



# PUBLIC NOTICE

Federal Communications Commission  
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DA 19-581  
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## MEDIA BUREAU ACTION

### CLARIFICATION OF THE *EX PARTE* STATUS OF, AND ESTABLISHMENT OF COMMENT DATES FOR, TELEPAK NETWORKS, INC.'S PETITION FOR DECLARATORY RULING

MB Docket No. 19-159

**Declaratory Ruling Comments Due: July 22, 2019**

**Declaratory Ruling Reply Comments Due: August 12, 2019**

On June 3, 2019, Telepak Networks, Inc. d/b/a C Spire Fiber (C Spire) filed a Petition for Declaratory Ruling.<sup>1</sup> C Spire seeks a finding that “[w]hen the Commission modifies a commercial television broadcast station’s market to include an additional community or additional communities, that station and all of its broadcast streams are now considered to be in-DMA (or “local”) for reciprocal retransmission consent purposes in those communities.”<sup>2</sup> On June 12, 2019, C Spire’s Petition was released as part of the Bureau’s regular *Special Relief and Show Cause Petitions* report.<sup>3</sup> Proceedings identified in these regular reports are generally treated as “restricted” proceedings in which *ex parte* presentations are prohibited pursuant to section 1.1208 of the Commission’s rules.<sup>4</sup> A Petition for Declaratory Ruling, however, is subject to “permit-but-disclose” *ex parte* treatment, in which presentations to Commission decision-making personnel are permitted as long as they are disclosed as required by section 76.1206(b).<sup>5</sup> Accordingly, we are issuing this Public Notice to clarify that the Declaratory Ruling Petition has permit-but-disclose *ex parte* status as required by the Commission’s rules.<sup>6</sup>

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<sup>1</sup> Retransmission Consent Complaint and Petition for Declaratory Ruling, MB Docket No. 19-159 (filed Jun. 3, 2019), <https://ecfsapi.fcc.gov/file/10603055318039/CSpire%20Gray%20Complaint%202019%20006%2003%20FINAL%20as%20FILED.pdf>, (Petition).

<sup>2</sup> Petition at 19.

<sup>3</sup> *Special Relief and Show Cause Petitions*, Docket No. 19-159, Public Notice, Report No: 0481 (MB Jun. 12, 2019) (available at <https://docs.fcc.gov/public/attachments/DOC-357906A1.pdf>) (June 12 Report).

<sup>4</sup> 47 CFR § 1.1208.

<sup>5</sup> See 47 CFR §§ 1.1206(a)(3), 1206(b).

<sup>6</sup> The Petition also contained a complaint that Gray Television Group, Inc. had failed to negotiate retransmission consent in good faith with C Spire in violation of section 325 of the Communications Act of 1934, as amended (the Act) and the Commission’s rules. Petition at 1. This “cable special relief petition” portion of the filing was properly noticed in the June 12 Report, and we make no change to the restricted *ex parte* status of that proceeding. Parties making *ex parte* presentations with regard to the Declaratory Ruling Petition must avoid addressing the merits of the complaint. Further, Gray shall file an Answer to C Spire’s Complaint in accordance the procedures set forth in sections 76.65(c) and 76.7(b)(2). 47 CFR §§ 76.65(c), 76.7(b)(2).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>7</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 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 and boxes 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 12<sup>th</sup> Street, SW, Washington, DC 20554.

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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> Street, SW, Room CY-A257, Washington, DC 20554, telephone (202) 418-0270.

For further information, contact Jonathan Mark, [Jonathan.Mark@FCC.gov](mailto:Jonathan.Mark@FCC.gov)/(202) 418-2120 or Lyle Elder, [Lyle.Elder@FCC.gov](mailto:Lyle.Elder@FCC.gov)/(202) 418-2120.

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<sup>7</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).