

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Venture Technologies Group, LLC)	NAL/Acct. No. 200732080024
)	File No. EB-06-IH-2305
Former Licensee of Deleted Low Power)	FRN No. 0003768876
Television Stations K53IB and K59IB,)	
Bakersfield, California)	

ORDER

Adopted: April 11, 2007

Released: April 13, 2007

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (“Bureau”) and Venture Technologies Group, LLC (“VTG”). The Consent Decree terminates an investigation by the Bureau concerning (1) VTG’s possible false certifications and violations of the requirements of Sections 1.65 of the Commission’s rules¹ in connection with its applications for licenses to cover the construction permits for the above-captioned deleted low power television stations, and (2) possible violations of Section 74.763(b) of the Commission’s rules² in connection with the operation of those stations.

2. The Bureau and VTG have negotiated the terms of the Consent Decree that resolves this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. Based upon the record before us, and in the absence of material new evidence relating to this matter, we conclude that there are no substantial and material questions of fact as to whether VTG possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by adopting the Consent Decree and terminating the investigation.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,³ and the authority delegated by Sections 0.111 and 0.311 of the Commission’s rules,⁴ the attached Consent Decree **IS ADOPTED**.

¹ See 47 C.F.R. § 1.65.

² See 47 C.F.R. § 74.763(b).

³ See 47 U.S.C. § 154(i).

6. **IT IS FURTHER ORDERED** that the complaint received by, or in the possession of, the Bureau on or around May 30, 2006, alleging false certifications in VTG's applications for licenses to cover the construction permits for the above-captioned deleted low power television stations and violations of the Commission's rules requiring VTG to notify the Commission that the stations had discontinued operations and to request special temporary authority to operate at variance from the stations' licenses **IS DISMISSED**.

7. **IT IS FURTHER ORDERED** that the above-captioned investigation **IS TERMINATED**.

8. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by regular first class mail and by certified mail, return receipt requested, to Venture Technologies Group, LLC, 5670 Wilshire Boulevard, Suite 1300, Los Angeles, California 90036 and to its counsel, Richard J. Bodorff, Esquire and Gregory L. Masters, Esquire, Wiley Rein, 1776 K Street, N.W., Washington, D.C. 20006.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief, Enforcement Bureau

(Continued from previous page) _____

⁴ See 47 C.F.R. §§ 0.111, 0.311.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Venture Technologies Group, LLC)	NAL/Acct. No. 200732080024
)	File No. EB-06-IH-2305
Former Licensee of Deleted Low Power)	FRN No. 0003768876
Television Stations DK53IB and DK59IB,)	
Bakersfield, California)	
)	
)	

CONSENT DECREE

Adopted: April 11, 2007

Released: April 13, 2007

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. The Enforcement Bureau of the Federal Communications Commission and Venture Technologies Group, LLC, by their authorized representatives, hereby enter into this Consent Decree.

II. DEFINITIONS

2. For purposes of this Consent Decree, the following conditions shall apply:
- a. "VTG" means Venture Technologies Group, LLC;
 - b. "Non-Related Company" means a company or organization in which neither Venture nor its principals, individually or collectively, are an officer, director, partner, member, manager, or holder (directly or indirectly) of an ownership interest;
 - c. "Construction Permits" mean the Application for Authority to Construct a Low Power TV Station, File No. BMPTTL-20060330ALE and the Application for Authority to Construct a Low Power TV Station, File No. BMPTTL-20060330ALM;
 - d. "License Applications" mean the Application for a Low Power TV Station License for K53IB, File No. BLTTL-20060420ACZ and the Application for a Low Power TV Station License for K59IB, File No. BLTTL-20060420ACY;
 - e. "Stations" mean DK53IB and DK59IB, Bakersfield, California;
 - f. "Commission" and "FCC" mean the Federal Communications Commission, and all of its bureaus and offices;
 - g. "Bureau" means the Enforcement Bureau of the Federal Communications Commission;

- h. "Parties" mean the Bureau and VTG;
- i. "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*;
- j. "Rules" mean the Commission's regulations set forth in Title 47 of the Code of Federal Regulations;
- k. "Adopting Order" means an order of the Bureau adopting this Consent Decree;
- l. "Effective Date" means the date on which the Adopting Order is released;
- m. "Investigation" means the investigation commenced by the Bureau's November 6, 2006 Letter of Inquiry⁵ regarding whether VTG had made false certifications in its responses to questions on the License Applications, had failed to amend the License Applications to report substantial and significant changes in the information furnished therein, in violation of Section 1.65 of the Rules, and/or had failed to notify the Commission of the discontinuation of the Stations' operations, in violation of Section 74.763(b) of the Rules.

III. BACKGROUND

3. The Video Division, Media Bureau granted the License Applications for the Stations on May 26, 2006. On or about May 30, 2006, the Commission received a complaint alleging that VTG had not constructed the facilities for the Stations as certified in the License Applications and that VTG had failed to notify the Commission of the discontinuation of the Stations' operations and to request special temporary authority to operate at variance from the terms of the Stations' licenses.

4. Following a Bureau inspection of the transmitter site on June 13, 2006, which revealed that the Stations' facilities were not at the authorized site and were not operating, the Video Division issued a letter dated June 20, 2006 which rescinded the grant of the License Applications and dismissed them. In addition, the Construction Permits, which had expired on April 22, 2006, were canceled. Subsequently, on June 20, 2006, VTG submitted statements and evidence that the Stations had been constructed and were operating in accordance with the Construction Permits at the time that VTG certified and filed the License Applications on April 20, 2006. VTG acknowledges that its transmitter and antennas were not installed at the authorized location on June 13, 2006. VTG did not challenge either the rescission of the grants of the License Applications or the cancellation of the Construction Permits. The License Applications and Construction Permits will not be reinstated.

5. On November 6, 2006, the Bureau issued a letter of inquiry to VTG.⁶ The November 6, 2006 LOI directed VTG, among other things, to submit a sworn written response to a series of questions relating to the construction and operation of the Stations prior to and after the time that it had filed the License Applications and the License Applications were granted.

⁵ See Letter from Benigno E. Bartolome, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to Venture Technologies Group, LLC, dated November 6, 2006.

⁶ See *id.*

VTG responded to the November 6, 2006 LOI on December 6, 2006. The Bureau has reviewed VTG's response to the LOI, which offers credible evidence that VTG did not make false certifications in the License Applications. VTG has submitted documentation demonstrating that the stations were constructed and operating at the time that it filed the License Applications. VTG's response to the LOI, however, also indicates that it failed to comply with Sections 1.65 and 74.763(b) of the Commission's rules as a result of not notifying the Commission that the stations had ceased operation.⁷

6. VTG and the Bureau acknowledge that any proceeding that might result from the Investigation will require the significant expenditure of public and private resources. In order to conserve such resources and to promote compliance by VTG with the Act and the Rules, the Parties hereby enter into this Consent Decree in consideration of the mutual commitments made herein.

IV. AGREEMENT

7. VTG agrees that the Bureau, by delegated authority of the Commission, has jurisdiction over the matters contained in the Consent Decree and the authority to enter into and adopt the Consent Decree.

8. VTG agrees to be legally bound by the terms and conditions of this Consent Decree. VTG represents and warrants that its signatory is duly authorized to enter into this Consent Decree on its behalf.

9. The Parties agree that this Consent Decree will become effective on the Effective Date. Upon the Effective Date, the Adopting Order and this Consent Decree will have the same force and effect as any other order of the Bureau and any violation of the terms of this Consent Decree will constitute a separate violation of a Bureau order, entitling the Bureau to subject VTG to enforcement action for such violation.

10. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau, through entry of the Order, which shall immediately resolve and terminate the Investigation.

11. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or other determination regarding any compliance or noncompliance with the requirements of the Act or the Commission's Rules and orders. The Parties agree that this Consent Decree is for settlement purposes only and that, by agreeing to this Consent Decree, VTG does not admit or deny liability for violating any statute, regulation, or administrative rule in connection with matters that are the subject of this Consent Decree.

12. VTG agrees that it will make a voluntary contribution to the United States Treasury in the amount of Ten Thousand Dollars (\$10,000) within ten (10) calendar days of the Effective Date. Such payment must be made without further protest or recourse, by check or similar instrument, payable to the order of the Federal Communications Commission. Such payment must include the NAL/Acct. No. and FRN No. referenced in the Adopting Order. Such

⁷ See 47 C.F.R. §§ 1.65 and 74.763(b).

payment by check or money order may be mailed to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Such payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room Number 1540670, Pittsburgh, PA 15251. Such payment by wire transfer may be made to ABA Routing Number 043000261, receiving bank Mellon Bank, and account number 9116229.

13. As a further condition to this agreement, VTG will institute and follow the terms of a Compliance Plan within thirty (30) calendar days of the Effective Date and keep such Compliance Plan in effect, where applicable, for two (2) years after the Effective Date. The Compliance Plan will include, at a minimum, the following components:

- a. VTG has designated a Director of Engineering who is responsible for the supervision of all technical aspects relating to the construction and operation of VTG's stations.
- b. The Director of Engineering will create a manual of construction and operating practices to guide VTG technical staff.
- c. The Director of Engineering will conduct training sessions on VTG's manual of construction and operating practices annually.
- d. VTG has established a multi-level review system for the filing of any FCC license application. VTG's Chairman, or another company officer, must review and sign the legal section of the application. The Director of Engineering, or his designee, must then review and act as signatory on the engineering section of all license applications. A license application will not be filed with the Commission until the Director of Engineering gives his approval to the engineering section.
- e. VTG has created a system to track upcoming construction and filing deadlines. Reminders are generated twelve (12) months, six (6) months, three (3) months, and two (2) weeks prior to deadlines. These reminders are sent to the Director of Engineering and to the Chairman of VTG.

14. In consideration of the terms and conditions set forth herein, the Bureau agrees to terminate its Investigation. The Bureau agrees that it will not use the facts developed in this Investigation through the Effective Date of the Consent Decree, or the existence of this Consent Decree to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against VTG concerning the matters that were the subject of the Investigation. The Commission also agrees that it will not use the facts developed in this Investigation through the Effective Date of this Consent Decree, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against VTG with respect to basic qualifications, including its character qualifications, to be a Commission licensee.

15. VTG agrees that any violation of this Consent Decree, including but not limited to a failure to make any of the payments required by Paragraph 12 hereof, will constitute a separate violation of a Commission order and subject each to appropriate administrative sanctions.

16. This Consent Decree will be binding on VTG's transferees, successors and assigns, provided that in the event of an assignment or transfer to a Non-Related Company, only the obligations of Paragraph 12 will be binding on the assignee or transferee.

17. VTG waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Order adopting this Consent Decree, provided that the Commission issues an Order adopting the Consent Decree without change, addition, modification or deletion. VTG shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein.

18. VTG's decision to enter into this Consent Decree is expressly contingent upon the Commission's issuance of an Order that is consistent with the Consent Decree, and which adopts the Consent Decree without change, addition, modification, or deletion.

19. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

20. VTG and the Bureau each agrees that if VTG, the Commission, or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Adopting Order, neither VTG nor the Commission shall contest the validity of the Consent Decree or Order, and VTG shall waive any statutory right to a trial *de novo*.

21. The Parties also agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which VTG does not expressly consent) that provision will be superseded by such Commission rule or order.

22. VTG hereby agrees to waive any claims that it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

23. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

FEDERAL COMMUNICATIONS COMMISSION

By: Kris Anne Monteith
Chief, Enforcement Bureau

Date: _____

VENTURE TECHNOLOGIES GROUP, LLC

By: Lawrence H. Rogow
Chairman

Date: _____