

January 10, 2019

## EX PARTE NOTICE VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of Ex Parte Presentation  
MB Docket No. 16-306; GN Docket No. 12-268**

Dear Ms. Dortch:

Ventana Television, Inc. (Ventana) submits this letter out of an abundance of caution to preserve its future opportunity to negotiate a settlement agreement to resolve mutual exclusivity for its low-power television station license W41DO-D (Facility ID 60554).

The FCC recently announced a settlement opportunity for mutually exclusive displacement applications filed during the special displacement window created for LPTV, TV translator and other eligible stations displaced by the incentive auction and repacking process.<sup>1</sup> The Settlement Public Notice states that “Appendix A of this Public Notice lists all displacement applications received in the Special Displacement Window that are mutually exclusive with other applications.”<sup>2</sup> Ventana timely submitted a displacement application in March of 2018 to operate its LPTV station W41DO-D on channel 33.<sup>3</sup> W41DO-D is eligible to participate in the Special Displacement Window.<sup>4</sup> W41DO-D’s displacement application is mutually exclusive with an application submitted by Venture

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<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window: October 30, 2018 to January 10, 2019*, Public Notice, MB Docket No. 16-306, GN Docket No. 12-268, DA 18-1108 (rel. Oct. 30, 2018) (Settlement Public Notice).

<sup>2</sup> *Id.* ¶ 2.

<sup>3</sup> See Ventana Television, Inc., Displacement for LPTV Station Application, Facility ID 60554, LMS File No. 0000048498 (filed Mar. 12, 2018). Ventana most recently amended its displacement application on November 13, 2018. See Ventana Television, Inc., Amendment to a Displacement for LPTV Station Application, Facility ID 60554, LMS File No. 0000048498 (filed Nov. 13, 2018).

<sup>4</sup> See 47 C.F.R. § 73.3700(g)(1); *Media Bureau Announces Date By Which LPTV and TV Translator Stations Must Be “Operating” In Order to Participate in Post-Incentive Auction Special Displacement Window*, Public Notice, 31 FCC Rcd 5383 (MB May 26, 2016).

Technologies Group, LLC for its station W32EI-D (Facility ID 130470).<sup>5</sup> The FCC did not include the displacement applications for W41DO-D or W32EI-D in Appendix A to the Settlement Public Notice.<sup>6</sup>

We anticipate that the FCC will issue a subsequent public notice announcing the mutual exclusivity of the two displacement applications. Ventana submits this letter to clarify that Appendix A of the Settlement Public Notice does not “list[ ] all displacement applications received in the Special Displacement Window that are mutually exclusive” due to the omission of the applications of W41DO-D and W32EI-D. Ventana reserves the right to negotiate a potential settlement with Venture Technologies Group to resolve the two licensees’ mutual exclusivity for channel 33 or pursue other available avenues to address the mutual exclusivity that exists.

Under section 1.1206(b)(2) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced dockets and the FCC’s Licensing and Management System. Please direct any questions regarding this filing to me.

Respectfully submitted,

*/s/ Trey Hanbury*

Trey Hanbury

Partner  
trey.hanbury@hoganlovells.com  
D 202.637.5534

cc (via e-mail):     Hossein Hashemzadeh (Hossein.Hashemzadeh@fcc.gov)  
                             Shaun Maher (Shaun.Maher@fcc.gov)

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<sup>5</sup> See Venture Technologies Group, LLC, Displacement for LPTV Station Application, Facility ID 130470, LMS File No. 0000054805 (filed June 1, 2018).

<sup>6</sup> See Settlement Public Notice at App. A.