



## LPTV activists edging toward court action

By David Seyler - on Nov, 11 2014

With the incentive auctions approaching quickly, the low power television community has many more questions than answers, and its repeated attempts to get answers are coming up empty. With its constituency facing existential questions and a pressing need for information before members can make critical business decisions, advocacy LPTV Spectrum Rights Coalition is not a happy camper.

Among its current crop of gripes:

- There are more than 100 Class A stations that will not be eligible to participate in the incentive auction, but three attempts to find out which have yielded no list.
- Information on the Comcast/Time Warner merger regarding their LPTV carriage responsibilities has not been provided.
- The 2014 Broadcast Ownership Report has not been corrected to accurately reflect the diversity of the LPTV ownership pool.
- No research has been done on the impact of the auction on LPTV, despite the fact that the FCC has the authority to include LPTV in it.
- The Coalition states that the information in the FCC's database is widely known to be inaccurate, and questions how decisions can be made on its basis.
- The Coalition decried the "open warfare" on Class A stations since 2012 that resulted in more than 75 demotions from Class A to LPTV status.

The Coalition's Mike Gravino said, "Let's start off by saying that we are getting dissed by the FCC in a lot of data requests and it seems that the only course of action going forward is to start filing legal actions." Gravino noted legal advice that LPTV stations may have no recourse until actual harm has been done – he says the harm has indeed been done and continues.

**RBR-TVBR observation:** Yes, the auction is full of complexities, but the LPTV situation is part of the whole package and should be addressed expeditiously along with everything else. These are actual small businesses run by human beings, employing other human beings, and serving many more human beings, often members of niche demographic groups undeserved by the rest of the communications industry. To leave this entire segment of the broadcast community hanging is simply unconscionable. The FCC loves to admonish licensees for minor infractions of the rules. If we were a judge, we'd be admonishing the FCC for failing to provide certainty to the LPTV community, and ordering it to pay reparations for damage done. But of course we are not a judge, or even a lawyer, and we honestly can't say how the LPTV community will fare in court. But as a matter of pure, simple justice, our minds are made up. And anybody with a hand in setting up a legal framework in which the goal of providing spectrum to rich telecommunications companies is accomplished in part by busting these small businesses without fair compensation should simply be ashamed.