



May 2, 2013

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

Re: *FCC Spectrum Incentive Auction NPRM (Docket No. 12-268)*

Dear Ms. Dortch:

This letter is to notify you that on April 30, 2013, Lonna Thompson, Executive Vice President, Chief Operating Officer, and General Counsel of the Association of Public Television Stations (APTS); John McCoskey, Chief Technology Officer; Tom Rosen, Senior Counsel; Eric Wolf, Vice President, Technology Strategy & Planning; and Jim Kutzner, Senior Director, Advanced Technology of the Public Broadcasting Service (PBS); and Mark Erstling, Senior Vice President, System Development & Media Strategy of the Corporation for Public Broadcasting (CPB) met with Gary Epstein, Senior Advisor and Chair of Incentive Auctions Task Force; Steve Wildman, Chief Economist; and Evan Kwerel, Senior Economist (Office of Strategic Planning and Policy Analysis); Edward Smith, Special Counsel (Enforcement Bureau); Julius Knapp, Bureau Chief; Matthew Hussey, Associate Chief; Robert Weller, Chief, Technical Analysis Branch; and Alan Stillwell, Deputy Chief (Office of Engineering and Technology); Jessica Almond, Chief of Staff; Alison Glusman; John Leibovitz, Deputy Bureau Chief; and Patricia Robbins, Attorney Advisor, Auctions and Spectrum Access Division (Wireless Telecommunications Bureau); William Lake, Bureau Chief; Rebecca Hanson, Senior Advisor, Broadband Spectrum; Barbara Kreisman, Chief, Video Division; Dorann Bunkin, Associate Division Chief/Chief Policy Counsel, Video Division; and Shaun Maher, Attorney Advisor General, Video Division (Media Bureau).

The purpose of the meeting was to discuss issues of importance to public television stations in connection with the upcoming spectrum incentive auction. The public television attendees explained the critical importance of universal service as embodied in the Public Broadcasting Act of 1967. The public television attendees provided the attached document to the Commission attendees to set forth a series of recommendations for the design of the spectrum incentive auction and subsequent repacking process. The recommendations include measures to: (1) protect universal public television service, including preservation of broadcast translator service and the specific population served; (2) minimize any disruption to the public's television service caused by the repacking process and ensure that stations are made whole in that process; and (3) provide flexibility and clarity to stations in the design and implementation of the incentive auction.

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Furthermore, the meeting addressed potential channel sharing opportunities, challenges, and significant protections that would be important to public television stations. Lastly, the parties discussed concerns raised in comments filed by public broadcasters with the Office and Engineering and Technology's recent release of new *TVStudy* software to perform interference analyses under Bulletin No. 69.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonna Thompson". The signature is fluid and cursive, with the first name "Lonna" being more prominent than the last name "Thompson".

Lonna Thompson
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and General Counsel
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Attachment



The Association of Public Television Stations, Corporation for Public Broadcasting, and Public Broadcasting Service urge the Federal Communications Commission to incorporate the following recommendations into the design of the upcoming spectrum incentive auction and subsequent repacking process.

1) Universal Service – In designing the spectrum incentive auction rules, the Commission should preserve the public’s universal access to the unique services that public television stations provide.

- a. White Areas – Decline bids in the reverse auction that would create “white areas” where no public television station would remain on-air to serve any particular market.
- b. Translators – Minimize the impact of repacking on viewers who receive signals from television translators through minimal rural repacking, out-of-core operation, and selection priority for displacement applications. Over 500 public television translators serve rural viewers both over-the-air and through MVPD services.
- c. Population Served – Protect the specific viewers currently served by stations and do not treat viewers as interchangeable in defining “population served.”

2) Repacking – In implementing a repacked television band plan after the auction, the Commission should minimize any disruption to the public’s television service and ensure that stations are made whole.

- a. Advance Funding – Reimburse stations for repacking costs in advance of expenditures based on estimated or incurred expenses, which may later be adjusted through a true-up process.
- b. Prioritization – Prioritize repacking reimbursement for noncommercial educational licensees (in the event that the relocation fund is insufficient), and decide against reimbursing on a first-come, first-served basis as considered in the proposed rules.
- c. Timeframe – Adopt a minimum three-year timeframe for the repacking process to account for tower crew, manufacturing, and weather limitations.

3) Auction Rules

- a. VHF Bids – Permit UHF licensees to limit a bid to the high VHF band with contingent ERP and height limit waivers. Permit current VHF licensees to channel share in the UHF band.
- b. Confidentiality – Amend the rule on public inspection of records pursuant to FOIA in order to provide robust confidentiality protection. Treat the statutory confidentiality requirement as a minimum, not a maximum, period in which participating licensee data must be held in confidence.
- c. Anti-Collusion Rules – Provide clear, tailored anti-collusion rules that account for the unique circumstances of the incentive auction. Coordinate with the Department of Justice to issue guidance on how antitrust laws will apply in the context of the incentive auction.