



September 17, 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 September 13, 2013, Lonna Thompson, Executive Vice President, Chief Operating Officer, and General Counsel of the Association of Public Television Stations (APTS); Katherine Lauderdale, Senior Vice President, General Counsel, and Corporate Secretary; Tom Rosen, Senior Counsel; and Eric Wolf, Vice President, Technology Strategy & Planning (PBS); and Vincent Curren, Executive Vice President and Chief Operating Officer, and Mark Erstling, Senior Vice President, System Development & Media Strategy (CPB), met with Gary Epstein, Senior Advisor and Chair of Incentive Auctions Task Force, Office of Strategic Planning and Policy Analysis; William Lake, Bureau Chief, Media Bureau; Rebecca Hanson, Senior Advisor, Broadband Spectrum, Media Bureau; Barbara Kreisman, Chief, Video Division, Media Bureau; Edward Smith, Special Counsel, Enforcement Bureau; Renee Gregory, Chief of Staff, Office of Engineering and Technology; Matthew Hussey, Associate Chief, Office of Engineering and Technology; Mark Colombo, Office of Engineering and Technology; Erin Griffin, Wireless Telecommunications Bureau; Jonathan McCormack, Wireless Telecommunications Bureau; and Brett Tarnutzer, Wireless Telecommunications Bureau.

The purpose of the meeting was to discuss issues of importance to public television stations in connection with the upcoming spectrum incentive auction and repacking process. The public television attendees discussed the critical importance of universal service as it relates to television translators and white areas. First, with respect to translator preservation, the public television attendees recommended to the FCC that (i) spectrum clearing in low occupancy markets not exceed major market recovery; (ii) a selection priority be adopted for any displacement applications of public television translators; and (iii) out-of-core operation be permitted to prevent spectrum from lying fallow, with no set transition deadline but with a cessation mechanism similar to that used following the digital transition.<sup>1</sup>

Second, with respect to white areas, the public television attendees recommended that the FCC continue its longstanding policy disfavoring the creation of white areas and the dereservation of noncommercial spectrum without substitution, and therefore design the reverse auction to prevent the creation of a major market white area with no service from a qualified noncommercial educational television station.<sup>2</sup> The public television attendees note that “the Commission has historically sought to reserve approximately

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<sup>1</sup> See 47 C.F.R. 74.703(g) (providing a mechanism for wireless licensees to notify translator operators of the likelihood of harmful interference and for translator operators to respond to such notification).

<sup>2</sup> See 47 U.S.C. § 338(k)(6) (defining “qualified noncommercial educational television station”).

twenty-five percent of television channels for noncommercial use,” and the Commission “has repeatedly denied requests to delete reserved channels, citing as a principal reason for doing so the need to preserve the future availability of the channels.”<sup>3</sup> The Commission has consistently worked to support and further the statutory universal service mandate of public television for decades and can continue to do so through prudent design of the upcoming incentive auction.<sup>4</sup>

The attendees also discussed the implementation of the TV Broadcaster Relocation Fund, including the importance of advancing payments to stations for repacking costs, ensuring that the costs incurred by noncommercial licensees are fully covered by the fund, and not providing reimbursement on a first-come, first-served basis as this disadvantages stations with limited resources. Lastly, the parties discussed the need for joint efforts between the industry and the FCC regarding consumer education associated with the post-auction repacking process.

Sincerely,



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and General Counsel  
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<sup>3</sup> In the Matter of Deletion of Noncommercial Reservation of Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania, *Memorandum Opinion and Order*, 11 FCC Rcd. 11700, ¶ 17-18 (rel. Aug. 1, 1996).

<sup>4</sup> *See, e.g.*, In the Matter of Amendment of the Television Table of Allotments to Delete Noncommercial Reservation on Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania, *Report and Order*, MM Docket No. 01-276, ¶ 42 (rel. July 18, 2002) (granting the exceptional relief of dereservation to WQEX in 2002 due to the fact that it would “not cause a reduction in public television’s coverage area” as “every viewer in WQEX(TV)’s coverage area will continue to receive educational service from WQED(TV)”).