

# United States Senate

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FCC Mailroom

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

Dear Chairman Pai:

We are concerned that the auction that the Federal Communications Commission (FCC) plans to use to resolve competing applications for low-power television (LPTV) channels may harm local television viewers around the country. As the FCC moves forward with this auction, we believe you should adopt auction rules that take into consideration certain factors. Specifically, the FCC should adopt bidding credits for certain types of LPTV stations participating in the auction, which would help ensure that the reasons for creating LPTV licenses are fully respected.

The FCC “created the Low-Power Television (LPTV) service in 1982 to provide opportunities for locally-oriented television service in small communities. These communities may be in rural areas or individual communities within larger urban areas.”<sup>1</sup> As the FCC noted at the time, the advent of LPTV “created opportunities for new entry into television broadcasting, provided a means of local self-expression, and permitted fuller use of the broadcast spectrum. LPTV stations are currently undertaking their transition to digital operations.”<sup>2</sup> In an increasingly diverse country, it is imperative that communities retain LPTV stations and the value those stations provide to diverse communities throughout the country.

Throughout the voluntary broadcast television incentive auction, LPTV stations faced uncertainty about their future. We appreciate the steps that the FCC has taken to reassure LPTV licensees that the Commission values their contributions to the nation and to make sure these stations can continue to contribute to their communities. As we near the end of the incentive auction and channel reallocation, the FCC has an opportunity to recommit itself to supporting the mission of LPTVs. The FCC is preparing to adopt rules for the auction that will resolve mutually exclusive license applications for the remaining LPTV channels.

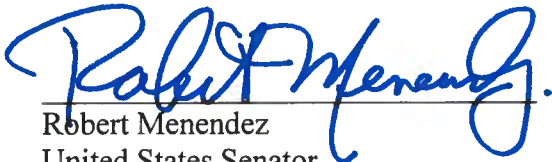
We support a timely resolution to these mutual applications, and the FCC’s longstanding practice of assigning these licenses by competitive bidding. But the FCC also should not ignore the differences between various LPTV operations. Competitive bidding may be an easy way to resolve mutual applications, but at the same time, that auction may not be fair to some LPTV operators who have made important contributions to their communities. To that end, we believe that providing auction credits to stations that serve particular niche local community populations

<sup>1</sup> <https://www.fcc.gov/consumers/guides/low-power-television-lptv-service>

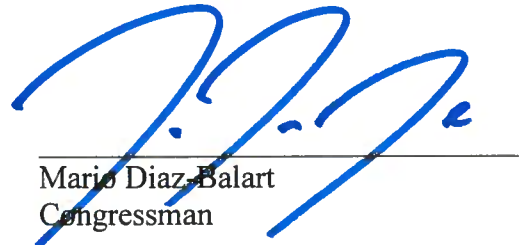
<sup>2</sup> *Id.*

with relevant programming, stations that create local jobs, or stations owned by minorities would demonstrate the Commission's commitment to LPTV and the communities they serve. Given the FCC's experience with bidding credits, we believe the agency could implement such credits without undermining the overall evenhandedness of the auction.

Thank you in advance for your prompt attention to this matter.



Robert Menendez  
United States Senator



Mario Diaz-Balart  
Congressman