



May 7, 2014

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, Notice of *Ex Parte* Communication

Dear Ms. Dortch:

As the Commission has long recognized, low power television stations (“LPTVs”) and TV translators play a critical role in the broadcast ecosystem. LPTVs and TV translators often provide service where there is no other viable outlet, and are essential sources of diversity in television programming and ownership. Those valuable contributions are threatened, however, by the voluntary broadcast TV incentive auction. The National Association of Broadcasters, the Advanced Television Broadcasting Alliance, the National Religious Broadcasters, and the National Translator Association urge the Commission to do everything in its power to ensure that the important benefits of LPTVs and TV translators are not undermined as a result of the incentive auction.

Prior to the auction process, the Commission has routinely and expressly highlighted the value LPTVs and translators as providers of diverse programming options, ownership opportunities for minorities and women and as a lifeline where LPTVs and translators provide the only means for obtaining free over-the-air television.<sup>1</sup> In

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<sup>1</sup> See *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television*, Report and Order, 19 FCC Rcd. 19331, 19342 (2004) (“Television translators have played a unique role in delivering over-the-air programming of TV broadcast stations to many communities otherwise unable to receive such service, and we want this service to continue in the digital age.”); see also *Ex parte* letter from Richard Zaragoza on behalf of Colorado Broadcasters Association, *et al.*, in GN Docket No. 12-268 (filed March 7, 2013), at 1 (“Approximately 500,000 residents, from the Denver DMA northward, are served by an estimated 450 LPTV stations and TV Translators which are a vital part of the Federal and State emergency alert systems protecting those residents. In addition, many of those TV Translators also function as necessary links in daisy chains in order to cover rural populations in mountainous terrain. For that reason, the loss of a single TV translator could have a cascading, disabling effect on the other translators in a chain.”); see also *Ex parte* letter from Frank Jazzo on behalf of the New Mexico Broadcasters Association in GN Docket No. 12-268 (filed March 7, 2013).

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developing the DTV Table of Allotments, the Commission noted these benefits to the public and took a number of steps to minimize the effects on LPTVs and translators. For example, the Commission permitted displaced low power stations to apply for replacement channels without being subject to competing applications. Low power stations were permitted to continue to operate outside the core digital TV spectrum area on a secondary basis. In addition, the DTV Table was modified in a limited number of cases to avoid using a channel occupied by low power stations where an equivalent DTV channel could be provided to full power stations. The Commission also established procedures for low power stations to file displacement relief applications and gave those applications priority over new station applications and requests for modification. Ultimately, the Commission established the Class A service providing for primary allocation status for certain low power operations.

The Commission should continue its vigilance and seek to preserve the important public benefits of LPTVs and translators. In particular, in the incentive auction proceeding, the Commission should take the following steps:

- It should refrain from reclaiming more broadcast spectrum than required to create a nationwide band plan for the forward auction.
- Any repacking should take into account existing LPTVs and translators and to the extent possible minimize the effect of repacking on those operations.
- The Commission should make all reasonable efforts to provide replacement channels for “fill-in” translators, including digital replacement translators, which are essential for many full-power stations to reach significant portions of the populations they serve today.
- As was the case during the digital transition, LPTVs and translators should be able to continue to operate until wireless operations are implemented and operational.
- The Commission should consider establishing an industry working group consisting of LPTV and translator interests to develop transition plans and processes that will minimize the effects of repacking on LPTVs and translators.

Marlene H. Dortch  
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Respectfully submitted,

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Rick Kaplan  
Executive Vice President, Strategic Planning  
National Association of Broadcasters

/s/  
Louis Libin  
Executive Director  
Advanced Television Broadcasting Alliance

/s/  
Craig L. Parshall, Esq.  
Senior Vice-President and General Counsel  
National Religious Broadcasters

A handwritten signature in black ink, appearing to read "James R. McDonald", with a long horizontal flourish extending to the right.

James R. McDonald, President  
National Translator Association