

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 2, 2008

Released: June 2, 2008

By the Chief, International Bureau:

1. This Order addresses a request by the Broadcasting Board of Governors (BBG) that the 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.¹ 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.² 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.³ 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.⁴ The International Bureau subsequently granted three requests by BBG to extend the authorization for an additional year.⁵ BBG now requests an additional one year

¹ Letter from James K. Glassman, Chairman, Broadcasting Board of Governors, United States of America, to Kevin J. Martin, Chairman, Federal Communications Commission, dated March 24, 2008 (*BBG Letter*).

² *Request of United States Information Agency For Assignment of License of Television Station Channel 13 Key West, Florida*, Memorandum Opinion and Order, FCC 91-80, 6 FCC Rcd 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 For Modification of Authorization*, Memorandum Opinion and Order, FCC 95-160, 10 FCC Rcd 4514 (1995).

³ *Request of United States Department of State for Modification of Authorization*, Memorandum Opinion and Order, DA 04-2592, 19 FCC Rcd 16259 (2004) (*Modification Order*).

⁴ *Id.*

⁵ *Request of Broadcasting Board of Governors United States of America for Extension of Authorization*, Memorandum Opinion and Order, DA 05-452, 20 FCC Rcd 3699 (2005); *Request of Broadcasting Board of Governors United States of America for Extension of Authorization*, Memorandum Opinion and Order, DA 06-135, 21 FCC Rcd 456 (2006) and *Request of Broadcasting Board of Governors United States of America for Extension of Authorization*, Memorandum Opinion and Order, DA 07-2724, 22 FCC Rcd 11,174 (2007) (collectively the *Extension Orders*).

extension.⁶ As discussed below, we grant the request, subject to conditions to ensure the TV Marti facilities do not cause harmful interference to Commission licensees.

2. Consistent with the Commission's previous orders, we have evaluated BBG's request to extend the authorization of the modified facilities for one year, and find that BBG's operations comply with the *Modification Order*.⁷ In accordance with the Television Broadcasting to Cuba Act⁸, 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* and the *Extension Orders*.

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.⁹

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, 2009.

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

⁶ *BBG Letter*. We note that although BBG filed this request late, the standards applicable to late-filed renewal applications submitted by the Commission's licensees are inapposite in light of Section 243(d)(3) of the Television Broadcasting to Cuba Act. See 22 U.S.C. § 1465bb(d)(3) (mandating that the FCC exercise the authority of the President specified in Section 305 of the Communications Act in assigning a frequency for TV Marti, and that the FCC treat it as a government station). Consistent with the flexibility of the process employed by the National Telecommunications Information Agency (NTIA) for renewing government station authorizations, coupled with the circumstances involving this particular station, we will treat BBG's request for a one-year extension as timely filed.

⁷ See *Modification Order; Request of Broadcasting Board of Governors United States of America for Extension of Authorization*, Memorandum Opinion and Order, DA 04-2592, 19 FCC Rcd 16259 (2005) and DA 06-135, 21 FCC Rcd 456 (2006).

⁸ 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).

⁹ See 5 U.S.C. § 553(a)(1), (b)(3)(B).