



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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STATEMENT OF COMMISSIONER MICHAEL O'RIELLY ON THE INCENTIVE AUCTION TASK FORCE PUBLIC NOTICE RELEASING INITIAL CLEARING TARGET OPTIMIZATION SIMULATIONS

Today's public notice seeks comment on simulations regarding the implementation of the initial clearing target that vastly deviates from the metric set forth in the Incentive Auction Comment Public Notice. For this reason, it should have been voted on by the full Commission.

Let me be clear, I am in no way saddened to see what appears to be the death of the vastly flawed idea that we should accommodate impairments of up to 20 percent nationwide, measured on a weighted basis. I was highly critical of this decision when it was made, and the record reflects that many commenters agreed that this standard could hinder the auction's success. But, this was the metric approved by the majority of the Commission. I have serious concerns that staff, without explanation, is pursuing an alternative path without any input from the Commissioners.

I am also concerned that staff is only providing simulations of one possible alternative. Parties to this proceeding have raised other means of selecting the initial clearing target and considering impairments. Their work, which I am sure was conducted at great expense, seems to have been totally ignored. If there is a problem with the Commission's initial proposal, we should be running simulations based on these other proposals and seeking public input so that we have a full record. Alas, that is not meant to be.

Further, I am concerned about the usefulness of these simulations and whether parties have been provided sufficient information to provide meaningful comment. For instance, these simulations do not reflect potential interference from Mexican TV stations into the U.S. Apparently, we do not have sufficient data after all of this time to determine where these stations will cause additional impairments. This is more than alarming. Additionally, the simulations reflect three different nationwide broadcast participation scenarios. It appears that certain assumptions have been made about station participation, but this information is not contained in the public notice. Therefore, interested parties will not be able to comment on or replicate these findings. If we are not providing interested parties with the necessary information to evaluate this data, I am left to ask why we are releasing this public notice at all.