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ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
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October 24, 2014

Mr. Harold Feld
Senior Vice President
Public Knowledge
1818 N Street, N.W., Suite 410
Washington, D.C. 20036

Dear Mr. Feld:

Thank you for appearing before the Subcommittee on Communications and Technology on July 24, 2014, to testify at the hearing on H.R. 3670, the "Anti-Spoofing Act of 2013"; H.R. __, the "LPTV and Translator Act of 2014"; and H.R. __, the "E-LABEL Act."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on November 7, 2014. Your responses should be mailed to Charlotte Savercool, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to Charlotte.Savercool@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden
Chairman
Subcommittee on Communications and Technology

cc: Anna Eshoo, Ranking Member, Subcommittee on Communications and Technology

Attachment

Attachment —Additional Questions for the Record

The Honorable Joe Barton

1. In your testimony, you spend a great deal of time explaining the Federal Communications Commission's (FCC) incentive auction process and how the passage of the LPTV and Translator Act of 2014 would potentially hinder and delay this process. You also indicate that the FCC, in their *Incentive Auction Framework*, state that their plan is to hold a *Notice of Proposed Rulemaking* (NPRM) to mitigate the impacts of the auction on LPTV licensees and TV translators.

Please explain to me, in your opinion, how the results of this NPRM would not also potentially hinder the auction if, and arguably when, the results show that the auction will have an adverse effect on LPTV licensees and TV translators? What do you believe the FCC should do if this type of result actually takes place?

2. In your testimony, you emphasize the importance of the timetable adopted in the *Incentive Auction Framework*. I do not doubt that it took a great deal of time, energy, and effort to come up with such a guide to allow everyone to move forward, but you state that if this bill were to become law then the "FCC will nevertheless need to entertain comments and arguments from stakeholders on how the new statutory language does or does not alter the FCC's previous determinations."

While it is not the intention of Congress to hinder this process, do you not believe that it is better to conduct the auction in full confidence that all possible issues have been thoroughly considered and addressed instead of taking a blind eye to obvious concerns due to a timetable? When I think of this, I can't help but to think about the role out of healthcare.gov. The launch of this site was a disaster that could have been prevented had the White House took the time to truly work through the glaring concerns instead of focusing on a timetable. Don't you agree? If not, why not? Does success equal time or does it equal quality?