



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 10, 2014

The Honorable Tim Murphy  
U.S. House of Representatives  
2332 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter regarding the Petition for Reconsideration filed by your constituent, The Videohouse, Inc., in the Commission's Incentive Auction proceeding (GN Docket No. 12-268). Your letter will be inserted into the record of the proceeding.

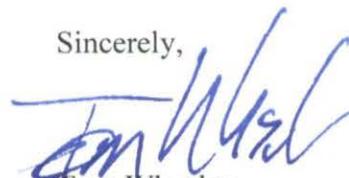
In the *Incentive Auction Report and Order*, the Commission determined that it would not use its discretion to extend repacking protection to formerly "out-of-core Class A-eligible LPTV stations" that did not file for their initial Class A license before February 22, 2012, the enactment date of the Spectrum Act. *See* Report and Order, GN Docket 12-268, 29 FCC Rcd. 6567, 6671, ¶ 234 (2014). The Commission further explained that these stations were required to file for an in-core channel by September 1, 2011, and at that time could also have filed for Class A status. *Id.* at n. 724. As such, stations in this category are not entitled to mandatory preservation under the Act, and the Commission found that extending protection to them now would limit its flexibility in the repacking process. While the Commission did grant one exception, it was to a station that had made repeated efforts to convert to Class A status over the course of decade. *Id.* at ¶ 235.

Your constituent's station, WOSC-CD, is one of these formerly out-of-core Class A-eligible stations that did not seek Class A status prior to February 22, 2012, and under the *Report and Order*, is not eligible to participate in the auction and will not be protected in the repacking process. However, given that WOSC-CD received its Class A license after enactment of the Spectrum Act, it may apply for a new channel during one of the advanced filing opportunities for alternative channels to be established after the auction. *See Id.* at ¶ 234.

Please be assured that your constituent's Petition for Reconsideration will be reviewed and provided fair consideration, per your request. In addition, I have asked staff from the Office of Legislative Affairs to keep your office updated on the status of the reconsideration petition.

Again, thank you for your letter. I appreciate hearing your views.

Sincerely,



Tom Wheeler