November 9, 2015

By Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12\textsuperscript{th} Street, SW
Washington, DC 20554

Re:  
Ex Parte Communication, GN Docket No. 12-268, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions

Dear Ms. Dortch:

This letter is submitted on behalf of American Tower Corporation (“ATC”). ATC is a leading independent owner, operator and developer of wireless and broadcast communications real estate, including multi-tenant towers used by wireless service providers, radio and television broadcast companies, wireless data providers, government agencies and municipalities. Many of the towers it owns or manages will be affected when TV stations are repacked following the upcoming Incentive Auction.

As ATC has expressed to the Commission previously, ATC has been pro-active in contacting its tenants and beginning the planning needed to meet the logistical challenges of the broadcast repack that will be squeezed into a 39-month period. More could be done now, however, if TV stations subject to repacking had an indication that expenses incurred prior to the 39-month repack period were eligible for reimbursement (subject, of course, to the overall cap then in effect with respect to the broadcaster relocation fund). Specifically, ATC urges the Commission to indicate that “pre-implementation eligible expenses,” that is, expenses as specified in the Catalog of Eligible Expenses for tasks occurring prior to the post-auction repacking period also will be eligible for reimbursement as are expenses incurred during the repacking period.\textsuperscript{1} For example, ATC can perform pre-repack work such as tower mapping and structural analysis starting now if TV stations had clarity that expenses will not be rejected simply because the work was actually performed prior to the start of the 39 month build-out

\textsuperscript{1} Comments of American Tower Corporation, GN Docket No. 12-268, at 2-4 (Nov. 4, 2013).
period. Other advantages of allowing potentially reimbursable work to begin before the 39-month repack period are that tower prep work will free up tower engineering and construction support resources during the 39-month repacking period and that stations will be able to submit their initial reimbursement estimates with actual costs for certain items instead of just estimates.

For clarification, ATC is not asking the Commission to expand the categories of eligible expenses, expand the group of stations eligible to be reimbursed, accelerate the reimbursement of expenses prior to the 39-month repack period, or for any guaranty or commitment that any particular repacking planning expense incurred prior to the 39-month repacking period would be reimbursed.

ATC is asking only for a Commission statement that if an expense would be eligible for reimbursement if it were incurred during the 39-month repack period, that same expense also would be eligible for reimbursement if the work was started or completed prior to the commencement of the 39-month repack period. If an expense is incurred prior to the 39-month repack period, but it turns out that the expense is not eligible for reimbursement (for example, if a TV station incurs a repacking planning expense but its bid to go off air is accepted or if a TV station is not repacked), that expense would be incurred at the station’s own risk and would not be reimbursed.

ATC appreciates the Commission’s continued efforts to facilitate the impending repacking. It is clear that the Commission is very aware of the logistical challenges of the repack. The sooner that TV stations and their lessors and vendors can start planning the repack, the better will be the chances that all stations meet their build-out deadlines. Providing TV stations clarity that the planning expenses they incur prior to the 39-month repack period are potentially eligible for reimbursement will remove a current disincentive to begin planning. ATC looks forward to continuing to work with the Commission to achieve an efficient repacking process.

Please contact the undersigned if you have any questions.

Sincerely,

/s/
Christine M. Crowe
Timothy J. Cooney

cc: William Lake
Barbara Kreisman
Dorann Bunkin
Kevin Harding