

ALERT

FCC Media Bureau Seeks Comment On Eligible Repacking Expenses

September 24, 2013

On September 23, 2013, the Federal Communications Commission's (FCC or Commission) Media Bureau issued a Public Notice seeking comment on expenses eligible for reimbursement through the TV Broadcaster Relocation Fund. Comments are due on October 31, 2013, and Reply Comments are due on November 14, 2013. In a related Public Notice, the Commission released the agenda for its September 30, 2013 workshop on the issue of relocation costs.

The Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) allocated up to \$1.75 billion of revenue from the forthcoming incentive auction to reimburse broadcasters for their relocation costs resulting from the repacking of broadcast spectrum. In its September 2012 Notice of Proposed Rulemaking, the Commission sought comments "on the types of relocation costs that stations are likely to incur, and how to determine whether costs are 'reasonable' for the purposes of the reimbursement mandate." Based on the comments in the record and input from a third-party contractor (Widely, Inc.), the FCC developed a "preliminary Catalog of Eligible Expenses." The Public Notice seeks feedback on:

- Additional expense categories that may be eligible for reimbursement;
- Prices associated with hard and soft costs identified in the Catalog of Eligible Expenses;
- Options to mitigate costs, such as bulk purchasing, reimbursement caps based on the General Services Administration schedule, and competitive bidding requirements;

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law
Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media
Telecom, Media & Technology

- Whether and how to encourage tower and antenna sharing arrangements; and
- How to incorporate interim equipment into permanent facilities to reduce costs.

The September 30, 2013 workshop will consist of two panels, one addressing categories of reimbursable costs incurred by broadcasters and the second addressing coordination and cost mitigation among broadcasters.