



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 09-2279

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## MEDIA BUREAU ACTION

### COMMENT DATES ESTABLISHED FOR ESTRELLA TV PETITION FOR WAIVER OF 47 C.F.R. § 73.658(i), THE NETWORK REPRESENTATION RULE MB Docket No. 09-192

**Comment Date: November 23, 2009**

**Reply Comment Date: December 7, 2009**

Liberman Television LLC (“Liberman”), operator of a new Spanish-language national broadcast television network (Estrella TV), has filed a petition for special relief requesting that the Commission waive Section 73.658(i) of the Commission’s rules (47 C.F.R. §73.658(i)) prohibiting network organizations from representing affiliated broadcast stations in the “spot sales” advertising market.<sup>1</sup> Specifically, Liberman states that this waiver is necessary in order to ensure a level playing field in the U.S. Spanish-language broadcast television market because the Commission previously granted permanent waivers of this rule to the operators of three competing Spanish-language networks.<sup>2</sup> It also argues that waiver of the rule is necessary for the same reasons that those earlier waivers were granted, including the likelihood that the growth of this new foreign language network will be hampered if the waiver is not granted. We seek comment on this proposed waiver.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.<sup>3</sup>

All filings must reference MB Docket No. 09-192. Comments sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments may be filed using:

<sup>1</sup> Liberman Television LLC Petition for Waiver of Section 73.658(i) of the Commission’s Rules at 1 (filed June 29, 2009).

<sup>2</sup> *See Amendment of § 73.658(i) of the Commission’s Rules*, BC Docket No. 78-309, Report and Order, 5 FCC Rcd 7280 (1990) (granting permanent waivers of the rule to Univision Communications, Inc. and Telemundo Group, Inc.); *see also Azteca International Corporation Petition for Waiver of Section 73.658(i) of the Commission’s Rules*, Broadcast Special Relief Petition BSR-001, Order, 18 FCC Rcd. 10662 (MB 2003) (granting a permanent waiver of the rule to Azteca America).

<sup>3</sup> 47 C.F.R. § 1.1206.

(1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>4</sup>

- 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. 09-192. 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](mailto: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.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. 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, Marlene H. Dortch, 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 mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.

One copy of each filing must be sent to Lyle Elder, Media Bureau, Room 4-A729, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [lyle.elder@fcc.gov](mailto:lyle.elder@fcc.gov).

Filings are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St., S.W., Room CY-A257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> St., S.W., Room CY-B402, Washington, DC, 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via email at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

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For further information, contact Lyle Elder, (202) 418-2120 or [Lyle.Elder@fcc.gov](mailto:Lyle.Elder@fcc.gov). Press inquiries should be directed to Janice Wise, (202) 418-8165 or [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov).

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<sup>4</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322, 11326, ¶ 8 (1998).

