repacked station.

Third, this approach is fundamentally imbalanced. It elevates compliance with the Commission's arbitrary and unsupported 39-month timeframe above all other considerations. The Public Notice gets this matter precisely backwards. If stations are unable to comply with the deadlines the Media Bureau establishes, the transition has already been disrupted. Pretending that it has not and refusing to waive deadlines solely to maintain the fiction that its 39-month timeframe will prove achievable is irrational and will harm viewers.

The Commission should reject this approach. Requests for waivers of construction deadlines should be judged on their merits, not on whether or not they disrupt a misguided and unfounded schedule developed before broadcasters or the Commission itself has any meaningful understanding of what work will be required for any station to move to its new channel. If a station is not able to complete construction of its new main facilities by its deadline, that station should be able to obtain a waiver allowing it to continue to transmit on its old channel.

As the Commission is well aware, the deadline for the transition from analog to digital television took more than a decade and was subject to multiple extensions. Similarly, the reconfiguration of the 800 MHz band was supposed to be completed in just three years, yet

remains ongoing more than eight years past its original deadline. There is no reason to assume the Commission's ability to bend reality to its deadlines has improved over time.

Critically, broadcasters are not asking for a blank check in terms of timing. The Bureau and ultimately the Commission itself would have the authority to limit or refuse to grant requests for extension if a repacked broadcaster failed to exercise reasonable diligence in its transition effort. But the Commission must not allow the Bureau to deny otherwise justified waiver requests solely to maintain the appearance that its schedule is reasonable and its plan is working.

**B. The Commission Should Direct the Bureau to Adjust Phase Assignments to Reflect the Scope of Work Repacking Will Require**

The Public Notice rejected NAB's proposal that the Commission wait to assign stations to transition phases until stations submitted their construction permits and cost estimates, so that phase assignments would be informed by a better understanding of the scope of work required.<sup>8</sup> Since that time, the staff has sent television stations that were not winning bidders in the auction letters informing them as to whether or not they will be repacked and, if they are, to which transition phase they have been assigned. NAB continues to believe that waiting to assign stations to phases until the Commission has a better understanding of the repack would be more efficient in the long run. Nevertheless, if the Commission elects not to disrupt the phase assignments that have already been made, it should direct the Bureau to treat these assignments as preliminary and make adjustments to phase assignments and phase deadlines based on the information stations submit in their cost estimates and construction permit applications.

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<sup>8</sup> Public Notice at ¶¶ 10-13.

In rejecting NAB's proposal, the Public Notice states that it could "negatively affect the incentive for broadcasters to begin preparing for the transition in earnest."<sup>9</sup> This is unrealistic, self-defeating and inconsistent with the Commission's specific instructions in delegating authority to the Bureau to develop a transition schedule. It is also remarkably dismissive of the good faith efforts of broadcasters, who have already undertaken efforts to prepare for the unprecedented challenges the repack will present. Far from lacking incentive to promptly begin repacking efforts, broadcasters are desperate for Commission leadership in developing and implementing a repacking plan that actually makes sense.

As NAB explained in its comments in this proceeding, assigning stations to repacking phases before the stations themselves, let alone the Commission, have even an approximate understanding of the scope of work that their channel move will require will unavoidably lead to an inefficient project schedule. For example, the Commission could find that dozens of stations assigned to phases one or two will need major tower work, and it may be more realistic to assign those stations to later phases. On the other hand, the Commission could well find that it has assigned several stations that could, in fact, move to their new channels relatively quickly and without significantly impacting other stations, to one of the last phases. Reordering these stations to move easier transitions to earlier phases and more complex transitions to later phases could allow for a more efficient process that clears spectrum for successful forward auction bidders more quickly while better protecting viewers.

Accordingly, waiting until stations have completed necessary structural and engineering studies would ultimately make the repack go *faster*. Further, the Public Notice itself acknowledges that when the Commission delegated authority to the Bureau "to

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<sup>9</sup> *Id.* at ¶ 11.

establish construction deadlines within the transition period, the FCC directed the Bureau to tailor the deadlines to stations' individual circumstances."<sup>10</sup> Assigning stations to repacking phases and assigning deadlines for those phases before the stations themselves know what work will be required is the *opposite* of a process tailored to stations' individual circumstances.

The Commission could likely ensure a faster, less disruptive repack by waiting to assign repacking phases until it actually understands the project it will be undertaking. Nevertheless, if the Commission elects not to disrupt the phase assignments the Bureau has already sent to repacked stations, it should, at a minimum, require the Bureau to make this process dynamic and flexible. In particular, we urge the Commission to require the Bureau to re-evaluate phase assignments once stations have submitted construction permit applications and cost estimates and it is clearer what will actually be required for repacked stations to move to their new channels. The Commission should also adopt a process under which stations themselves can request reassignment to different phases to make more efficient use of internal resources for broadcasters with many repacked stations, and to encourage broadcasters to cooperate to find more efficient and less disruptive solutions.

**C. The Commission Should Direct the Bureau to Mitigate Disruption to FM Stations and Other Broadcasters During Repacking**

As described above, NAB urged the Bureau and the Task Force to wait to assign stations to phases until more information was available concerning the scope of the repack and the implications for a rational scheduling plan. As NAB and its members have begun to evaluate channel reassignments and transition phase assignments, it is becoming clear that the repack will have implications for non-repacked broadcasters that operate on or near

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<sup>10</sup> *Id.* at ¶ 3.

towers with repacked stations. These non-repacked broadcasters will include television stations that are not repacked as well as FM radio stations, which have literally nothing to do with the auction. Any repacking plan that does not take these stations into account risks significant disruption and loss of service.

FM radio stations are subject to at least two causes of potential disruption during the repacking process. First, if a repacked television station adds a heavier antenna or needs to mount its antenna at a different point on the tower, it may no longer be feasible for a collocated FM station to remain at its present location on that tower or even at any location on that tower. In this case, the FM station may seek to make a permanent move to alternative facilities. Second, FM and other broadcast stations that are collocated or on towers adjacent to repacked television stations may be asked to reduce power levels to allow workers to perform safely the work necessary to allow those repacked stations to move to their new channels. Depending on how much work will be required, these stations may be asked to reduce power for days at a time on multiple occasions, and may even need to construct auxiliary facilities to allow work to proceed.

The FCC's transition schedule does not appear to take these issues into account at all. At a minimum, the FCC should rationalize its transition plan in an effort to minimize service disruptions. For example, consider an FM station with primary and auxiliary facilities located on different towers. If the FCC's transition schedule has repacked television stations on both of those towers moving during the same transition phase, and if work is not carefully coordinated, the FCC may have crippled the ability of the FM station to stay on the air using its auxiliary facility.

Even if work is not being performed on tower where an FM station's auxiliary facility is located, if the auxiliary is close to a repacked television station, the station may be asked to

operate its auxiliary at reduced power or to seek alternative facilities. Further, FM stations that seek to construct alternative permanent or auxiliary facilities during the transition will be drawing on many of the same constrained resources the Bureau and Task Force assume will be available solely for repacked television stations.

Collocated stations typically cooperate to schedule maintenance or other work on towers during off-peak hours to avoid undue disruption. This is standard practice in the broadcasting industry. Yet there is no indication that the model on which the Bureau and the Task Force relied to develop a transition schedule takes this into account. Does the Commission envision demanding that numerous FM stations in a market curtail service during peak hours while repacking work is performed? That approach would risk severe economic harm to FM stations that have nothing whatsoever to do with the incentive auction while also depriving listeners of service they enjoy today.

Solving these challenges will not be simple. The Commission is behind schedule in addressing these challenges because it ignored the repack, arguably the most important component of the incentive auction, and chose instead to focus primarily on auction design, sales pitches to broadcasters and set-asides for favored forward auction bidders. To avoid making viewers and listeners unintended victims of corners the Commission and staff elected to cut at broadcasters' expense, the Commission should direct the Bureau to revise its scheduling plan to take into account non-repacked broadcasters, as well as repacked television stations, and to develop a schedule that minimizes disruption for all broadcasters.

**D. The Commission Should Require the Bureau to Take a Proactive Role in Managing the Repack**

NAB and other stakeholders have urged the Bureau to actively manage the repacking project, or to hire a third party project manager with the experience and resources to perform this function. The Public Notice states that, "at this time we are declining to adopt any of the



commenter's [sic] specific suggestions, we intend to dedicate sufficient resources to monitor the progress of the transition and keep affected parties informed."<sup>11</sup> Respectfully, a project of this magnitude will require a substantially more hands-on approach than mere monitoring and reporting. Beyond maintaining the flexibility to assign stations to different phases and grant waivers of deadlines as needed, the Commission should also direct the Bureau to take a more proactive role in the management and organization of this project than the plan appears to envision.

To ensure a smooth transition that minimizes viewer disruption while also proceeding as efficiently as possible, the Commission will need to actively engage with repacked broadcasters on a regional basis. This will help the Commission understand the work required in every region, the challenges individual broadcasters face as they arise and the need to make adjustments of deadlines or reassignments to other transition phases. The repack will ultimately proceed much more smoothly if it is dynamic and agile, subject to real-time adjustments as circumstances develop and change. That will only be possible if the Commission knows what is transpiring on the ground.

The Bureau and the Task Force have proposed a reporting form for stations to submit periodic updates on the status of their repacking efforts. NAB respectfully submits that this approach, where the Bureau passively receives forms and only takes action in response to specific requests, will prove wholly inadequate. It will result in unnecessary delays, *slow down the repack*, and create unnecessary risk of loss of service for viewers.

Instead, the Commission should direct the Bureau to take steps now and throughout the transition to organize and monitor the repack, resolve disputes and update stakeholders

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<sup>11</sup> *Id.* at ¶ 60.

on a regional basis. To ensure the Bureau successfully plays this role, the Commission should direct the Bureau to take a series of specific steps.

*First*, the Bureau should, with broadcaster input, establish a limited number of four to six repacking regions based on natural breaks in interference daisy chains between television stations.

*Second*, the Bureau should convene a repacking meeting or conference call within each region to develop a sophisticated understanding of the challenges repacked and non-repacked broadcasters in each region will face, and how those challenges can be resolved.

*Third*, the Bureau should assign a full-time staffer to each region with primary responsibility for monitoring and coordinating the repack within each region, and to act as a point of contact within the Commission for any questions, problems or disputes that may arise.

*Fourth*, each regional staffer should convene regular conference calls with affected broadcasters within each region to monitor progress, anticipate problems and resolve questions promptly.

If the Bureau is unable or unwilling to dedicate resources to this project to manage it successfully, the Commission should hire a third party project manager with the experience and expertise necessary to play this role. Particularly with respect to a project of this magnitude, communication, management and coordination will be critical. As detailed above, repacking presents extraordinary and in some cases unnecessary challenges due to policy choices the Commission has made. Accordingly, it is incumbent on the Commission itself to play this management role or find someone who will.

**E. The Commission Should Direct the Bureau to Clarify International Coordination Requirements**

On the same day they released the Public Notice, the Task Force and Bureau also released a public notice detailing filing and other procedural requirements for repacked stations.<sup>12</sup> This public notice states, with respect to repacked stations along the borders:

Applications in the U.S.-Mexico border zone **may** not require additional coordination if they do not expand the noise-limited contour beyond the range of post-auction technical parameters negotiated with Mexico. Applications in the U.S.-Canada border zone **may** not require additional coordination if they do not expand the noise-limited contour by more than one percent in any direction beyond that predicted by the technical parameters listed in the Closing and Reassignment Public Notice, provided that the proposed facilities would not cause more than 0.5 percent new station-to-station interference to Canadian assignments or allotments.<sup>13</sup>

This equivocal and evasive phrasing is unacceptable. The Bureau has already informed stations of their new channel assignments and operating parameters, as well as their transition phase assignments. If the Bureau is not in a position to state definitively whether or not the channel assignments *it has provided repacked stations* will or will not require coordination then the Task Force has overstated the progress the Commission has made with respect to international coordination. Repacked stations along the border deserve to know *now* whether or not their channel assignments will require coordination.

Additionally, in its comments, NAB noted that Canadian stations still lack a funding mechanism for transitioning to new channels, and it is not clear that they will be able to accomplish their transition in a synchronized fashion with U.S. stations. NAB asked the Bureau to clarify how it will address the transition of U.S. stations where that transition would

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<sup>12</sup> *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, DA 17-106 (Jan. 27, 2017).

<sup>13</sup> *Id.* at ¶ 38 (emphasis added).

impact Canadian stations that have not yet changed channels. The Public Notice offers no such clarification, and the Commission should direct the Bureau to promptly provide it.

Similarly, in its comments, NAB noted that a number of Mexican DTV stations above TV Channel 37 are broadcasting in the border area. As with Canada, there is no funding mechanism in place to move Mexican stations to new channels. Again, the Public Notice offers no clarification as to how the Bureau will address issues resulting from the delayed transition of Mexican TV stations. The Commission should direct the Bureau to provide this clarification promptly.

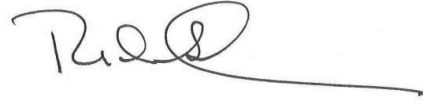
### **III. CONCLUSION**

The repack of broadcast television stations after the close of the auction may ultimately come to make the auction itself look simple. Previous Commission decisions have exacerbated challenges inherent in the repack, putting viewers at risk and potentially causing unnecessary harm to broadcasters. Many of these decisions are simply irreversible at this point. Nevertheless, the Commission still has an opportunity to take steps to develop and implement a transition plan that treats all stakeholders fairly and protects viewers and listeners from service disruptions.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

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Rick Kaplan  
Patrick McFadden

Bruce Franca  
Alison Neplokh  
Robert Weller

March 17, 2017