

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

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| In the Matter of                              | ) |                      |
|   | ) |                      |
| Catalog of Eligible Expenses and Other Issues | ) | GN Docket No. 12-268 |
| Related to the Reimbursement of Broadcaster   | ) |                      |
| Channel Reassignment Costs                    | ) |                      |
|   | ) |                      |

To: The Commission

**COMMENTS OF  
NATIONAL PUBLIC RADIO, INC.**

**Introduction**

National Public Radio, Inc. ("NPR") hereby responds to the Public Notice in the above-captioned proceeding seeking comment on the types of costs broadcasters and multichannel video program distributors ("MVPD") are likely to incur as a result of the reassignment of broadcast television licenses and which costs should be reimbursed pursuant to the Middle Class Tax Relief and Job Creation Act of 2012.<sup>1</sup>

NPR is a non-profit membership corporation that produces and distributes noncommercial educational ("NCE") programming through 975 public radio stations nationwide. In addition to broadcasting award winning NPR programming, including All Things Considered<sup>®</sup> and Morning Edition<sup>®</sup>, NPR affiliated stations are themselves significant program producers and community institutions. NPR also operates the Public Radio Satellite Interconnection System, provides representation and other services to its Member stations, and operates NPR Labs.

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<sup>1</sup> Pub. L. No. 112-96, §§ 6402, 6403, 125 Stat. 156 [hereinafter, "Spectrum Act"]. See Public Notice, GN Docket No. 12-268, DA 13-1954 (Sept. 23, 2013) [hereinafter "Public Notice"].

As summarized in the Public Notice, the Spectrum Act provides for reimbursement of costs resulting from the reassignment of broadcast television stations. While the Public Notice helpfully proposes a catalog of eligible expenses, the Commission is correct to view it as a starting point for discussion rather than a definitive catalog of such expenses.<sup>2</sup> In addition, while the Commission appropriately seeks to mitigate expenses so as to conserve the funding made available under the Spectrum Act, NPR supports a flexible approach to accommodate particular circumstances affecting individual broadcasters, including non-profit and governmental licensees of NCE stations.<sup>3</sup>

NPR also appreciates the specific invitation to “identify any additional expense categories that . . . should be eligible for reimbursement.”<sup>4</sup> As an initial matter, NPR notes that the preliminary Catalog of Eligible Expenses already includes radio-specific costs associated with the television channel assignment.<sup>5</sup> An equally direct cost, but one not reflected in the proposed Catalog, concerns the dislocation of radio station transmitting antennas and related hardware as a result of the television station reassignment. NPR therefore urges the Commission to provide reasonable reimbursement for such expenses and incidental service costs pursuant to the Spectrum Act.

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<sup>2</sup> See Public Notice at 2 (“Although the Catalog of Eligible Expenses represents an initial summary of common expenses broadcasters and MVPDs may incur, we encourage commenters to identify any additional expense categories that they believe should be eligible for reimbursement.”).

<sup>3</sup> See *id.* (“Is such a [competitive bidding] requirement feasible for all stations, including non-commercial stations that may be owned by entities such as state governments which are already subject to certain purchasing rules?”)

<sup>4</sup> *Id.*

<sup>5</sup> See *id.*, Attachment, at 10 (providing a category for the cost of identifying disturbance to AM station radiation patterns and taking remedial measures.)

Many communications towers are used to mount both radio station and television station transmitting antennas and related equipment. The mere substitution of one television transmitting antenna for another television station transmitting antenna as a result of a channel reassignment might not seem to affect other tower users, but the matter is not so simple. Even though communications tower owners are generally not required to modify or replace a tower just to satisfy new tower technical standards, modifications to a tower required to achieve a specific objective, such as to add a new antenna, may require the owner to upgrade the entire tower to current standards. In such cases, the modification to attain compliance with current technical standards may temporarily or permanently dislocate radio station transmitting antennas operating from the tower, resulting in costs for both equipment and related engineering, legal, and other services.

The direct causal link between the television spectrum reassignment and the costs of relocating radio station transmitting antennas is far from conjectural. As the Catalog of Eligible Expenses itself notes, “[m]ost stations moving to a new channel will require a new antenna.”<sup>6</sup> Moreover, “[i]f replacement or addition of antennas is required, it may be necessary to modify the existing tower or construct a new tower.”<sup>7</sup> Such tower modifications or construction will often dislocate other tower users, including radio stations. In some cases, and again as the Catalog itself notes, transmitting antennas -- both television and radio -- may need to be relocated to a temporary location on an interim basis, before being relocated again either back to the modified tower or to a newly constructed tower, causing additional expense.<sup>8</sup>

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<sup>6</sup> See *id.*, Attachment II.B, at 6.

<sup>7</sup> See *id.*, Attachment II.D, at 8.

<sup>8</sup> See *id.*, Attachment II.E, at 9.

The most common impact of the impending television channel reassignment on NCE-FM licensees will concern FM antennas and transmission lines. These may need to be moved to accommodate a new television transmitting antenna, a new transmission line or waveguide for the television transmitting antenna, or to allow removal of the original television lines. Additional costs for temporary relocation of the FM station antenna are likely to be incurred while the television and tower work proceeds, which could require many months. Engineering and relocation costs will accompany these capital and equipment costs in virtually every instance of dislocation.

These and similar costs should be reimbursed pursuant to the Spectrum Act in a variety of circumstances.<sup>9</sup> When a television station is reassigned to a new channel, and the television station licensee also operates a radio station transmitting antenna that is forced to relocate temporarily or permanently, the licensee should be reimbursed for the reasonable expenses associated with relocating the radio station transmitting antenna, both temporarily and permanently, as well as the costs of related services,<sup>10</sup> equipment,<sup>11</sup> and other incidental obligations.<sup>12</sup> Likewise, if a tower requires modification as a result of a television station reassignment, and the tower owner is the licensee of a reassigned television station, the tower owner should be reimbursed for the cost of the modification<sup>13</sup> as well as the cost of replacing or

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<sup>9</sup> See Spectrum Act § 6403(b)(4)(A)(i).

<sup>10</sup> See Public Notice, Attachment II.H, at 11 (“Professional Services”).

<sup>11</sup> See *id.*, Attachment II.C, at 7-8 (“Transmission Lines”).

<sup>12</sup> See *id.*, Attachment II.G.2., at 11 (“Other”).

<sup>13</sup> See *id.*, Attachment II.D, at 8.

relocating a temporarily or permanently dislocated radio station transmitting antenna, including the costs of related equipment and services. To avoid undue hardship to NCE and other radio stations as a result of the television spectrum reassignment, NPR urges the Commission to construe its statutory authority broadly and flexibly to assure cost reimbursement in all compelling cases such as these.

**Conclusion**

For the foregoing reasons, and as more fully stated above, NPR urges the Commission to reimburse costs related to radio broadcast station dislocation resulting from the reassignment of television broadcast stations pursuant to the Spectrum Act.

Respectfully submitted,

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