

FCC to Initiate Repack With Confidential Letters to Broadcasters; Waives Reverse Auction Anti-Collusion Rules

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The Federal Communications Commission (FCC) will unofficially commence the post-auction repacking process in the “next few days,” when it will send confidential letters to each television station that will remain on the air after the auction. In a public notice, the FCC’s Incentive Auction Task Force and Media Bureau announced that the letters will go to “each eligible full power or Class A television station that was not a provisionally winning bidder to go off-air at the end of Stage 4 of the reverse auction.” The letters will include the stations’ post-auction channel assignments and, for stations changing channels, technical parameters and the stations’ transition phase assignments for moving to their post-auction channels.

The FCC’s Wireless Telecommunications Bureau announced in the same public notice that it is waiving the “anti-collusion rules” as they relate to a broadcaster’s bids or bidding strategies. Effective immediately, broadcasters may directly or indirectly communicate an incentive auction applicant’s bids or bidding strategies in the reverse auction, whether to coordinate repacking or for any other purpose. This applies to communications with employees, other broadcasters, attorneys, engineers, or the general public. However, the prohibited communications rules remain in effect for communications regarding a forward auction applicant’s bids or bidding strategies.

Finally, the FCC announced that “[b]roadcasters are free to negotiate assignments or transfers of broadcast licenses or other transactions involving a transfer of control of a licensee that has been involved in the reverse auction.” The Wireless Telecommunications Bureau will consider requests to waive the prohibition on ownership changes on

Authors

John M. Burgett
Partner
202.719.4239
jburgett@wiley.law
Jessica N. Rosenthal
Partner
202.719.7478
jrosenthal@wiley.law
Joan Stewart
Of Counsel
202.719.7438
jstewart@wiley.law
Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Telecom, Media & Technology

a case-by-case basis. Stations must update their incentive auction applications to reflect any ownership changes.

Wiley Rein is prepared to assist television stations with all of their post-auction needs. You can view a list of our post-auction services [here](#).

For additional information, please contact the Wiley Rein attorney who regularly assists with your FCC matters or one of the attorneys listed on this client alert.