



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 05-2959

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: November 15, 2005

MEDIA BUREAU ACTION

OPTICAL TELECOMMUNICATIONS, INC. FILES NOTICE OF INTENT

Pursuant to 47 C.F.R. § 76.1503(b)(1), Optical Telecommunications, Inc. ("Optical") filed a Notice of Intent to Establish an Open Video System in the community of East Lake Village in St. Lucie County, Florida. Attached to this Public Notice is a copy of the Notice of Intent filed by Optical. In addition, Optical's certification application to operate an Open Video System is available via the Internet: <http://www.fcc.gov/mb/ovs/csovscer.html>.

Media Contact: Rebecca Fisher at (202) 418-2359.

Media Bureau Contact: Sonia Greenaway-Mickle or Steve Garner (202) 418-7200.

TTY: (202) 418-7172.

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OPEN VIDEO SYSTEM NOTICE OF INTENT

**ATTENTION:
MEDIA BUREAU**



November 2nd, 2005

VIA FEDERAL EXPRESS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: OPEN VIDEO SYSTEM CERTIFICATION APPLICATION

Dear Secretary Dortch:

Transmitted herewith for filing are the following documents:

- Notice of Intent for Open Video Systems for the St. Lucie County Florida community known as East Lake Village.
- Exemplar Information Request Form
- Exemplar notice to Must Carry Stations
- Certificate of Service
- 3.5 inch disk with the Notice of Intent in electronic format.

By copy of this letter Optical Telecommunications, Inc. is transmitting three hard copies of these materials and a disk to the Office of the Bureau Chief, Cable Services Bureau, at 9300 East Hampton Drive Capitol Heights, MD 20743.

Please contact me if you have any questions with regard to this filing.

Mario M. Bustamante
CEO, Optical Telecommunications, Inc.

cc: Chief, Cable Services Bureau (via Federal Express w/ three copies and disk)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Optical Telecommunications, Inc.) File No. _____
)
Notice of Intent to Establish)
An Open Video System)

NOTICE OF INTENT TO ESTABLISH AN OPEN VIDEO SYSTEM

Optical Telecommunications, Inc. (“OTI”), pursuant to Section 76.1503(b)(1) of the Commission's Rules, hereby submits its Notice of Intent to establish an Open Video System (“OVS”). As required by section 76.1503(b)(1), OTI respectfully submits the following information:

1. **OVS Operator.** The name, address and telephone number of the OVS Operator is Optical Telecommunications, Inc., 5000 SW 75th Avenue, Suite 103, Miami, FL 33155. The contact person is Mario M. Bustamante, Chief Executive Officer. Mr. Bustamante may be reached by mail at the above address, by telephone at (786) 787-7777, and by facsimile at (786) 888-7778.

2. **Projected Service Area.** OTI’s projected OVS service area encompasses the community known as “East Lake Village” located in the City of Port St. Lucie, St. Lucie County, Florida. OTI is likely to request additional certification during the next several years to expand its OVS service area.

3. **Projected Channel Capacity.** OTI is providing OVS service over Fiber Optic cable. OTI's OVS will have 56 digital channel input ports and 79 analog channel inputs.

4. **Carriage Applications and Inquiries.** Potential video programming providers (VPPs) interested in carriage on OTI's open video system may obtain additional information about the system by completing the attached OVS Information Request Form (Attachment 1) and mailing it to Mario M. Bustamante, Optical Telecommunications, Inc., 5000 SW 75th Avenue, Suite 103, Miami, FL 33155. If a VPP has questions concerning the completion of this form, Mr. Bustamante may be reached by telephone at (786) 787-7777 or by facsimile at (786) 888-7778.

Pursuant to Section 76.1503(b)(2) of the Commission's Rules, OTI will provide a VPP with additional information regarding the OVS system within five (5) business days after OTI's receipt by mail of a completed OVS Information Request Form. The additional information will include the projected activation date of the OVS, a preliminary carriage rate estimate, equipment requirements and other technical information, and VPP qualification requirements, as well as preliminary enrollment forms, application forms, and information concerning application fees and channel reservation deposits. If a VPP decides to seek carriage on OTI's open video system after receipt of the additional information, the VPP must timely submit the required forms, a non-refundable application fee, and a channel reservation deposit by the end of the enrollment period.

5. **Initial Enrollment Period.** The initial enrollment period for video programming providers seeking carriage on OTI's OVS system will commence November 2, 2005, and will end on February 2, 2006 or 90 days after the date upon which the FCC issues a Public Notice of the filing of this Notice of Intent, whichever is later. To ensure orderly processing of requests

and allocation of channels, interested VPPs must submit preliminary enrollment requests on or before January 3, 2005.

6. **Allocation of Capacity.** Initially, one-third (1/3) of total channel capacity shall be reserved to OTI and/or its affiliates. OTI anticipates that approximately 3 channels will be used for public, educational and/or governmental (“PEG”) programming pursuant to Section 76.1506 of the Commission’s Rules, and that 11 channels will be required to serve approximately 11 “Must-Carry” stations entitled to demand carriage pursuant to 47 C.F.R. §76.56 and § 76.1506 of the Commission’s rules. The total number of channels reserved for OTI and/or its affiliates, PEG programming and Must-Carry stations shall be the “Reserved Capacity.” The number of channels available on OTI’s OVS beyond the Reserved Capacity (the “Remaining Capacity”) will be made available to interested, qualified VPPs, provided, however, that no VPP will be entitled to channel capacity greater than that reserved to OTI and/or its affiliates; and further provided that no VPP will be entitled to request less than one full channel. If the aggregate of the Reserved Capacity and the number of channels timely requested by qualified VPPs exceeds the actual capacity of OTI’s OVS system, then the Remaining Capacity shall be allocated among qualified VPPs according to the following formula:

$$\frac{\text{Requested Capacity (per VPP)}}{\text{Total Requested Capacity (all VPPs)}} \times \text{Remaining Capacity}$$

7. **Notification Requirements.** OTI has complied with the notification requirements under Section 76.1502(d)(1) of the Commission's regulations. OTI has also complied with the notification requirements under Section 76.1506 of the Commission's open video system regulations concerning must-carry and retransmission consent. Attachment 2 is OTI's notification letter and Attachment 3 is OTI's Certificate of Service upon all commercial and noncommercial television stations in the relevant DMA.

Respectfully submitted, this 2nd day of November, 2005.

Optical Telecommunications, Inc.

By _____
Mario M. Bustamante
Chief Executive Officer
Optical Telecommunications, Inc.
5000 S.W. 75th Avenue, Suite 103
Miami, FL 33155
Phone: (786) 787-7777
Fax: (786) 888-7778

Attachment 1

**Optical Telecommunications, Inc.
OPEN VIDEO SYSTEM INFORMATION REQUEST FORM**

Identification of Potential Video Programming Provider

Name of Entity: _____

Address of Entity: _____

Contact Person: _____

Telephone No.: _____

Facsimile No.: _____

Carriage Information

Total amount of capacity requested: _____ channels

Certification and Non-Disclosure Statement

The undersigned video programming provider (VPP) represents that it has the right under the Copyright Laws to select and contract for carriage of specific video programming on the OTI open video system, and that it has no formal or informal affiliation (as defined in 47 C.F.R. Sections 76.1500(g), 76.1500(h) and Notes 1-5 accompanying Section 76.501) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within OTI's open video system service area, and that the capacity requested will be used only for the commercial operation of a video program distribution service. The VPP and its affiliates, employees and agents agree not to disclose to any other party the information provided by OTI in response to this request, except for information that was previously in the public domain and except as required in proceedings pursuant to 47 C.F.R. Section 76.1513, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in OTI's open video system and the subsequent activation of such enrollment, if any.

Signature

Printed Name and Title

Date _____

Please mail to:
Mario M. Bustamante
Optical Telecommunications, Inc.
5000 S.W. 75th Avenue, Suite 103
Miami, FL 33155

Attachment 2

To whom it may concern:

Please be advised that Optical Telecommunications, Inc. (“OTI”) intends to begin operating an Open Video System (“OVS”) in the communities known as East Lake Village located in Port St. Lucie, St. Lucie County, Florida. Service activation is expected to occur on or about February 3, 2006.

Your station is entitled to carriage on the OVS, provided that it delivers a good quality signal to the principal head end location in East Lake Village in St. Lucie County, and further provided that carriage of content you provide will not subject OTI to copyright liability.

If your station is a commercial broadcast station, you may, pursuant to 47 C.F.R. § 76.1506, elect mandatory carriage of your signal. If you elect mandatory carriage, OTI will cause your signal to be delivered to all subscribers of any Video Programming Provider (“VPP”) that utilizes the OVS. Alternatively, you may negotiate consent for retransmission of your signal. If you elect retransmission, you may negotiate with one or more VPPs delivering programming over the OVS for inclusion in their programming package. Please notify us by certified mail within five business days or no later than November 15, 2005 of your election. We will notify all VPPs of your election. Please keep in mind that, under applicable FCC regulations, your election must be the same as any election you make or have made with respect to the cable system operators that serve or have franchise rights to serve the same area(s).

You must also provide us with notification of black-out requirements related to sports broadcasts, network non-duplication, and syndicated exclusively. OTI will make these notifications available to all VPPs and will cause signals to be deleted or blocked in accordance with your notification and with FCC regulations. Additionally, if you have negotiated to have your signal retransmitted as part of one or more VPP’s programming packages, you should also notify those VPPs directly.

Please send your written election, as well as any notifications or other correspondence to my attention at the address below.

Sincerely,

Mario M. Bustamante, CEO,
Optical Telecommunications, Inc

Attachment 3

CERTIFICATE OF SERVICE

I, Mario M. Bustamante, an employee with Optical Telecommunications, Inc., hereby certify that on this 2nd day of November, 2005, I served the foregoing notification, and by first class U.S. mail, postage prepaid, to the following television stations within Optical Telecommunications, Inc.'s open video system area:

WXEL (PBS Channel 42)
3401 S. Congress Ave.
Boynton Beach, FL 33426

WFLX (Fox Channel 29)
4119 West Blue Heron Blvd.
West Palm Beach, FL 33404

WPBF (ABC Channel 25)
3970 RCA Blvd.
West Palm Beach, FL 33410

WPEC (CBS Channel 12)
3333 South Congress Ave.
Delray Beach, FL 33445

WPTV (NBC Channel 5)
1100 Banyan Blvd.
West Palm Beach, FL 33401

WTCE (TBN Channel 21)
c/o WJEB-59
3101 Emerson Expy.
Jacksonville, FL 32207

WTVX (UPN/WB)
3970 RCA Blvd. # 7007
Palm Beach Gardens, FL 33410

WFGC (Independent Channel 61)
1900 South Congress Ave.
West Palm Beach, FL 33406

WPXP (Pax Channel 67)
500 South Australian Ave.
West Palm Beach, FL 33401

WHDT (Independent Channel 59)
1601 Forum Place
West Palm Beach, FL 33401

WPPB (Independent Channel 63)
c/o Broward Education Communications
Network
6600 SW Nova Dr.
Ft. Lauderdale, FL 33317

Mario M. Bustamante