

United States Senate

WASHINGTON, DC 20510

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May 1, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

We understand that the Commission has before it a small number of rulemaking petitions seeking to change television stations' allocations from digital VHF to UHF channels. To inform review of these petitions, we would like to draw your attention to a provision in the recently adopted spectrum provisions of the Middle Class Tax Relief and Job Creation Act of 2012 and the legislative history that preceded its adoption.

Section 6403(g)(1)(B) of the Act prohibits the Federal Communications Commission, beginning on the date of enactment and proceeding until a reverse spectrum auction is completed or certain findings related to auction revenue are made, from reassigning a broadcast television license from a VHF channel to a UHF channel unless (i) such reassignment would not decrease the amount of UHF spectrum available for reallocation through auction or (ii) a request for such reassignment was pending before the FCC on May 31, 2011. On that date, the FCC had issued a public notice "freezing" the filing of VHF-to-UHF reallocation petitions.

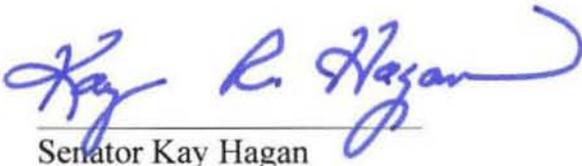
Earlier versions of the statute had not included this exception for requests pending as of the imposition of the "freeze." Prior to adoption of the final Act, the bipartisan conferees included the exception for requests pending as of the "freeze" date. This change was inserted to allow those broadcasters who had invested the time and resources necessary to file reallocation petitions to have their petitions considered in accordance with existing Commission standards and processes.

Since adoption of the legislation, we understand that there may be some reluctance on the part of your staff to process the remaining reallocation petitions filed before the "freeze."

We believe that such a position is counter both to the specific legislative intent behind inclusion of the "freeze" exception and to principles of fairness that entitle parties, who have proceeded in accordance with FCC rules and deadlines, not to have their rights truncated unexpectedly.

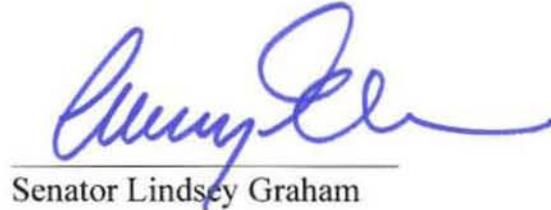
Thank you for your attention to this matter.

Very truly yours,



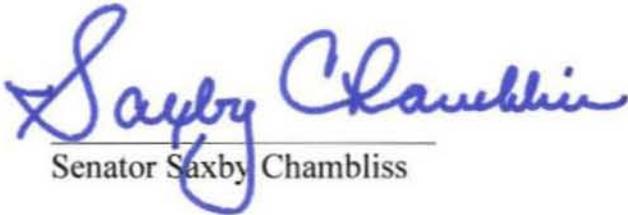
Handwritten signature of Kay R. Hagan in blue ink, written over a horizontal line.

Senator Kay Hagan



Handwritten signature of Lindsey Graham in blue ink, written over a horizontal line.

Senator Lindsey Graham



Handwritten signature of Saxby Chambliss in blue ink, written over a horizontal line.

Senator Saxby Chambliss