



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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DA 07-4032

Released: September 26, 2007

MEDIA BUREAU ACTION

REQUEST FOR COMMENT ON BLACK TELEVISION NEWS CHANNEL, INC.'S REQUEST FOR TEMPORARY WAIVER OF BAN ON ADVERTISING FOR DBS PUBLIC INTEREST SET- ASIDE CHANNELS

MB DOCKET NO. 07-213

Comment Date: October 26, 2007

Reply Comment Date: November 13, 2007

Black Television News Channel, Inc. ("BTNC") has filed a request for a temporary waiver of a provision of the Commission's rule regarding DBS public interest obligations. BTNC requests that the Commission grant it a three year waiver of the requirement that programming carried on the DBS reserved channels be free of advertisements.¹ We request comment on the issues raised by BTNC's petition.

Parties must file responses to the waiver request on or before **October 26, 2007** and reply comments must be filed on or before **November 13, 2007**. We are assigning this proceeding a Commission docket number, **MB Docket No. 07-213**, in order to facilitate filing public comments. **All filings must reference Docket Number MB Docket No. 07-213.** Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*.²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 07-213. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

¹ *Implementation of Section 25 of the Cable Television and Consumer Protection Act of 1992 Report and Order, Direct Broadcast Satellite Public Interest Obligations*, 13 FCC Rcd 23254, 23286 (1998).

² 63 FR 24121 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

Pursuant to Section 1.1200(a) of the Commission's rules, 47 C.F.R. §1.1200(a), this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under Section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206.³

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission Secretary no later than the next business day after the presentation.⁴ Persons making oral *ex parte* presentations must file a summary of the presentation no later than the next business day after the presentation. 47 C.F.R. §1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference Docket Number **MB Docket No. 07-213**. Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one to two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. §1.1206.

An original and one copy of all *ex parte* written presentations and memoranda must be filed with the Commission's Secretary. Copies sent by First Class Mail, Express Mail and Priority Mail, must be sent to: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: Federal Communications

³ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. *See* 47 C.F.R. §1.1202.

⁴ 47 C.F.R. §1.1206(b)(1).

Commission, Office of the Secretary, 9300 East Hampton Drive, Capitol Heights, MD 20743. All filings must be made in accordance with Section 1.1206(b)(1) of the Commission's rules.⁵

In addition, one copy of each *ex parte* written presentation and memoranda must be sent to: the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563.

Copies of the waiver request and other filings in this proceeding will be available for public inspection and copying during normal business hours in the Commission's Reference Information Center located at Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418-0267 (voice), (202) 418-7365 (TTY), or bill.cline@fcc.gov.

Copies of applications and subsequently filed documents may be obtained from Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554; they can also be reached by telephone, at (202) 488-5300 or (800) 378-3160; by e-mail at fcc@bcpiweb.com; or via their website at <http://www.bcpiweb.com>.

People with Disabilities: To request materials in accessible formats for persons with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or contact the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

Media Bureau Contact: Rosalee Chiara, (202) 418-0754
Media Bureau Contact: Maureen McCarthy, (202) 418-0011
Media Contact: Mary Diamond, (202) 418-2388

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⁵ *Id.*