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

In the matter of Request of	)
Broadcasting Board of Governors United States of America	)
For Extension of Authorization	)
	)

## MEMORANDUM OPINION AND ORDER

Adopted: June 21, 2007 Released: June 21, 2007

By the Chief, International Bureau:

This Order addresses a request by the Broadcasting Board of Governors (BBG) that the 1. Commission extend for one year the authorization for TV Marti to operate Channel 13 facilities with technical parameters at variance from those that the Commission originally authorized. <sup>1</sup> The Commission originally granted to the United States Information Agency (USIA) authorization to use Channel 13 for TV Marti facilities to broadcast television programming to Cuba.<sup>2</sup> Thereafter, BBG became responsible for TV Marti, and on August 19, 2004, the Commission adopted the *Modification* Order that amended the allocation of Channel 13 to BBG. The Modification Order also authorized TV Marti to operate Channel 13 facilities with technical parameters at variance from those that the Commission had previously authorized.<sup>4</sup> On January 23, 2006, the International Bureau granted an extension for one year from January 24, 2006 to January 24, 2007. BBG now requests an additional one year extension. As discussed below, we grant the request, subject to conditions to ensure the TV Marti facilities do not cause harmful interference to Commission licensees.

<sup>&</sup>lt;sup>1</sup> Letter from Kenneth Y. Tomlinson, Chairman, Broadcasting Board of Governors, United States of America, to Kevin J. Martin, Chairman, Federal Communications Commission, dated January 22, 2007 (BBG Letter).

<sup>&</sup>lt;sup>2</sup> Request of United States Information Agency, Memorandum Opinion and Order, 6 FCC Red 1714 (1991), as modified by Letter of Roy J. Stewart, Chief, Mass Media Bureau, to Joe Bruns, Acting Director, Voice of America, dated July 26, 1993, and subsequently modified in Request of United States Information Agency, Memorandum Opinion and Order, 10 FCC Rcd 4514 (1995).

<sup>&</sup>lt;sup>3</sup> Request of United States Department of State for Modification of Authorization, Memorandum Opinion and Order, 19 FCC Rcd 16259 (2004) (Modification Order).

<sup>&</sup>lt;sup>5</sup> Request of Broadcasting Board of Governors United States of America for Extension of Authorization, Memorandum Opinion and Order, 21 FCC Rcd 456 (2006) (Extension Order).

<sup>&</sup>lt;sup>6</sup> BBG Letter.

- 2. Consistent with the Commission's previous orders, we have evaluated BBG's request to extend authorization of the modified facilities for one year, and find that BBG's operations comply with the *Modification Order*. In accordance with the Television Broadcasting to Cuba Act<sup>8</sup>, and in recognition of the foreign policy interests noted by BBG, we grant BBG's request and allow TV Marti to continue to operate Channel 13 facilities with technical parameters at variance from those the Commission previously authorized. This authorization is subject to the same conditions enumerated in the *Modification Order*. 9
- 3. As this change to the TV Marti authorization carries out the mandate of the Television Broadcasting to Cuba Act, and reflects foreign policy determinations made by Congress and the President of the United States, we find for good cause that public notice and comment thereon is unnecessary.<sup>10</sup>
- 4. Accordingly, IT IS ORDERED that TV Marti may operate Channel 13 television facilities with technical parameters at variance from those previously authorized by the Commission. Such operations shall be permitted until January 24, 2008.<sup>11</sup>
- 5. IT IS FURTHER ORDERED that TV Marti's operations on Channel 13 be on a non-interference basis. Such operations must cease if the Commission determines that they are causing harmful interference to any lawfully operating Commission licensee.
- 6. IT IS FURTHER ORDERED that this Order shall be effective immediately upon release.

FEDERAL COMMUNICATIONS COMMISSION

Helen Domenici Chief International Bureau

<sup>10</sup> See 5 U.S.C. § 553(a)(1), (b)(3)(B).

<sup>&</sup>lt;sup>7</sup> See Modification Order; Request of Broadcasting Board of Governors United States of America for Extension of Authorization, Memorandum Opinion and Order, 19 FCC Rcd 16259 (2005) and 21 FCC Rcd 456 (2006).

<sup>&</sup>lt;sup>8</sup> 22 U.S.C. §1465bb(d)(1). Television Broadcasting to Cuba Act, in Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Part D of Title II, Pub. L. No. 101-246 Stat. 58, Section 242(3).

<sup>&</sup>lt;sup>9</sup> *Modification Order* at 16260.

<sup>&</sup>lt;sup>11</sup> BBG's extension request was timely filed on January 22, 2007 and we grant BBG's request for the extension of time requested, that is until, January 24, 2008. The timely filing of the extension request permitted continued operation up until the present time pending Commission action on the extension, consistent with Commission practice and policy.