



601 Pennsylvania Ave. NW
North Building, Suite 800
Washington, DC 20004

July 17, 2017

Written Ex Parte Communication

Ms. Marlene H. Dortch
Secretary

Federal Communications Commission
445 12th Street, S.W.

Room TW-A325

Washington, D.C. 20554

Re:

The Incentive Auction Task Force and Media Bureau Announce Procedures For Low Power Television, Television Translator and Replacement Stations During the Post-Incentive Auction Transition, MB Docket No. 16-306; GN Docket No. 12-268

Dear Ms. Dortch:

I am writing to inform you of a voluntary commitment that T-Mobile USA, Inc.¹ (“T-Mobile”) is making to compensate certain low power television stations that operate on a secondary basis and are unable to obtain a permanent channel in time to accommodate T-Mobile’s rapid deployment of broadband service in the 600 MHz band. As detailed more fully below, T-Mobile is offering to pay the reasonable costs associated for such stations to move from a temporary channel to a permanent channel. While these stations are required to vacate the 600 MHz band when the broadband provider is ready to initiate service, T-Mobile recognizes that some of these stations may need to move twice, and T-Mobile is willing to go beyond what is required and compensate these stations for the additional move. T-Mobile’s voluntary commitment will significantly ease the burden on these stations and help ensure that their service to the public is not disrupted.

T-Mobile is moving quickly to realize the benefits of the incentive auction that Congress and the FCC envisioned by deploying competitive broadband services throughout the county, particularly in rural America. Broadband stimulates economic growth, creates jobs, and enhances global competitiveness while revamping fields as diverse as education, energy production and agriculture. Indeed, after the 600 MHz auction closed with nearly \$20 billion in winning bids, a bipartisan group of House Energy and Commerce Committee leaders declared the auction a “success” that had “revolutionized the way that our nation makes spectrum

¹ T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

These secondary stations enjoy fewer protections than full-power and Class A licensees. Secondary licensees were ineligible to participate in the incentive auction, ineligible for relocation funds and not entitled to protection against harmful interference under the FCC's rules.⁸ As a result, secondary stations must terminate operations in the 600 MHz after receiving notice from the new licensees in the band.⁹ Consistent with these notice provisions, T-Mobile has already notified some secondary 600 MHz LPTV and television translator licensees of T-Mobile's deployment plans and the secondary licensees' obligation to avoid causing interference to T-Mobile's mobile broadband operations.¹⁰

T-Mobile recognizes the valuable services that these secondary licensees can provide to the public, and the FCC has adopted numerous measures to support legacy secondary operations, including a process by which secondary licensees displaced by 600 MHz broadband deployments can seek new licenses in the remaining broadcast spectrum below the 600 MHz band.¹¹ Under the FCC's rules, displaced secondary stations will have an opportunity to file applications to access another channel in the repacked TV band or to enter channel-sharing arrangements during a so-called Special Displacement Window the Media Bureau will open no sooner than November 13, 2017.¹²

In some areas, however, the Special Displacement Window for secondary licensees could occur after T-Mobile's planned 600 MHz wireless broadband deployment. The potential for T-Mobile's broadband deployment to outpace the anticipated timing of the FCC's displacement window could require some secondary licensees to relocate to temporary channels that differ from the permanent alternative channels the secondary operators may receive following the assignment of frequencies available during the Special Displacement Window. As a result, some secondary operators could face two sets of relocation expenses – one set of relocation expenses prior to the opening of the Special Displacement Window and a second set of relocation

⁸ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 (¶¶ 236-241 (2014)), <http://bit.ly/1DL0pdy> (“*Incentive Auction Order*”), *aff’d*, *Nat’l Ass’n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

⁹ See *id.* ¶ 668.

¹⁰ See Letter from Michael A. Lewis, DLA Piper, LLP (US) to Marlene H. Dortch, Docket Nos. 16-306, 12-268 (June 1, 2017), available at <http://bit.ly/2sFF0qd>.

¹¹ See *Incentive Auction Order* ¶ 657.

¹² The FCC has said it intends to announce an opportunity for secondary licensees to apply for new channels after the primary full power and Class A television licensees have had an opportunity to apply for their preferred channel locations. See *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 ¶ 15 (MB 2017); *Incentive Auction Order* ¶¶ 552-553. To allow sufficient time for primary licensees to select their preferred locations, the so-called Special Displacement Window for LPTV licensees cannot occur until “approximately seven to eight months after release of the Closing and Channel Reassignment Public Notice on April 13, 2017,” or sometime between November and December of 2017. See *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860 ¶ 15 (MB 2017), <http://bit.ly/2sUWKgs>.

T-Mobile's voluntary commitment to reimburse secondary 600 MHz licenses for the reasonable cost of any second move that would be required due to T-Mobile's rapid broadband deployment will ensure that no secondary licensee in the 600 MHz band has to pay twice to relocate operations following the 600 MHz incentive auction. T-Mobile's voluntarily commitment will help minimize the overall effect on secondary stations in the band while continuing to permit rapid deployment of broadband service throughout the nation.

Secondary licensees eligible for T-Mobile's Supplemental Reimbursement Program will have received notice of T-Mobile's intent to deploy in their area; they should contact the representative listed in their notice letter for additional information about this program. Should the Commission have questions concerning this letter or T-Mobile's voluntary commitment to secondary licensees in the 600 MHz band, please feel free to contact me.

Sincerely,

Steve B. Sharkey
Vice President, Government Affairs
Technology and Engineering Policy
T-MOBILE USA, INC.
(202) 654-5900

to ensure that each expense is reasonable." *Incentive Auction Order* ¶ 622. When reimbursing LPTV licensees for the cost of duplicative relocation expenses, T-Mobile will likewise reserve the right to ensure the reasonableness of each expense in the context of the planned relocation, including reviewing the costs associated with both the first and second moves to ensure that costs are attributed in a reasonable way. Once an LPTV operator submits a valid request for reimbursement, T-Mobile will reimburse the claim within a reasonable amount of time of receiving it, consistent with the duration of time necessary for the reimbursement of final expenses for full-power and Class A television licensees. Finally, the Commission's reimbursement program includes a sunset date: no expenses will be reimbursed after the close of the three-year relocation period. *See Reimbursement Declaratory Ruling* ¶ 2. In reimbursing LPTV and TV translator operators for the duplicative relocation expenses of eligible secondary licensees, T-Mobile will follow a similar policy: all reimbursement claims will have had to have been submitted and processed during the three-year relocation period.



VIA CERTIFIED MAIL & EMAIL

July 24, 2017

WMTY, INC.
156 2nd Ave NE
Hamilton, AL 35570

RE: Notification of Intent to Begin 600MHz Operations

Dear W46DF-D/ Facility ID:129776 Licensee:

T-Mobile USA, Inc. ("T-Mobile") is notifying you that T-Mobile is preparing to commence operations on its 600MHz spectrum in the Partial Economic Area ("PEA") # 397 by 11/27/2017 and your station is likely to cause harmful interference to T-Mobile's operations.

To determine if your station(s) is likely to cause interference, an interference analysis has been performed, as specified by the Federal Communications Commissions' ("FCC") Inter-service Interference procedures⁸¹, using publicly available information in the FCC's Licensing and Management System ("LMS") for your facility. This analysis predicts field strength at T-Mobile's base station and user equipment locations in the PEA # 397 market from your facility. The FCC has set the thresholds at which the predicted field strength from low power TV and translator stations creates a sufficient interference risk to wireless facilities. T-Mobile has determined that your facility exceeds those thresholds and is an interference risk to its wireless operations.

T-Mobile will commence its operations in the PEA # 397 market on 11/27/2017. This letter provides the 120 days' advance notification required by FCC regulations, 47 CFR §73.3700(g)(4). The FCC regulations also require you to cease operations or eliminate the potential for harmful interference to T-Mobile's wireless facilities in the PEA # 397 market.

The FCC will work with you to attempt find a new television channel outside of the new 600 MHz mobile band that will not interfere with T-Mobile's network. You should review the FCC's Tools Available to LPTV/Translator Station Public Notice (enclosed) released on June 14, 2017 and contact Hossein Hashemzadeh, Melvin Collins, or Barbara Kreisman at the FCC for more information about the options available in your area.⁸²

Please email 600MHzFCC@T-Mobile.com once you have determined when you will eliminate the interference. If you would like additional information regarding our findings or if it might be

⁸¹ See 30 FCC Rcd 12049, 12071, para. 49 (2015)

⁸² See <https://www.fcc.gov/document/iaff-mb-set-forth-tools-available-lptvtranslator-stations>

PUBLIC NOTICE



Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information: 202-418-0500
Internet: <http://www.fcc.gov>
TTY: 888-835-5322

DA 17-584
Released: June 14, 2017

INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU SET FORTH TOOLS AVAILABLE TO LPTV/TRANSLATOR STATIONS DISPLACED PRIOR TO THE SPECIAL DISPLACEMENT WINDOW

MB Docket No. 16-306
GN Docket No. 12-268

I. INTRODUCTION

1. In the *LPTV Procedures Public Notice*, the Incentive Auction Task Force and Media Bureau described procedures for a Special Displacement Window for operating low power television, analog-to-digital replacement translator, and TV translator stations (referred to collectively as “LPTV/translator stations”) that are displaced as a result of the broadcast incentive auction (Auction 1000) and repackaging process.¹ This Public Notice sets forth tools available to LPTV/translator stations that are displaced prior to the opening of the Special Displacement Window. Such displacement could occur as a result of new 600 MHz Band wireless licenses commencing operations or conducting first field application (FFA) testing on their licensed 600 MHz spectrum prior to the opening of the Special Displacement Window. The tools listed below can be used to permit displaced stations to continue providing service to viewers with as little disruption as possible.

II. BACKGROUND

2. Auction 1000, conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act),² was completed on April 13, 2017, with the release of the *Closing and Channel Reassignment Public Notice*.³ Today, the Incentive Auction Task Force and Wireless Telecommunications Bureau granted 2,317 licenses in the 600 MHz Band.⁴ LPTV/translator stations on channels 38 through 51 must terminate operations if they receive notice of likely interference to a new 600 MHz band licensee that intends to commence operations or conduct FFA testing.⁵ This notice must

¹ *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, DA 17-442 (rel. May 12, 2017).

² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(g)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012).

³ *See Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes, Reverse Auction and Forward Auction Results Announced, Final Television Band and Channel Assignments Announced, Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (2017) (*Closing and Channel Reassignment Public Notice*).

⁴ *Incentive Auction Task Force and Wireless Telecommunications Bureau Grant 600 MHz Licenses*, Public Notice, DA 17-582 (rel. June 14, 2017).

⁵ *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd 6567, 6841-42, paras. 668-71 (2014) (subsequent citations omitted); *id.* at 6840 n.1863 (“To the extent that 600 MHz Band licensees are commencing operations in areas of their geographic licenses where harmful interference (continued....)

A. Operation on Temporary Channel

1. Eligibility

5. The ability to operate on a temporary channel is limited to "operating" LPTV stations¹¹ on channels 38 through 51 (1) that have received a 120-day notice from a 600 MHz wireless licensee that the LPTV/translator station is likely to cause interference in areas where the wireless licensee intends to commence operations or FFA testing, and (2) whose termination of operations date will occur before the Special Displacement Window opens (eligible LPTV/translator stations). Eligible LPTV/translator stations must submit a copy of the 120-day notice that they received from the 600 MHz Band wireless licensee with their displacement applications in support of a waiver of the Displacement Freeze. Applications that do not include the 120-day notice will be dismissed.

2. Displacement Applications

6. We remind eligible LPTV/translator stations seeking to operate on a temporary channel that they may only apply for a channel that remains allocated to broadcast television service (i.e., channels 2 through 36), and not for channels that have been repurposed for the new 600 MHz Band.¹² As with applications filed during the Special Displacement Window, eligible LPTV/translator stations will be required to demonstrate that they would not cause interference to the predicted service of: (1) all other primary users in the repackaged TV Band or in adjacent bands including land mobile operations,¹³ (2) licenses and valid construction permits for LPTV stations; (3) licenses and valid construction permits for full power and Class A stations that were not reassigned; (4) the post-auction channels of reassigned full power and Class A stations as reflected in the *Closing and Reassignment Public Notice*, and (5) the alternative channels and expanded facilities proposed during the two filing windows by reassigned full power and Class A stations.¹⁴ Applications filed with a request for waiver of the Displacement Freeze will be treated as if filed on the last day of the Special Displacement Window and processed in accordance with the rules for the Window.¹⁵

3. Special Temporary Authority

7. Eligible LPTV/translator stations currently on channels 38 through 51 may submit an application for an STA to operate on the channel proposed in their displacement application. In considering the STA request, we will assess whether the proposed displacement facility complies with our technical and interference rules. Relief, if granted, will be temporary. As noted above, displacement applications filed by eligible LPTV/Translator stations will be treated as filed on the last day of the Special Displacement Window and processed in accordance with the rules. Therefore, stations granted an STA to operate the facilities proposed in their displacement applications may be required to terminate their STA operations if their application is ultimately not granted.

B. Channel Sharing

8. Displaced LPTV/translator stations may also use the following channel sharing tools to continue to provide service to viewers in areas where channel availability is limited. We clarify that two or more eligible LPTV/translator stations may each request a waiver of the Displacement Freeze and submit a displacement application that proposes to share a channel with the other eligible LPTV/translator

¹¹ See Media Bureau Announces Date By Which LPTV and TV Translator Stations Must Be "Operating" In Order To Participate In Post-Incentive Auction Special Displacement Window, Public Notice, 31 FCC Rcd 5383 (MB 2016).

¹² LPTV Procedures Public Notice at para. 11.

¹³ 47 CFR § 74.709.

¹⁴ See LPTV Procedures Public Notice at para. 11 & n.42; 47 CFR §§ 73.3700(g), 74.787.

¹⁵ LPTV Procedures Public Notice at paras. 14-16.