

FCC Incentive Auction Task Force Releases Information Related to Repacking

July 25, 2013

In what it describes as an effort to further transparency, the Federal Communications Commission (FCC or Commission) has released a *Public Notice* providing information that it believes will give television broadcasters some insight into the incentive auction repacking process. The material the Incentive Auction Task Force has made available reflects the results of a staff analysis of whether a television station could be assigned to particular channels in the repacking process, based on certain assumptions. It does not reflect how the Commission will select bids in the reverse auction or assign broadcast television licensees to specific channels in the repacking process. The *Public Notice* emphasizes that the material released is for illustrative purposes only, and is subject to final Commission decision.

The information released includes:

- Updated TVStudy computer software and supporting data for determining the coverage area and population served of each broadcast television station using the methodology described in OET Bulletin 69.2. The version of the software released operates in the same way as the earlier version, but the Commission believes it has an improved user interface and enhanced capabilities for pairwise analysis.
- Data about Canadian and Mexican television allotments as well as domestic incumbent licensees in the broadcast television bands.
- Descriptions of the analysis for "pre-calculating" which stations could be assigned to which channels in the repacking process, and which stations cannot operate on the same channels or

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adjacent channels because of their geographic locations.

The information described in the *Public Notice*, the attached Technical Appendix and the associated data files could be used during bidding in a reverse auction, for example, to check whether channels could be assigned to all broadcasters remaining on the air without violating the statutory mandate that the Commission make all reasonable efforts to preserve the coverage area and population served by each television licensee. The *Public Notice* also states that the data could be used to optimize channel assignments after bidding is completed, taking into consideration minimizing the number of channel changes and the estimated costs of repacking.

Comments may be filed using the procedures for *ex parte* submissions in permit-but-disclose proceedings, referencing GN Docket 12-268. The files will be accessible via a link on the FCC's LEARN website under the Repacking Section. There is no deadline for filing comments.

This release is likely the first in a series of public notices related to the repacking process.

Our Wiley Rein team can help our television station clients decipher the complex information contained in the *Public Notice* and the Technical Appendix, assess what it means for your individual stations and assist in preparing comments. Please contact one of the attorneys listed below.