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National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Room 4725
Washington, DC 20230

Submitted via <https://www.regulations.gov/document/NTIA-2023-0003>

Re: Development of a National Spectrum Strategy

Dear Mr. Alden:

National Public Radio, Inc. (“NPR”) welcomes this opportunity to provide comments in response to the National Telecommunications and Information Administration’s (“NTIA”) Request for Comments on the Development of a National Spectrum Strategy.¹

NPR agrees with NTIA that planning effectively for current and future spectrum needs is important to ensure U.S. leadership in spectrum-based technologies. NPR also notes that establishing a known spectrum pipeline will benefit incumbent spectrum users by removing uncertainty about future spectrum plans. At the same time, we recognize that efforts to improve spectrum efficiency will come at the expense of current spectrum users. Accordingly, while NTIA lays the groundwork for the communications networks of the future, NPR urges NTIA not to overlook the impact spectrum reallocation proposals will have on important incumbent users such as public radio. Legacy media should be accounted for when making way for new technologies, especially essential legacy media like public radio that has and will continue to serve a critical role in our national information infrastructure and public safety system.

NPR Represents the Interests of Public Radio

NPR is a non-profit membership corporation that produces, acquires, and distributes programming to approximately 1,100 noncommercial public radio stations nationwide. NPR also distributes content directly to its audiences through its website NPR.org, the NPR One and NPR smartphone apps, smart speakers, NPR podcasts, and natively on many social media

¹ U.S. Department of Commerce, National Telecommunications and Information Administration, *Development of a National Spectrum Strategy*, 88 Fed. Reg. 16244 (Mar. 16, 2023) (“RFC”).

platforms. NPR provides a variety of digital services to its Members, and it represents public radio's collective interests in public policy matters.

In addition, NPR operates the Public Radio Satellite System® (“PRSS”), which distributes programming to nearly 400 interconnected public radio stations serving more than 1,250 local NPR Member and non-member stations across the country. The PRSS is capable of receiving the Presidential-level Emergency Alert System feed (officially known as Emergency Action Notifications) directly from the Federal Emergency Management Agency and then transmits the alerts nationally to its interconnected stations. This large national network supports secure, reliable communications during emergencies without relying on the Internet, which may be offline or become unreliable, particularly during power outages. NPR/PRSS has been named as a resource in at least 20 states' emergency plans, and many of the public radio stations in these twenty states serve as a Local Primary station for the EAS.

At the local level, NPR Members and other public radio stations are independently owned, noncommercial organizations dedicated to providing important public services for their communities, including life-saving public safety and emergency alerting and noncommercial educational news, information, and cultural programming. Public radio stations reach nearly 99 percent of the U.S. population over the air, broadcasting news and information to urban, rural, and underserved areas of the country. About 60 percent of NPR Member stations are licensed to, or are affiliated with, educational institutions, primarily colleges or universities, while a third are governed by community-based boards and a few are licensed to state agencies or other bodies. Some NPR Member stations are joint licensees that also broadcast public television; the majority of NPR Member stations are licensed solely as public radio broadcast stations.

NPR is participating in this proceeding because its Member stations have expressed concerns about the frequently shifting spectrum landscape. Public radio stations lack the funding or operational flexibility that is available to commercial broadcasters, and the repeat threat of changing spectrum allocations makes it difficult for public broadcasters to make long-term plans. NPR therefore urges that, as NTIA considers how and when to reallocate spectrum, valuable current usages of spectrum are accounted for in any future spectrum plans.

*Prior Spectrum Reallocations Have Imposed Unintended
Burdens on Radio Broadcasters, Including Public Radio Licensees*

As the RFC implies, there is no currently usable spectrum available in the United States that is not already allocated. Accordingly, to provide more spectrum for the important uses identified in the RFC, spectrum will have to be “repurposed,” which is another way of saying “taken away from” some current users. Because low-band spectrum is usually deemed suboptimal for today's high-tech and 5G uses, NPR assumes that the AM and FM radio bands that NPR Member stations operate on will not be identified as spectrum bands suitable for review as part of an “in-depth study to determine whether this spectrum can be repurposed to

allow more intensive use.”² That does not mean, however, that NPR Member stations will be unaffected by the eventual spectrum reallocation plans.

Two recent examples are illustrative as to how incumbent spectrum users can be adversely affected by a spectrum reallocation even when a reallocation intends to hold them harmless. The first example is the Broadcast Incentive Auction, which ultimately repurposed for wireless broadband use 84 MHz of spectrum previously used for over-the-air television broadcast service. To clear that 84 MHz of spectrum, 987 full-power and Class A television stations were given new channel assignments, and those new channel assignments had a ripple effect on the channels used by low-power and TV-translator stations. While public radio stations were not directly involved in the auction process, they were indirectly affected by the post-auction transition to the extent that some radio broadcasters share towers with television stations. And, when the television stations on those shared towers had to change channels, some co-located radio stations were forced to relocate to other towers, relocate their equipment on the same tower, or shut down their signals on the tower while the work was in progress.

The FCC indicated that radio stations affected by the post-auction transition should be compensated, but the reimbursement rules provided that only stations with contractual protections could receive compensation. This limitation meant that compensation was not provided in all cases—some public radio stations had to shoulder their own costs because their tower contracts did not anticipate the involuntary channel changes necessitated by the Broadcast Incentive Auction. Still other stations that lacked the resources needed to obtain the engineering or legal assistance that could have helped them access reimbursement funds had to shut down their signals while the tower work was in progress. While NPR does not have definitive information on the number of public radio stations affected, NPR can say that public radio stations were adversely impacted by the Broadcast Incentive Auction.

The second example is the reallocation of the 3.7 GHz C-band satellite spectrum that was recovered from satellite carriers and auctioned for terrestrial commercial use.³ As part of the process, the satellite carriers are obligated to filter or retune the satellite dishes that receive signals from the repurposed portion of the C-band, if the owner of the dish so requests. NPR Member stations are affected by the reallocation because they use C-band satellite dishes to access NPR programming for broadcast. As with the Broadcast Incentive Auction, NPR Member stations were supposed to be held harmless by the C-band restructuring—stations expected to receive a few phone calls to coordinate access to their satellite dishes and that was their expected level of involvement in the process.⁴ Unfortunately, that is not what actually happened. Many stations were peppered with questions about their satellite dishes, questions that, in some cases, required the stations to engage engineering or legal counsel to answer. Again, while NPR does not know how many public radio stations incurred unreimbursed expenses in connection with the

² RFC at 16245.

³ Affected satellite operators, including Intelsat and SES, are expected to receive approximately \$9.7B for clearing 300 MHz of spectrum by December 5, 2023.

⁴ Most, but not all, NPR Member stations opted to have the satellite carriers undertake the technical work needed to retune their satellite dishes.

C-band retuning process, NPR can say that public radio stations were adversely impacted by the C-band retuning.

NPR does not question the good will of the parties involved in the Broadcast Incentive Auction reimbursement process or in the C-band restructuring process, but, regardless of intent, in both cases, public radio stations incurred unreimbursed expenses. NPR urges NTIA to keep these examples in mind as it studies which spectrum bands might be repurposed; depending on the spectrum band chosen, the group of incumbent uses who could be adversely affected may be far larger than it might initially seem.

Public Radio Is Critical to American Information Policy

Most NPR Member stations are small, independent, locally owned and operated broadcasters that are spread throughout the country. In an era of media consolidation and corporate ownership, these local stations are an increasingly rare and vital source of local news and information for the communities they serve. Public radio station broadcasts are accessible by almost 99 percent of Americans, serving communities that lack reliable broadband and also fulfilling a critical public safety role during natural disasters and other emergencies. Accordingly, as it reviews spectrum bands for possible reallocation, NTIA should keep in mind how public radio stations are a universally accessible and resilient source of local information, the key to preserving broadcast localism, and should be protected.

Indeed, a professor at the Harvard Kennedy School of government recently published a study discussing how local public radio stations are the best and most effective option for saving local news.⁵ In an op-ed discussing his study, Professor Patterson states that with the infusion of a minimal amount of targeted funding, “local public radio stations could help fill the information gap created by the decline of local newspapers.”⁶ To support his thesis, Professor Patterson cites the advantages public radio has over other forms of media: (1) trust in public broadcasting ranks above that of other major U.S. news outlets; (2) with the basic infrastructure and facilities already in place, the costs for public radio to produce new local programming are relatively low; and (3) public radio reaches almost 99 percent of American homes, including those without broadband and those in news deserts. While NPR was not directly involved in Professor

⁵ Thomas E. Patterson, “News Crisis: Can Local Public Radio Help Fill the News Gap Created by the Decline of Local Newspapers?” *Harvard Kennedy School Shorenstein Center on Media, Politics and Public Policy Discussion Paper*, published Jan. 25, 2023, accessed April 12, 2023 (<https://shorensteincenter.org/news-crisis-local-public-radio-report/>) (“News Crisis”).

⁶ Thomas E. Patterson, “Public radio can help solve the local news crisis – but that would require expanding staff and coverage,” *The Conversation*, published March 23, 2023, accessed April 10, 2023 (<https://theconversation.com/public-radio-can-help-solve-the-local-news-crisis-but-that-would-require-expanding-staff-and-coverage-199077>) (“Patterson Op-Ed”).

Patterson’s study,⁷ NPR agrees with Professor Patterson’s thesis that “local public radio should be part of the conversation about saving local news.”⁸

Professor Patterson’s findings are also consistent with a study released in October 2022 by the Alliance of Rural Public Media.⁹ The Study found that public radio provides critical service to rural communities—with about 42 percent of public radio stations qualifying as rural stations—and approximately 20 percent of those rural public radio stations serve communities with only one or two other daily news services while almost 40 percent of stations reported they serve communities with one or two weekly news sources available. In addition, certain stations in Alaska, Minnesota, North Dakota, and Texas noted that there were *no other sources of weekly or daily news in their communities other than public radio*.¹⁰ The Study goes on to note examples of the local news impact from rural radio stations in areas such as local politics, economic development, agriculture, water rights, and public health.¹¹

The Study also notes the outsized role rural public radio stations play in notifying their local communities about emergency alerts and news reporting during natural disasters. In fact, 63 percent of stations indicated there was a natural disaster in their areas in the prior 18 months.¹² During times of crisis, public radio stations may be the only source of life-saving reporting and emergency alerting in rural communities either because of a lack of other news sources or because of a lack of access to television and/or broadband due to power outages.¹³

As these examples show, especially in rural America, public radio continues to serve a vital role in informing and protecting local communities. NPR therefore urges NTIA to closely examine any spectrum reallocations for potential adverse impacts on public radio, whether direct or indirect, and ensure those impacts are thoroughly considered as part of NTIA’s public policy considerations.

* * *

NPR appreciates the opportunity to share the views of NPR Member stations on the questions raised in the RFC. NPR believes that legacy media, especially public radio, still has a valuable part to play in educating, informing, and entertaining Americans from coast to coast, especially those in underserved rural areas. NPR therefore supports NTIA’s work to develop a national spectrum strategy that will provide certainty to incumbent spectrum users as to future spectrum allocations. In doing so, however, NPR cautions NTIA not to unintentionally harm

⁷ With the exception of providing the call letters of current Member Stations, NPR was not involved in Professor Patterson’s study. *See* Patterson, *News Crisis* at 45, n.18

⁸ Patterson Op-Ed.

⁹ Alliance of Rural Public Media, “Connecting America: The Essential Service of Rural Public Radio,” Oct. 2022 (<https://ruralpublic.org/policy-and-research/report/>).

¹⁰ *Id.* at 17.

¹¹ *Id.* at 18-20.

¹² *Id.* at 23.

¹³ *Id.* at 24-25.

public radio by making policy decisions that impose unintended costs on small, nonprofit organizations like NPR Member stations.

We welcome the opportunity to engage further with NTIA on this important public policy initiative—please contact us with any questions regarding these comments.

Sincerely,

/s/ Elizabeth A. Allen

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