

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| Incentive Auction Task Force and Media |) | MB Docket No. 16-306 |
| Bureau Seek Comment on Post-Incentive Auction |) | GN Docket No. 12-268 |
| Transition Scheduling Plan |) | |

To: The Commission

REPLY COMMENTS OF CTIA

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I. INTRODUCTION AND SUMMARY.

CTIA hereby files these reply comments in response to the *Post-Auction Transition Schedule Public Notice*, which proposes a phased approach to repacking television broadcast stations following the conclusion of the incentive auction.¹ The post-auction repacking process must be expedited to allow 600 MHz auction bidders access to critically needed mobile spectrum. The record provided in response to the *Post-Auction Transition Schedule Public Notice* demonstrates that the Incentive Auction Task Force (“IATF”) and Media Bureau (“MB”) have developed a proposal that properly prioritizes the clearing of the 600 MHz band while simultaneously providing a reasoned approach for managing the process. In order to achieve these goals, CTIA and other commenters urge the Commission to:

- Adopt the proposed phased transition plan for the repacking process, with some modifications;
- Ensure the post-auction transition is fully transparent to all stakeholders;
- Designate a project manager to oversee and manage the post-auction process;

¹ *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, DA 16-1095, MB Docket No. 16-306, GN Docket No. 12-268 (rel. Sept. 30, 2016) (“*Post-Auction Transition Schedule Public Notice*”).

- Clarify that reasonable temporary measures taken by broadcasters to expedite the transition will be reimbursed from the relocation fund;
- Expedite broadcaster requests for license modifications;
- Clarify and relax the anti-collusion prohibitions on certain communications between broadcasters to allow preparatory discussions for the transition;
- Maintain the 39-month timeline for the transition;
- Adopt the Commission’s proposal to prioritize the clearing of the 600 MHz band;
- Reject calls to delay establishing construction deadlines for broadcasters transitioning to new channels; and
- Allow for a temporary increase in the amount of interference acceptable during the transition to accelerate the broadcaster repacking process.

CTIA encourages the IATF and MB to adopt these recommendations, which will help ensure that the post-auction transition process will “smooth the way for station coordination, promote efficient allocation of limited resources, limit the impact of the transition on consumers, and facilitate FCC monitoring to determine whether schedule adjustments are necessary during the course of the transition process.”²

II. THE RECORD DEMONSTRATES WIDESPREAD SUPPORT FOR THE PROPOSED TRANSITION PLAN.

The IATF and MB have proposed a phased transition schedule for broadcasters that are reassigned to new television channels as a result of the 600 MHz auction. Parties providing comments to this proposal broadly agree that the framework developed by the IATF and MB for the post-incentive auction repacking process is workable and should, with some modifications suggested in the record, be adopted to allow for an effective and expeditious clearing of the 600 MHz band for mobile broadband services.

Affected stakeholders have nearly unanimously supported the IATF/MB proposed

² *Id.* ¶ 4.

transition plan. As T-Mobile notes, “the Transition Plan proposes an effective and efficient means of ensuring continuity of over-the-air television services while rapidly transitioning auctioned spectrum for mobile broadband use and applauds the FCC for its thoughtful approach.”³ Other wireless industry commenters expressed similar views,⁴ and members of the tower industry have also voiced support for the proposed methodology,⁵ as have a range of technology vendors.⁶ Importantly, the broadcast industry also expressed support for key elements of the overall framework in their comments.⁷

³ Comments of T-Mobile, MB Docket No. 16-306, GN Docket No. 12-268, at i (filed Oct. 31, 2016) (“T-Mobile Comments”).

⁴ Comments of CCA, MB Docket No. 16-306, GN Docket No. 12-268, at 2 (filed Oct. 31, 2016) (“CCA Comments”) (“CCA supports the Transition Plan laid out by the Bureau”); Comments of AT&T, MB Docket No. 16-306, GN Docket No. 12-268, at 1 (filed Oct. 31, 2016) (“AT&T Comments”) (“The Commission appears to be on the right path, releasing a *Public Notice* supported by data-driven analysis and thoughtful methodologies.”).

⁵ Comments of American Tower, MB Docket No. 16-306, GN Docket No. 12-268, at 3 (filed Oct. 31, 2016) (“American Tower Comments”) (commending the Commission for its hard work and the overall high quality of its proposed plan); Comments of Tower Engineering Professionals, Inc., MB Docket No. 16-306, GN Docket No. 12-268, at 1 (filed Oct. 31, 2016) (“TEP Comments”) (“We see in the proposed Transition Plan a good initial framework for a smooth, orderly and timely post-auction broadcast repack.”); Comments of RIO Steel & Tower, LTD, MB Docket No. 16-306, GN Docket No. 12-268, at 1 (filed Oct. 31, 2016) (“RIO Comments”) (noting its appreciation for the FCC’s work on the relocation plan); Comments of Grundy Telcom Integration Inc., MB Docket No. 16-306, GN Docket No. 12-268, at 1 (filed Oct. 31, 2016) (“GTI Comments”) (voicing support for the proposed post-incentive auction transition scheduling plan).

⁶ Comments of Electronics Research, Inc., MB Docket No. 16-306, GN Docket No. 12-268, at 1 (filed Oct. 31, 2016) (“ERI Comments”) (“Electronics Research, Inc. (“ERI”) supports the proposed post-incentive auction transition scheduling plan (the “Transition Plan”) that the Federal Communications Commission’s Incentive Auction Task Force and Media Bureau have proposed.”).

⁷ Joint Comments of California Oregon Broadcasting, Inc.; CNZ Communications LLC; Gray Television, Inc.; Local Media Holdings, LLC; Media General, Inc.; Nexstar Broadcasting Group, Inc.; Venture Technologies Group, LLC, MB Docket No. 16-306, GN Docket No. 12-268, at 2 (filed Oct. 31, 2016) (“Joint Broadcaster Commenters”) (“The Joint Commenters applaud the FCC for developing a thoughtful, phased approach that attempts to tackle the gargantuan task of scheduling an orderly transition for nearly 1,400 television stations to new channels over a 39 month period.”); Comments of NAB, MB Docket No. 16-306, GN Docket No. 12-268, at 19

The broad support by affected parties demonstrates that the IATF and MB phased transition proposal is viable and should be adopted. Dividing the relocation process into ten distinct phases will help eliminate inefficiencies in resource utilization that would otherwise occur. Without a segmented timeline, all broadcasters would simultaneously be competing amongst one another to obtain and schedule resources without a rational and efficient methodology to distribute these valuable inputs. Further, without management, that disorganization could endanger the ability of the Commission to clear the 600 MHz band within the 39-month timeline, delaying the ability of wireless providers to meet consumers' growing demand for mobile broadband. Moreover, the transition proposal takes into consideration the complexity of particular broadcaster and international border TV station relocations—as well as other factors such as scarcity of resources and the effect of weather—in relocating particular broadcast stations. The IATF and MB should therefore adopt the proposal, with some modifications as discussed below, to ensure an effective and efficient transition process.

III. COMMENTERS SUGGEST IMPORTANT CLARIFICATIONS AND MODIFICATIONS TO THE TRANSITION PROPOSAL THAT SHOULD BE CONSIDERED.

While there is widespread record support for the IATF and MB relocation proposal, there were also a number of suggestions for clarification or modification to elements of the transition plan that could further enhance the transparency and efficiency of the transition. The IATF and MB should give strong consideration to a number of these requests to help establish a more robust and effective repacking process.

(filed Oct. 31, 2016) (“NAB Comments”) (“Many aspects of the proposed scheduling plan are promising.”); Comments of OTA Broadcasting, LLC, MB Docket No. 16-306, GN Docket No. 12-268, at 7 (filed Oct. 31, 2016) (noting that the transition PN provides an excellent framework for an efficient transition).

A. The Commission Should Ensure Transparency By Providing Sufficient Information To Affected Stakeholders.

CTIA noted in its comments the crucial importance of transparency in the post-incentive auction relocation and recommended that the Commission establish a full-time project manager to oversee the transition process.⁸ Commenters expressed similar concerns, arguing for disclosure of relevant information and effective management of the relocation process.⁹ CTIA reiterates its suggestion that the Commission establish a project manager to oversee the transition process as a critical requirement to a smooth and effective transition. A project manager—whether Commission personnel or a third party—should maintain a schedule of the repacking, track each individual broadcast station relocation, and provide this information to all affected parties. Use of a project manager would help ensure that the schedules for repacking are maintained and would provide an early warning to all affected entities of issues that warrant attention or could potentially lead to delays in the transition.

B. The Commission Should Clarify That Temporary Actions Taken By Broadcasters During The Transition Will Be Fully Reimbursable.

A number of commenters, as well as the IATF and MB, have suggested that there may be a need for temporary measures (*e.g.*, provisional antennas, transmitters, channel sharing, channels), but expressed concerns about the ability to recoup any costs associated with such actions.¹⁰ CTIA supports reimbursement of such relocation costs, as long as such expenditures are reasonable and necessary to expedite the clearing of the 600 MHz band. The \$1.75 billion

⁸ Comments of CTIA, MB Docket No. 16-306, GN Docket No. 12-268, at 8 (filed Oct. 31, 2016) (“CTIA Comments”).

⁹ AT&T Comments at 2 (noting the need for detailed progress reports and tracking of progress); NAB Comments at 10 (“Accordingly, the FCC should play an active role in facilitating the exchange of information between stations.”).

¹⁰ *See e.g.*, NAB Comments at 10 (“The Commission should also assure broadcasters that any costs associated with such efforts will be eligible for reimbursement from the relocation fund.”).

relocation fund established by the Spectrum Act is required to reimburse broadcasters for costs that are “reasonably incurred” during the reassignment process.¹¹ In instances of difficult or complex relocations, CTIA supports the use of temporary facilities and channel sharing and believes that such measures are “reasonably incurred,” at least to the extent the temporary measures are necessary to effectuate the broadcaster relocation. Moreover, the Commission has already found that it “will treat interim facilities as a relocation expense eligible for reimbursement and will reimburse costs for such facilities that are reasonably incurred in order for a station to meet its construction deadline or to avoid prolonged periods off the air while repacking changes are made.”¹²

C. The Commission Should Expedite Processing Of Requests By Broadcasters For Necessary Modifications To The Final Channel Assignments.

While the Commission is making every effort to create a thoughtful and comprehensive plan for broadcast television channel reassignments, some broadcasters may seek to modify their final channel assignments post-incentive auction. For example, there are likely to be a number of broadcast stations that will file maximization construction permits during the second construction filing window.¹³ CTIA agrees with commenters who seek expedited treatment of such modification applications.¹⁴ Unless the Commission takes action to accelerate its processing of application requests made by broadcasters, additional delays in the transition

¹¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 §§ 6403(b)(4)(A), 126 Stat. 156 (2012) (“Spectrum Act”).

¹² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6797, ¶ 627 (2014) (“*Incentive Auction Order*”).

¹³ See T-Mobile Comments at 9.

¹⁴ *Id.*

process could occur. Therefore, it is important for the Commission to take proactive steps to develop an efficient method for handling these requests as rapidly as possible.

D. The Commission Should Improve The Transition Process By Clarifying And Relaxing The Restricted Communications Rule.

In the *Post-Auction Transition Schedule Public Notice*, the IATF and MB discussed the limitations that the FCC rules place on the communication of prohibited information during the pendency of the incentive auction, noting specifically that prohibited communications requirements began on the deadline for filing applications to participate in the reverse auction and will continue until the post-auction public notice is released closing the auction.¹⁵ Commenters have suggested two areas that could be clarified or modified to speed and simplify the relocation process without raising competitive concerns: (1) clarifying that communications between broadcasters and certain non-restricted parties (*i.e.*, tower owners, vendors, and other entities not covered by the rules) do not violate the rules, and (2) adopting a blanket waiver of the rules to allow communications among broadcasters once the final stage rule has been met in the forward auction.

CTIA supports commenters that urge the Commission to reiterate that broadcasters are free to consult with tower companies, equipment vendors, and outside engineering consultants about the relocation process.¹⁶ The IATF and MB recognized in the *Post-Auction Transition Schedule Public Notice* that such consultations do not necessarily convey prohibited information, noting that “[u]ntil the final stage rule is met, all broadcasters reasonably might be expected to plan for a potential relocation to a new channel in their pre-auction band, regardless of

¹⁵ *Post-Auction Transition Schedule Public Notice* ¶ 28.

¹⁶ American Tower Comments at 3; CCA Comments at 11; TEP Comments at 1; RIO Comments at 1; GTI Comments at 2; ERI Comments at 2.

participation in the reverse auction or current bidding status.”¹⁷ In light of this guidance, the Commission should clearly state that communications between covered television licensees and third parties who are not themselves subject to the prohibited communications rules for purposes of planning for broadcast station relocation are not prohibited. The Commission can certainly remind parties that any such communications that disclose any incentive auction applicant’s bids or bidding strategies should not be further communicated to another covered television licensee.¹⁸ As a number of vendors have suggested that this issue is currently impairing their ability to discuss post-auction transition planning with affected broadcasters, CTIA strongly urges the Commission to remove any doubt as to the permitted status of communications between vendors and broadcasters. Unnecessary impediments to post-auction planning potentially could create delays that are avoidable.

Additionally, parties have asked the IATF and MB to consider lifting the prohibited communications restriction before the end of the incentive auction but after the final stage rule has been met in the forward auction—at least as applied to broadcasters.¹⁹ These parties correctly note that, at that point, there is no public interest benefit gained from keeping the prohibited communications requirements in place for broadcaster-to-broadcaster communications. CTIA agrees with these commenters. Once the final stage rule is met, the

¹⁷ *Post-Auction Transition Schedule Public Notice* ¶ 31.

¹⁸ T-Mobile Comments at 22 (“[T]he Commission should reiterate that restricted party broadcast stations may continue to communicate with unrestricted parties, such as equipment vendors and service personnel, about the post-auction transition without implicating the rules on prohibited communications so long as the third-party vendors operate under industry-standard non-disclosure agreements and do not serve as conduits for information to restricted parties that are subject to the rules on prohibited communications.”).

¹⁹ Joint Broadcaster Comments at 4; Comments of Cordillera Communications, Cox Media Group, and Meredith Corporation, MB Docket No. 16-306, GN Docket No. 12-268, at 17 (filed Oct. 31, 2016) (“Cordillera Comments”); NAB Comments at 12.

Commission will know with certainty that there will be no more reverse auction bidding and that broadcasters thus will be unable to affect the auction outcome. Allowing broadcast stations that have received information from the Commission as to their post-auction channel assignments to communicate with one another at that point poses no competitive risk or impairment to the integrity of the auction process.

Importantly, at the point where the final stage rule kicks in, the incentive auction itself could very well extend several more weeks (if not months) as bidding continues in the forward auction clock phase (with bidding on the reserve spectrum occurring on a separate track), preparations take place for the assignment round, and the assignment round itself is conducted.²⁰ During this time, broadcasters can make critical progress in planning for the transition. CTIA encourages the IATF and MB to adopt a limited blanket waiver of the restriction on communications between covered television licensees, to take effect upon the Commission's announcement that the final stage rule has been satisfied in the forward auction. Such action would allow important discussions surrounding relocation (including, for example, collocation of tower infrastructure, channel sharing, structural studies of existing towers, and use of combined antennas) to occur weeks or months sooner with no adverse effect on the incentive auction.

IV. THE RECORD PROVIDES NO BASIS TO DELAY THE POST-AUCTION TRANSITION.

The fundamental principle for the post-incentive auction should be a rapid transition for broadcasters to their new channel assignments. A swift process will enable broadcasters to

²⁰ *Broadcast Auction Scheduled to Begin March 29, 2016; Procedures for Competitive Bidding in Auction 1000, Including Initial Clearing Target Determination, Qualifying to Bid, and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, Public Notice, 30 FCC Rcd 8975 ¶¶ 159, 26-227, 238, 242, 247 (2015).

continue providing over-the-air service to their viewers with minimal disruptions²¹ while simultaneously allowing for new 600 MHz licensees to deploy and provide mobile broadband services to the public. The Commission recognized this in noting that the relocation schedule “provide[s] certainty to wireless providers and [is] completed as expeditiously as possible” while balancing “the need for a post-incentive auction transition timetable that is flexible for broadcasters and that minimizes disruption to viewers.”²² Unfortunately, some commenters suggest changes to the IATF and MB transition proposal that would substantially delay the repacking process and the delivery of new mobile broadband services to U.S. consumers and businesses. CTIA asks that these requests be rejected as counter to the decisions made by the Commission to expedite relocation and clearing of the 600 MHz band.

A. The 39-Month Timeline Should Be Maintained.

A number of broadcast commenters have once again opposed the 39-month deadline for post-incentive auction relocation.²³ As an initial matter, the rules mandating a 39-month timeline have been adopted by the full Commission²⁴ and upheld on appeal by the D.C. Circuit.²⁵ In effect, these commenters are seeking reconsideration of a Commission decision, indeed, a

²¹ Comments of Sinclair Broadcasting Group, MB Docket No. 16-306, GN Docket No. 12-268, at 2 (filed Oct. 31, 2016) (“Sinclair wants nothing more than for the repacking process to be completed as quickly and smoothly as possible.”).

²² *Incentive Auction Order* ¶ 559, affirmed, *National Association of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

²³ NAB Comments at 1 (asking that the Commission reconsider its arbitrary and inflexible 39-month deadline); Comments of Block Communications Inc., MB Docket No. 16-306, GN Docket No. 12-268, at 3 (filed Oct. 31, 2016) (“Block Comments”) (noting that the Commission should at least double the current 39-month time frame); Comments of the E.W. Scripps Company, MB Docket No. 16-306, GN Docket No. 12-268, at 2 (filed Oct. 31, 2016) (asserting that a 39-month period will not be sufficient to complete all post-auction construction).

²⁴ *Incentive Auction Order* ¶ 568.

²⁵ *National Association of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

decision explicitly affirmed by the courts, through the procedural vehicle of a public notice issued under delegated authority by the IATF and MB. As a legal matter, the IATF and MB do not have the authority to modify this aspect of the Commission's transition process, as modification of the existing rule would require an entirely new rulemaking proceeding under the Administrative Procedure Act.

Second, even if this demand were properly raised in this proceeding, which it was not, the arguments raised are not novel and would upset the rule-based expectations of bidders participating in the auction. Indeed, commenters' assertions that a greater number of stations are to be relocated than expected, that there has never been a simultaneous move of more than 1,000 television stations at once, and that the penalty for failing to construct is draconian have been raised multiple times.²⁶ In short, these parties have not modified their position in the past several years and have provided no new information in this latest filing. Moreover, 600 MHz bidders are in the midst of bidding on licenses with the understanding that those licenses are subject to a 39-month transition. Delaying the availability of such licenses could potentially have a dramatic impact on the economics modeling conducted by bidders to support bids that have already been locked in and are unable to be withdrawn. Accordingly, requests to delay the transition should be dismissed as outside the scope of this proceeding, as contrary to public policy, and as potentially undermining the integrity of the auction process.

Finally, the Commission has already established a process for broadcasters who cannot meet their individual construction deadlines.²⁷ While some broadcast stations may need to avail

²⁶ See e.g., *Ex Parte* Presentation of NAB, GN Docket No. 12-268 at 1 (filed May 15, 2015); *Ex Parte* Presentation of NAB, GN Docket No. 12-268 at 1 (filed Nov. 9, 2015); *Ex Parte* Presentation of NAB, GN Docket No. 12-268 at 2 (filed Jan. 29, 2016).

²⁷ *Incentive Auction Order* ¶ 569 (“In addition, although all stations reassigned to new channels will be required to cease operations on their pre-auction channels at the end of the 36-month

themselves of this extension policy, others will only have to make modest changes to their facilities to transition to new channels and will be able to complete their construction relatively quickly after grant of their construction permits.²⁸ CTIA believes that the extension policy embodied in the *Incentive Auction Order* will provide broadcasters facing severe circumstances an opportunity to obtain additional time to construct their facilities. However, CTIA reiterates that such requests should be subject to a heavy burden of proof, so that any extension does not lead to a cascade of delays in the relocation process.²⁹

B. The Transition Plan Properly Prioritizes The Clearing Of The 600 MHz Band.

Some broadcast entities suggest that the Commission should have the clearing of the 600 MHz band be the lowest priority for the relocation process (rather than the highest priority).³⁰ Instead, these parties suggest that protection of over-the-air viewers from disruption should be the highest priority during the transition process.³¹ CTIA strongly opposes modifying the proposed prioritization. The primary objective of the phased transition plan, as proposed by the IATF and MB, should be to reassign the auctioned 600 MHz band from broadcast television

period, the Commission will work diligently with stations to ensure that service disruptions are minimized to the fullest extent possible through the use of a variety of mechanisms. For example, if a station has not completed construction of its new facilities by the end of the Broadcast Construction Period, it may remain on the air while it completes construction by requesting authority to operate on temporary facilities. Further, as outlined in more detail below, the Media Bureau may grant extensions of construction permit expiration dates of up to six months to those stations that encounter delays or unexpected challenges, thus providing stations flexibility in the amount of time they are afforded to transition to their new channels.”).

²⁸ *Id.* ¶ 570.

²⁹ AT&T Comments at 4-5.

³⁰ NAB Comments at 18; Block Comments at 3; Cordillera Comments at ii.

³¹ *Id.*

stations as quickly as possible.³² By prioritizing the clearing of auctioned spectrum, it will open the spectrum up to wireless licensees to offer new and innovative services.³³ Notably, forward auction participants have already committed the second highest amount of money *ever* for any Commission-held auction. This level of financial commitment, based on rules describing a fixed 39-month transition, demonstrates the strong desire that the wireless industry has to initiate operations in the 600 MHz band.

Additionally, broadcaster concerns about protecting over-the-air viewers by increasing the priority level within the transition are misplaced. The Commission has already determined that, as described in more detail below, it will prioritize keeping broadcast stations operating on their existing television channel. Moreover, through various measures such as the interservice interference (“ISIX”) methodology³⁴ and by mandating that broadcast interference must be limited to 0.5 percent after the transition,³⁵ the Commission has already provided full protection for viewers of over-the-air signals.

C. Assigning Stations To Construction Phases Should Not Be Delayed.

Certain broadcast commenters urge the Commission to wait until stations have completed necessary structural and engineering studies before assigning stations to phases.³⁶ The Commission has utilized a third party with extensive broadcast experience (Widely) to determine which stations’ transitions will be complicated and require additional time and has

³² *Post-Auction Transition Schedule Public Notice*, Appendix A at 9.

³³ *Id.*

³⁴ The Commission established a zero percent threshold for allowable harmful interference from 600 MHz wireless services to television stations assigned to channels in the 600 MHz band. *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Third Report and Order and First Order on Reconsideration, 30 FCC Rcd. 12049, ¶ 4 (2015).

³⁵ *Incentive Auction Order* ¶ 7.

³⁶ NAB Comments at 7; Block Comments at 4.

noted that the Phase Assignment Tool will place these stations in the later phases of the transition.³⁷ In addition, the optimization tool to be used by the Commission will minimize relocation issues.³⁸ The Commission will maximize the number of stations assigned to their pre-auction channels (*i.e.*, channel “stays”) as its first priority³⁹ and will also prioritize avoiding reassignment of TV stations with high anticipated relocation costs.⁴⁰

In contrast to the rapid transition process envisioned by the Commission, some broadcasters would prefer that the Commission wait several months to finalize a transition schedule. To be clear, this would lead to a guaranteed delay for *all* broadcast television stations rather than just some of the stations that may need changes to their phase or schedule. CTIA agrees with the Commission’s proposal to adopt the transition schedule as soon as the final stage rule is met to allow the mailing of confidential letters to broadcasters and to initiate the transition process. As noted previously, the incentive auction could extend several months after the meeting of the final stage rule. By adopting its proposed approach to establish the phase construction schedule at that point, the Commission will effectively expedite the relocation timeline by starting the effort well before the end of the incentive auction.

³⁷ *Post-Auction Transition Schedule Public Notice*, Appendix A at 9.

³⁸ *Id.* ¶ 273.

³⁹ A channel “stay” is defined by the Commission as attempting to keep stations assigned to their pre-auction channels instead of being assigned to new channels. For example, for a broadcast television station utilizing TV channel 27, the FCC would attempt to allow that station to continue broadcasting on TV channel 27 if possible.

⁴⁰ *Post-Auction Transition Schedule Public Notice* ¶ 273.

D. A Temporary Interference Increase For Broadcast Stations Will Help Speed The Transition.

Some broadcast parties have opposed the Commission’s proposal to increase the interference protection criteria on a temporary basis during the relocation process.⁴¹ These entities assert that the proposed two percent increase would conflict with the Commission’s rules and the provisions of the statute.⁴² However, this position is countered by a number of commenters, including NAB,⁴³ who appropriately recognize that a *temporary* increase in the interference levels during the transition will provide much-needed flexibility. As the Commission’s data demonstrates, this relaxation greatly enhances the ability of broadcast stations to rapidly transition to their new broadcast television channels.⁴⁴ Further, this temporary increase is consistent with the Spectrum Act, as the interference protection level will remain at the 0.5 percent protection level adopted by the Commission once the transition is complete,⁴⁵ consistent with the “reasonable efforts” requirement of the statute.⁴⁶

⁴¹ Joint Broadcaster Comments at 13.

⁴² *Id.*

⁴³ NAB Comments at 14 (“A two percent limit on a temporary basis will allow the Commission to reduce repacking interdependencies and make the transition more manageable.”); CTIA Comments at 7-8.

⁴⁴ *Post-Auction Transition Schedule Public Notice*, Appendix A at 9-10.

⁴⁵ *Id.* ¶ 19.

⁴⁶ Spectrum Act § 6403(b)(2).

V. CONCLUSION.

The IATF and MB are to be commended for the detailed and well-crafted proposal for managing the extraordinarily complex post-incentive auction repacking transition. CTIA supports adoption of this proposal with minor modifications and clarifications as the best approach to expedite the relocation of television broadcast stations while simultaneously freeing up spectrum for 600 MHz licensees.

Respectfully submitted,

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