

January 28, 2014

VIA ELECTRONIC FILING

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

Re: *Expanding the Economic and Innovation Opportunities of Spectrum Through
Incentive Auctions, GN Docket No. 12-268*

Dear Ms. Dortch:

On January 27, 2014, Scott Bergmann, Vice President, Regulatory Affairs and Krista L. Witanowski, Assistant Vice President, Regulatory Affairs of CTIA – The Wireless Association® (“CTIA”); together with Tom Dombrowsky, Senior Engineering Advisor, Wiley Rein LLP; Eric DeSilva, and Jessica Lyons of Wiley Rein LLP (counsel to CTIA); and Lonna Thompson, Executive Vice President, Chief Operating Officer, and General Counsel for the Association of Public Television Stations; met with Gary Epstein, Senior Advisor and Chair of the Incentive Auction Task Force; Rachel Kazan of the Incentive Auction Task Force; William Lake, Chief, Media Bureau (“MB”); Sarah Whitesell, Deputy Chief, MB; Barbara Kreisman, Chief, Video Division, MB; Dorann Bunkin, MB; Kevin Harding, MB; Roger Sherman, Acting Chief, Wireless Telecommunications Bureau (“WTB”); John Leibovitz, Deputy Bureau Chief, WTB; Jessica Almond, Chief of Staff, WTB; Brett Tarnutzer, Assistant Bureau Chief, WTB; Jonathan McCormack, WTB; Sasha Javid, WTB; and Elizabeth Andrion of the Office of Strategic Planning & Policy Analysis. Participating via telephone were Eddie Hernandez and Francis Wilkinson of KJLA-TV (“KJLA”); James Downey, Advisor to KJLA; Alan Popkin of KLCS-TV (“KLCS”); and Charles Ellis, Ellis Engineering (consultant to CTIA).

CTIA, KJLA, and KLCS announced an agreement that will allow KJLA and KLCS to conduct a pilot project to explore the feasibility of broadcast channel sharing. CTIA has agreed to provide equipment and consulting services to facilitate this project. Under the agreement, KLCS will serve as the “host” station for KJLA’s content. The parties outlined the various phases of testing they have contemplated, and noted their expectation that this testing will yield critically important data to the FCC and other parties interested in undertaking their own channel sharing efforts.

The parties discussed their plans to file a request for Special Temporary Authority that will enable them to commence the channel sharing pilot. They noted that by authorizing the channel sharing pilot, the Commission will arm both itself and potential auction participants with the information necessary to make informed decisions and to promote a productive channel sharing system. The parties expressed their hope that they would commence the pilot as soon as FCC approval is obtained and conduct testing throughout the first quarter of 2014.

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS with your office. Please direct any questions to the undersigned.

Sincerely,

/s/ Krista L. Witanowski

Krista L. Witanowski
Assistant Vice President – Regulatory Affairs
CTIA – The Wireless Association®

cc: Gary Epstein, Senior Advisor and Chair of the Incentive Auction Task Force;
Rachel Kazan, Incentive Auction Task Force
William Lake, Chief, Media Bureau
Sarah Whitesell, Deputy Chief, Media Bureau
Barbara Kreisman, Chief, Video Division, Media Bureau
Dorann Bunkin, Media Bureau
Kevin Harding, Media Bureau
Roger Sherman, Acting Chief, Wireless Telecommunications Bureau
John Leibovitz, Deputy Bureau Chief, Wireless Telecommunications Bureau
Jessica Almond, Chief of Staff, Wireless Telecommunications Bureau
Brett Tarnutzer, Assistant Bureau Chief, Wireless Telecommunications Bureau
Jonathan McCormack, Wireless Telecommunications Bureau
Sasha Javid, Wireless Telecommunications Bureau
Elizabeth Andrion, Office of Strategic Planning & Policy Analysis.

January 28, 2014

VIA HAND DELIVERY

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

Re: *Request for Special Temporary Authorization and Channel Sharing Experimental Authorization*

Dear Ms. Dortch:

By this application and pursuant to Sections 73.1635, 74.102, and 74.131 of the Commission's rules, the Los Angeles Unified School District (licensee of KLCS-TV, and "Host") and KJLA, LLC (licensee of KJLA-TV, and "Sharer") (Host and Sharer are collectively the "Applicants") hereby request the Channel Sharing Experimental Authorizations ("CSEA") and Special Temporary Authorizations ("STA") necessary to allow Host and Sharer to operate at variance to their presently authorized facilities to pursue the Channel Sharing Pilot trial discussed herein.¹¹ As explained further below, this experiment will serve the public interest by demonstrating the necessary technical and legal steps to implement a successful channel sharing operation and advancing understanding of channel sharing. Because the shared party's signal will remain on-air, the trial is not anticipated to have any negative impact on public viewers.

Description of the Parties

Host is the licensee of KLCS-TV, a noncommercial educational television station and member of the Public Broadcasting Service, operating on digital channel 41. Its city of license is Los Angeles, CA and its DMA is Los Angeles, CA. KLCS-TV is a multimedia education channel that inspires learners of all ages to higher levels of achievement and personal and professional growth through the use of programs and services that educate, inform, and enlighten. Broadcasting from Mt. Wilson, the KLCS coverage area extends from Santa Barbara to San Diego, reaching a potential viewing audience of over five million households in Los Angeles, Orange, San Bernardino, Riverside, Ventura, and San Diego Counties.

Sharer is the licensee of KJLA, a multilingual, multicultural television station operating on digital channel 49. Its city of license is Ventura, CA and its DMA is Los Angeles, CA. KJLA is the flagship station for the LATV Network, a national entertainment network serving U.S. born Latinos which is distributed via digital multicast services. Sharer's multicast signals presently carry up to nine additional programs of multilingual content. KJLA is carried in Los

¹¹ By this STA Request, the Applicants are responding to the Commission's recent show of interest in authorizing "one or more channel sharing pilots in order to demonstrate the technical and legal arrangements necessary to implement a successful channel sharing operation." Report and Order and Order of Proposed Modification in WT Docket Nos. 12-69 and 12-352, 28 FCC Rcd 15122, 15142 (2013).

Angeles and surrounding counties on approximately 2.8 million cable homes and 2 million DBS satellite homes, in addition to operating over the air.

Description of the Channel Sharing Pilot

The Applicants have entered into a Pilot Agreement under which Host and Sharer will engage in testing up to and including shared use of the channel rights held by Host pursuant to its FCC authorization. This testing will explore the feasibility and practicality of over-the-air channel sharing. The Applicants anticipate that their testing will occur in a series of phases as follows:

- In the early phases, the Applicants will conduct technical feasibility testing for multiplexing of signals on a single bitstream off-air for the participating stations. The testing will involve a variety of content combinations (for example, multiple HD streams as well as HD and SD streams). Applicants also request, to the extent necessary, authority to transmit in the H.264 video compression format in addition to the standard MPEG-2 format.
- The Applicants will develop reliable methodologies for modifying the Program and System Information Protocol ("PSIP") information to limit consumer disruption and ensure reliable data during over-the-air testing.
- In the next phase, the Applicants will engage in channel sharing using a variety of configurations with replication during off-peak hours. For example, Sharer will provide content to Host and Host will transmit the shared bitstream to determine the level of reception of the shared channel streams. During these tests, Sharer will continue to transmit its unaltered signal with all of its broadcast streams pursuant to its licensed operating parameters.
- Next, the Applicants intend to conduct full-time channel sharing. Sharer will remain on-air, while Host will transmit a shared bitstream with content from both stations using different virtual channels.

During each phase of the trial, the Host and Sharer stations will monitor performance of the pilot through a study of their actual video bitstreams. Host and Sharer will attempt a variety of video feeds (for example, multiple HDTV streams, multiple HDTV streams plus additional SDTV streams, etc.) to ascertain the feasibility of channel sharing between two unaffiliated broadcast stations. Before proceeding to each successive phase of testing, all parties will agree that any video degradation occurring will be within acceptable bounds. Under the proposed pilot, Host and Sharer will be permitted to utilize their portion of the transport stream in any manner permitted by the FCC's rules, including subdividing their use into multiple sub-channels. Applicants intend to experiment with implementation of statistical multiplexing to improve the delivered picture quality of their multicast channels. Further, the parties will capture video and audio data during the testing that will allow analysis of the effects of channel sharing on video and audio quality.

During the channel sharing pilot, both Host and Sharer will retain their respective licenses and continue to operate their channels to provide over-the-air service to their respective viewing audiences. Each participant will continue to comply with the Commission's rules and policies for broadcast television stations. In such regards, the Applicants also request that the FCC relieve Applicants of any requirement to respond to complaints resulting from the technical arrangements implemented for purposes of the Pilot Project. As the FCC is aware, the obligation to respond to complaints entails legal and other costs that, for stations like KLCS and KJLA, can be significant. In view of the limited scope of the testing, the public interest benefits that will be derived from the results of the tests, and the novelty of the technical work being done, the Applicants request that the FCC provide Applicants with "safe harbor" protection from any complaints to the extent such complaints address technical arrangements implemented in furtherance of the Pilot Project on the basis that any technical issues or concerns affecting viewers were the result of testing conducted with the FCC's prior authorization. The Applicants also request that the trial be permitted to be unwound at any point in time, including before completion, and further request that the FCC grant specific authority necessary to permit the Applicants to return their Stations to the *status quo ante* at any time. Finally, the Applicants note that this pilot will require broadcasting commercial content on the channel currently authorized to KLCS, and request the Commission's authority to the extent necessary to permit a noncommercial station to transmit commercial content and for commercial content to be transmitted on a channel reserved for noncommercial use.

To perform the various aspects of the pilot project, Applicants request an initial term of six months, with the option to renew the STA and CSEA through the completion of the incentive auction process.

Public Interest Showing

Grant of this Request will serve to promote substantial public interest benefits. As the Commission observed, "participation in a channel sharing arrangement has the potential to benefit broadcasters and the viewing public in addition to freeing spectrum for new wireless services."² As the Commission notes, channel sharing has many potential benefits: reduction in operating costs for participating stations, provision of additional income to broadcasters, and providing small, minority-owned, and other "niche" stations with an opportunity to enhance or preserve their local program offerings.³ The Commission predicts that its voluntary channel sharing framework "will help to preserve over-the-air television as a 'healthy, viable medium going forward, in a way that will not harm consumers overall, while establishing mechanisms to make available additional spectrum for flexible broadband uses.'"⁴

While channel sharing has many potential benefits, it may understandably be viewed as a risky endeavor to potential incentive auction participants. By authorizing this pilot, the Commission will arm both itself and potential reverse auction participants with the information necessary to make informed decisions and to promote a productive channel sharing system. This pilot will test the feasibility of channel sharing and provide interested parties with an opportunity

² *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Report and Order, 27 FCC Rcd 4616, ¶ 12 (2012).

³ *Id.*


⁴ *Id.*

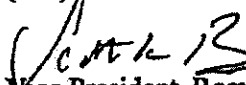
to preview the impact of such an election in advance of the reverse auction. This should enhance auction participation, provide benefits to stations considering participating in the incentive auction process, and enable the allocation of additional mobile broadband spectrum, all results that are plainly in the public interest.

Conclusion

As demonstrated above, the STAs requested by Applicants will help to enable a channel sharing pilot program to be undertaken. Considering the benefits that are expected to be derived from such a pilot program, the Applicants urge the Commission to grant the instant Request. Please direct any questions regarding this request to the undersigned.

Sincerely,


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 1/28/14