



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-396

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MEDIA BUREAU ANNOUNCES FILING OF PETITION FOR DECLARATORY RULING BY UNIVISION HOLDINGS, INC., AND PERMIT-BUT-DISCLOSE *EX PARTE* STATUS FOR THE PROCEEDING

MB Docket 19-132

Comment Date: June 6, 2019

Reply Date: June 21, 2019

Univision Holdings, Inc., (Univision) has filed a petition for declaratory ruling¹ (Petition) asking the Federal Communications Commission (Commission) to modify Univision's previous declaratory ruling² so that it may undertake a *pro forma* internal restructuring of one of its indirect, wholly-owned subsidiaries while retaining the flexibility to accept foreign investment from third parties at the levels previously authorized by the Commission in the *2017 Declaratory Ruling*.³

In the *2017 Declaratory Ruling*, the Commission authorized aggregate foreign equity and voting interests in Univision to exceed 25 percent and to increase up to and including 49 percent.⁴ As part of a proposed intra-corporate restructuring, a wholly-owned Univision subsidiary, Notivision, S.A. de C.V. (Notivision), which is domiciled in Mexico, would acquire a direct, 21 percent interest in Univision's wholly owned indirect U.S. subsidiary, Univision Radio, Inc.⁵ Although Commission approval of the proposed acquisition of this interest by Notivision is not required under the *2017 Declaratory Ruling*, as a result of the restructuring, third-party foreign investment in Univision and its subsidiaries would be limited to 28 percent, below the previously approved 49 percent, absent the requested relief.⁶ Univision, therefore, has requested that the Commission modify the *2017 Declaratory Ruling* to permit aggregate foreign ownership of up to 70 percent of its equity and voting interests so that its wholly owned subsidiary Notivision can hold a 21 percent stake in Univision Radio without otherwise constraining its

¹ 47 CFR § 1.5000, *et seq.*

² *Univision Holdings, Inc. and Grupo Televisa, S.A.B.*, MB Docket No. 16-217, 32 FCC Rcd 6 (2017) (*2017 Declaratory Ruling*).

³ Petition at 1.

⁴ *2107 Declaratory Ruling*, 32 FCC Rcd at 8.

⁵ Petition at 2, 3.

⁶ *Id.* at 2, 4.

ability to accept third-party foreign investment at its previously-approved level.⁷ Univision does not seek specific approval for any previously unapproved foreign investors.⁸

EX PARTE STATUS OF THIS PROCEEDING

In order to assure the staff's ability to discuss and obtain information needed to resolve the issues presented by this Public Notice and pursuant to section 1.1200(a) of the Rules,⁹ we establish a docket for this proceeding and announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of these applications.¹⁰

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.¹² We strongly urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions. All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 19-132.

GENERAL INFORMATION

The petition for declaratory ruling referred to in this Public Notice has been accepted for filing upon initial review. The Commission reserves the right to return any filing if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested persons must file comments no later than **June 6, 2019**. Replies must be filed no later than **June 21, 2019**.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously.¹³ Submissions after the pleading

⁷ *Id.*

⁸ *Id.* at 3.

⁹ 47 CFR § 1.1200(a).

¹⁰ *See id.* § 1.1206.

¹¹ 47 CFR § 1.1200 *et seq.*

¹² *Id.* § 1.1206(b)(2).

¹³ *See id.* §§ 1.46(a) and 73.3584(e).

cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

All filings concerning matters referenced in this Public Notice should refer to MB Docket No.19-132, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by filing paper copies.

- **Electronic Filers:** Documents may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554.
 - All hand-delivered or messenger-delivered paper filings no larger than a copier paper box for the Commission's Secretary must be delivered to the Mail and Distribution Window at FCC Headquarters at 445 12th Street, S.W., Washington, D.C. 20554. The filing hours 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, DC 20554.

In addition, one copy of each submission must be sent to the following:

- David Brown, Video Division, Media Bureau, Room 2-A662, e-mail David.Brown@fcc.gov
- David Roberts, Video Division, Media Bureau, Room 2-A660, e-mail David.Roberts@fcc.gov

Any submission that is e-mailed to David Brown or David Roberts should include in the subject line of the email (1) MB Docket No. 19-132; (2) the name of the submitting part; (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 19-132, Univision Petition for Declaratory Ruling, *Ex Parte* Notice).

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Availability of Documents. Documents in this proceeding will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

The applications are also available electronically through the Commission's ECFS, which will provide hyperlinks to the applications in the Media Bureau's Consolidated Database System (CDBS). ECFS may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact David Brown at (202) 418-1645 or David Roberts at (202) 418-1618. For press inquiries, contact Janice Wise at (202) 418-8165.

By: Chief, Media Bureau