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January 10, 2019

Via ECFS and LMS

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:

Venture Technologies Group, LLC (“VTG”) submits this letter to preserve its future opportunity to negotiate a settlement agreement to resolve mutual exclusivity for its low-power television station license W32EI-D (Facility ID 130470).

On October 30, 2018, the FCC released Public Notice DA 18-1108 that provides 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.¹ The FCC Public Notice DA 18-1108 states that “Appendix A of this Public Notice lists all displacement applications received in the Special Displacement Window that are mutually exclusive with other application.”

However, the Public Notice failed to list VTG’s application for W32EI-D. VTG timely submitted a displacement application on June 1, 2018 for its LPTV station W32EI-D on channel 33.² W32EI-D was eligible to participate in the Special Displacement Window.³ W32EI-D’s displacement application is mutually exclusive with a displacement application submitted by Ventana Television, Inc. (“Ventana”) for its LPTV station W41DO-D, Facility ID Number 60554.⁴ The FCC did not include the displacement applications for W32EI-D or W41DO-D in Appendix A to the Public Notice DA 18-1108.


¹ 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 MB Docket No. 16-306, GN Docket No. 12-268. (“Public Notice DA 18-1108”)

² See FCC File Number 0000054805.

³ W32EI-D is displaced by WLIW on channel 32 in Garden City, NY, FCC File Number 0000034431.

VTG calls on the FCC to provide an opportunity for it and Ventana to resolve the mutual exclusivity of their displacement applications because Appendix A of the Public Notice DA 18-1108 did not “list[] all displacement applications received in the Special Displacement Window that are mutually exclusive.” VTG reserves the right to negotiate a potential settlement with Ventana to resolve the mutual exclusivity between their applications.

Respectfully Submitted,

By: 
Lawrence Rogow, Chairman
Venture Technologies Group, LLC

⁴ See FCC File Number 0000048498, filed March 12, 2018, amended on November 13, 2018, by Ventana Television, Inc. for W41DO-D, Facility ID 60554.