

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, MB Docket No. 03-185; Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context, MB Docket No. 15-137

The central purpose of this item is to establish rules for television channel sharing outside of the scope of the broadcast incentive auction. A main component in doing so is determining the sharing procedures for incentive auction channel sharers that essentially divorce and seek to marry another partner in the future. Another aspect is permitting sharing in the future by certain stations that do not establish a sharing arrangement during the incentive auction. In reality, the number of instances triggering these rules is not expected to be significantly high, but when needed, these rules will provide a flexible but necessary structure and offer some certainty for television stations that have a sharing partner today or may seek one in the future. As such, I am willing to support the item.

One area that gives me some concern is the idea that this action could be seen as setting the stage for stations to channel share in order to lease out their spectrum to unrelated wireless services or for purposes of building their own wireless network. This possibility has been bandied about in D.C. conferences and conversation for some time. While I may or may not be in favor of permitting such arrangements in the future, this item does not serve to answer the necessary questions that would need to be addressed before allowing that to happen. In other words, this item does not prejudice a more fulsome discussion that would be appropriate should someone seek to pursue this course of action.

In addition, the Commission is making clear with changes made to the text before us compared to the circulated version that television station must carry rights are not being expanded in any aspect. Simply put, the item maintains the status quo with regards to must carry: whatever right stations had to trigger must carry previously are maintained and no new rights are being created. As someone who is not necessarily the biggest supporter of must carry, we are correctly deciding not to reopen that can of worms here.