

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Matter of)
)
Optical Telecommunications, Inc.) MB Docket No. 14-____
) CSR _____
Complaint Concerning Retransmission of)
WXCW(TV), Naples, FL)

To: The Secretary, FCC

Attn: The Chief, Media Bureau

COMPLAINT

Sun Broadcasting, Inc. ("SUN"), licensee of full-power television station WXCW(TV), Naples, Florida, by its attorneys, files this Complaint against Optical Telecommunications, Inc. ("OpticalTel"), a multichannel video programming distributor that is retransmitting the signal of WXCW to subscribers in the Fort Myers-Naples Designated Market Area ("DMA") without the express written consent from SUN in violation of Section 325(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 325(b), and Section 76.64(a) of the rules of the Federal Communications Commission ("FCC"), 47 C.F.R. § 76.64(a). Moreover, OpticalTel has refused to respond to SUN's repeated requests to negotiate a retransmission consent agreement, which is a "per se" violation of the FCC's good faith negotiation rules. 47 C.F.R. § 76.65(b)(i). Therefore, SUN urges the Commission to grant this Complaint, order OpticalTel to cease its unlawful carriage of the signal of WXCW, order OpticalTel to negotiate in good faith with SUN for the right to carry the station's signal, and impose appropriate sanctions for OpticalTel's willful and repeated violations of the Communications Act and the Commission's Rules.

According to OpticalTel's website, the company is a "fully integrated telecable company utilizing advanced fiber optic technology to deliver Video, Internet, and Telephone service all from one source" to residential and business communities in South Florida.¹ Specifically, OpticalTel claims to "offer the fastest internet speeds, clearest HD picture quality, more choices in movies, sports, and television shows" through its "advanced fiber optic network."² OpticalTel's website also shows that its systems retransmit the signals of WXCW to subscribers in at least two communities in the Fort Myers DMA – Sail Harbour and Glades Country Club.³

OpticalTel began retransmitting WXCW's signal to subscribers without notice to, or consent from, SUN. SUN first learned of OpticalTel's retransmission of WXCW-TV in early 2014. Immediately thereafter, SUN contacted OpticalTel via telephone on January 16, 2014 to discuss OpticalTel's unauthorized retransmission. Mr. Eric Riveron, identified as in charge of programming for OpticalTel, claimed that they were a reseller of DISH Network. However, DISH Network's website does not identify OpticalTel as an authorized dealer. As a result, SUN contacted Ms. Melisa Ordonez, General Manager, Programming Acquisitions for DISH Network. Ms. Ordonez informed SUN that DISH Network provides only "transport" services to OpticalTel does not provide OpticalTel with any rights to retransmit the signal of WXCW.

SUN again contacted OpticalTel by phone on January 22, 2014 to discuss retransmission of WXCW's signal and spoke to Mr. Erick Riveron, who transferred the call to Mr. Ruben Perez,

¹ See OpticalTel Partners, attached at Exhibit A, and available at <http://www.opticaltel.com/company/partners/>.

² See OpticalTel Community Services description, attached at Exhibit B, and available at <http://www.opticaltel.com/communities/mdu/>.

³ See Channel Lineups at Exhibit C, and available at <http://www.opticaltel.com/communities/sailharbour/Sail%20Harbour.pdf> and <http://www.opticaltel.com/communities/gladescountryclub/Glades%20Country%20Club.pdf>. Both channel guides identify WXCW by the station's former call sign – WTVK.

who promptly hung up the telephone. SUN placed multiple calls to OpticalTel, but each time, no transfer was made to a representative with responsibility to negotiate retransmission consent rights, and no message requesting a call back was returned.⁴

As a result of OpticalTel's unresponsiveness, SUN engaged counsel to contact OpticalTel. By letter dated October 1, 2014, SUN advised OpticalTel that its retransmission of WXCW's signal to subscribers without SUN's consent constituted a violation of the Communications Act and infringement of copyright. SUN demanded that OpticalTel cease its unlawful conduct and immediately enter negotiations for retransmission consent. The October 1 letter noted that while OpticalTel apparently receives WXCW's signals via a "transport" service from DISH Network, DISH Network has not purported to grant OpticalTel the necessary retransmission consent rights under Section 325(b) of the Communications Act. Indeed, DISH Network confirmed to SUN that OpticalTel requires a separate agreement with SUN for the right to retransmit the signals of WXCW to OpticalTel's subscribers.⁵

SUN received no response from OpticalTel to the October 1 letter. Accordingly, SUN, through counsel, sent a letter dated November 11, 2014, again demanding termination of OpticalTel's unlawful conduct.⁶ To date, SUN has received no response from OpticalTel.

Under the Communications Act, a multichannel video programming distributor, like OpticalTel, cannot retransmit the signal of a television broadcast station without the "express

⁴ By letter dated September 29, 2014, SUN sent by certified mail, return receipt requested, notice to OpticalTel electing retransmission consent for the three-year cycle beginning January 1, 2015. To date, SUN has received no response from OpticalTel.

⁵ See Letter from Todd M. Stansbury to Mario M. Bustamante, Chief Executive Officer, OpticalTel, dated October 1, 2014, redacted copy attached at Exhibit D.

⁶ See Letter from Todd M. Stansbury to Mario M. Bustamante, Chief Executive Officer, OpticalTel, dated November 11, 2014, redacted copy attached at Exhibit E.

authority of the originating station.”⁷ The FCC’s Rules further provide that such consent must be in writing and “specify the extent of the consent being granted.”⁸ Retransmission of television signals without proper consent constitutes “grounds for imposition of a forfeiture.”⁹

OpticalTel is a multichannel video programming distributor that is retransmitting the signal of WXCW to subscribers in the Fort Myers DMA without express authority from SUN. Further, OpticalTel has refused to enter into negotiations for the right to secure retransmission consent despite repeated attempts from SUN to contact OpticalTel. Indeed, OpticalTel has utterly refused to respond to all correspondence from SUN.

Based on the foregoing, OpticalTel has been retransmitting the signal of WXCW on no fewer than two systems since at least January 16, 2014.¹⁰ The baseline forfeiture for unlawful retransmission of a broadcast signal is \$7,500 per occurrence, per day. Accordingly, OpticalTel should be subject to a minimum forfeiture of \$4,845,000. In addition, given OpticalTel’s egregious conduct in this case, an upward adjustment of the forfeiture would be warranted.¹¹

In sum, OpticalTel has been repeatedly and willfully violating the Communications Act and the Commission’s Rules by retransmitting the signal of WXCW without express written consent, and by refusing to negotiate in good faith with SUN for retransmission consent. SUN

⁷ 47 U.S.C. § 325(b).

⁸ 47 C.F.R. § 76.64(a).

⁹ *Implementation of the Cable Television and Consumer Protection and Competition Act of 1992*, 8 FCC Rcd 2965, 3005 (1993).

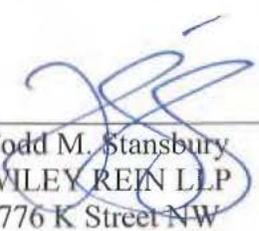
¹⁰ In its investigation of this matter, the Commission should determine the full extent of OpticalTel’s unlawful retransmission of WXCW’s signals.

¹¹ See *TV Max, Inc. and Broadband Ventures Six, LLC d/b/a Wavevision, et al.*, 29 FCC Rcd 8648 (2014) (upward adjustment of forfeiture for a total of \$2,250,000 imposed for willful and repeated transmission of broadcast signals without consent).

urges the Commission immediately to order OpticalTel to terminate the unlawful carriage of WXCW, and enter into good faith negotiations with SUN. Finally, in light of the seriousness of OpticalTel's misconduct, the Commission should impose the maximum permissible forfeiture.

Respectfully submitted,

SUN BROADCASTING, INC.



Todd M. Stansbury
WILEY REIN LLP
1776 K Street NW
Washington DC 20554
202.719.7000

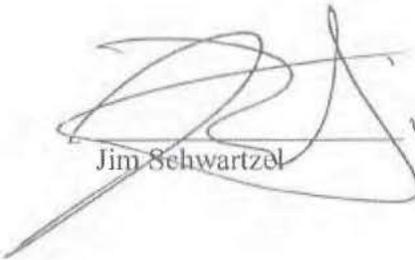
Its Attorneys

December 4, 2014

DECLARATION

I, Jim Schwartzel, hereby declare under penalty of perjury as follows:

1. I am President of Sun Broadcasting, Inc.
2. I have read the foregoing Complaint. The facts contained therein are true and correct to the best of my knowledge, information, and belief.
3. This Complaint is grounded in fact, and is not interposed for any improper purpose.


Jim Schwartzel 12/2/14

December 2, 2014

EXHIBIT A



Customer Login

Business

Communities

Home

Company

Services

Support

Contact Us

Call Sales 1-855-30-FIBER (3-4237)

About Us

Leadership

Media Center

Partners

News/Events

Testimonials

Careers

Partners

OpticalTel is a fully integrated telecable company utilizing advanced fiber optic technology to deliver Video, Internet, and Telephone service all from one source. Given the size of our competitors, we are nimble, local, integrated - and truly able to define the telecable sector. Unlike existing cable companies trying to redefine their core competency by adding telephone service, or telephone companies offering cable programming and shows, our LEC and Cable Services & Systems are integrated. Our personnel are not based in another country. We are local. We are your neighbors and friends who understand and can support all your needs. We know exactly who we are and the services we provide to our customers. We are OpticalTel, a premiere next-generation entertainment and telecom company.

OpticalTel offers two levels of partner involvement: Referral & Agent. Each level is designed to suit your needs that fits your workflow and commission structure.

* First Name:

-Select-

* Last Name:

*

Company:

* Phone:

* Email:

* Interest

Referral Partner Program

OpticalTel's Referral Partner Program targets

Key Elements

Who: Sales Professionals, Consultants and advocates of network and telecom services

Independent Sales Executives, IT/Management consultants or businesses who provide IT solutions particularly to small business sector.

By giving your Account Executive a referral, they will engage your contact, propose an appropriate communications solution and show them how to save money and be more productive.

Once we have your contact name, address, email and preferably a copy of their current telecommunications bills, we take it from there. We schedule a sales appointment with your referral to understand their business, tell them about our services, and if it's a good fit, ask them for their business. Now you can profit and share the benefits and savings with your contacts.

Commitment: No minimum revenue commitment

Compensation: One-time comission for each referred installed order

Collaboration: Partner passes sales lead to dedicated representative; OpticalTel manages all customer interactions

- Dedicated sales account management
- Partner support phone queue
- Online Partner Portal access with Online Tracking of Orders and Comissions
- Self-prequalification
- Product training and support
- SPIFFs
- Marketing Material and Special Promotions

Agent Partner Program

OpticalTel's Agent I Partner Program targets value-added resellers, systems integrators, or phone interconnects who require Video, Internet, Voice services for their customers.

Agent Partners sell OpticalTel services directly to their customers or with help of the OpticalTel's Sales Team. Agent Partners are paid upfront and residual commissions based on their annual billed revenue.

Partner Program At-A-Glance

Who: VARs, seasoned IT consultants, MSPs, network/telecom cloud-related Sales Partners looking for a team sales approach

Commitment: Net billed revenue commitment

Compensation: Upfront Commission and Percentage of monthly recurring revenue

Collaboration: Partner submits closed sales order; OpticalTel manages provisioning, billing, and support

- Dedicated sales, SE and account management
- Partner support phone queue
- Online Partner Portal access with Online Tracking of Orders and Comissions
- Product training and support
- SPIFFs
- Self-prequalification, quote, and order placement
- Marketing Material and Special Promotions
- Certification for VoIP installation

• Upcoming benefit: Deal registration

We offer SME Businesses Video, Internet, Voice and an array of Cloud Enabled solutions that include a Cloud PBX and Call Center, Cloud Surveillance and an array of Unified Communications solutions that bring game-changing power and productivity to any type of business, at a fraction of the cost and complexity of solutions from traditional premises-based products.

We offer Associations and Builders of single family communities and MDU (Multi Dwelling Units), this includes condos, apartment buildings, hotels and student housing Video,

Home

- Communities
- Availability
- MDU
- HOA

Company

- About Us
- Leadership
- Media Center
- Partners-Refer A Business
- News / Events
- Testimonials
- Careers

- VIDEO
- HD TV
- DVR
- DISH Online
- Blockbuster @Home
- Channel Lineup

- INTERNET
- Unlimited E-Mail
- Accounts
- Personal Web Space
- Fiber Optic Performance

- PHONE
- 50% Less Than AT&T
- Mobile Anywhere
- Features
- Phone Plans

- OTHER
- Bundles
- Cloud Services
- Security

Support

- Get Help & Support

Contact

- Contact Sales
- Office Locations
- 1-855-30-FIBER
- @2012 OpticalTel



Web Design By Artisan Media

EXHIBIT B

[Customer Login](#)[Business](#)[Communities](#)[Home](#)[Company](#)[Services](#)[Support](#)[Contact Us](#)[Call Sales 1-855-30-FIBER \(3-4237\)](#)

Community Services

OpticalTel provides communities in Florida with the necessary capital and expertise for the installation, operation and maintenance of a complete fiber-optic communications infrastructure. It is this fiber optic network that allows us to be a technology leader in private communities.

Through our advanced fiber optic network, we offer the fastest internet speeds, clearest HD picture quality, more choices in movies, sports, and television shows and the most cost-effective, reliable phone service all at one low monthly price. Additionally, our robust, interactive website, offers customers an opportunity to manage their own personal accounts, as well as choose from the latest releases of our extensive selection of movies and TV lineups.

We are your total choice for premiere entertainment, high speed Internet access, and local and long distance phone service, and alarm service. It is through this complete package that we beat our competitors in price, customer service, and premiere products.

Property Commitment

- Help Association with HOA Collections by suspending triple-play included services from delinquent accounts
- Advanced Web Portal with home automation
- Free Wi-Fi, Video TV and Surveillance in

- Supplement Property owners economic challenges by fronting the costs of a fiber build at the community over a term contract
- Win-Win Partnership with incentives to HOA on upgrades
- Best Price Point for highest quality of services
- Future Proof Community with latest technology and upgrades
- common areas, Free PBX to association, Free Community Channels
- Dedicated Marketing and Project Management Staff
- Support Transition and on-site Training
- White Glove Service
- Total Customer Care Commitment

MDU & Single Family Communities

OpticalTel works with Associations and Builders of single family communities and MDU (Multi Dwelling Units), this includes condos, apartment buildings, hotels, and student housing through bulk contracts to provide cost savings and complete service.

- Standard Cable and Digital Cable
- HD TV
- TV everywhere
- Over 200 HD Channels
- DVR Service with Online Content
- BLOCKBUSTER™ MOVIE PASS
- Stream thousands of movies to your TV or PC
- TV and movies online
- Video on demand with resolution equal to Blu ray disc!
- Over 100.000 titles available
- Speed-Watch movies, download music at the fastest speeds
- Unlimited E mail accounts per unit
- VPN Support
- Make the Web your Home - 100 Mb of

personal web space

- Multi-user support
- Web portal to manage your account

- Use regular analog phones or advanced IP phones
- FREE Calling to Continental US and Canada
- Integration with community services (valet, concierge and others)
- Ability to use service while away from home
- Service as much as 50% less than ATT
- Advanced Calling Features like: Simultaneous ring , Selective call forwarding, VM to email

- Security Systems
- Monitoring
- Installation
- Wireless Security
- Medical Alerts
- Video Surveillance
- Home Automation

Home

- Communities
- Availability
- MDU
- HOA

Company

- About Us
- Leadership
- Media Center
- Partners-Refer A Business
- News / Events
- Testimonials
- Careers

- VIDEO
- HD TV
- DVR
- DISH Online
- Blockbuster @Home
- Channel Lineup

- INTERNET
- Unlimited E-Mail
- Accounts
- Personal Web Space
- Fiber Optic Performance

- PHONE
- 50% Less Than AT&T
- Mobile Anywhere Features
- Phone Plans

- OTHER
- Bundles
- Cloud Services
- Security

Support

- Get Help & Support

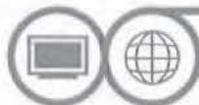
Contact

- Contact
- Sales
- Office Locations
- 1-855-30-FIBER
- @2012 OpticalTel



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EXHIBIT C



BUNDLE AND SAVE

Double Play

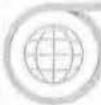
Savings of \$10 per month!

Triple Play

Savings of \$20 per month!

Double Play and Triple Play discounts need only apply to upgraded services separate from those included by HOA

Call Now & Save! 1-855-303-4237



HIGH-SPEED INTERNET

Internet Starter 6	\$9.95/mo	6mbps download by 512kbps upload
Internet Extreme 10	\$19.95/mo	10mbps download by 1mbps upload
Internet Extreme 20	\$29.95/mo	20mbps download by 2mbps upload
Internet Extreme 35	\$44.95/mo	35mbps download by 4mbps upload
Internet Extreme 50	\$69.95/mo	50mbps download by 5mbps upload
Internet Extreme 100	\$119.95/mo	100mbps download by 10mbps upload

Call Now to Experience
Our New Blazing Fast Speeds!

1-855-30-FIBER



DIGITAL CABLE PACKAGES

America's Top 200 <i>Now includes NFL, MLB & NHL Networks!</i>	\$32.95/mo
America's Top 250 <i>Now includes beIN Sports & FOX Soccer!</i>	\$43.95/mo
America's Everything Pak	\$84.95/mo



The best in family, news and sports programming including your Regional Sports Networks (based on zip code) and local channels. HD Programming requires HD Service and corresponding equipment.

Additional 50 Channels of Programming including 15 Movie Channels. HD Programming requires HD Service and corresponding equipment.

Over 315 channels including 30 commercial-free premium movie channels, including: HBO, Showtime, Cinemax and Stars. HD Programming requires HD Service and corresponding equipment.

High Definition Service	\$10.00/mo
DVR Service	\$7.00/mo

Watch your favorite shows in HD. Monthly fee covers all HD receivers.

Watch TV on your own time. Monthly fee covers all DVR Receivers.



PHONE SERVICE

Primary Choice

Included!

Digital Phone Service with unlimited local and domestic long distance plus advanced calling features.

1-855-303-4237

WWW.OPTICALTEL.COM



Additional taxes and fees may apply. Prices, Promotional Period, and Channels are subject to change without notice. For additional information on America's Top 200, America's Top 250 and America's Everything Pak Channel listings, details on the Blockbuster @Home™, or any other promotion, please contact an OpticalTel representative at 1-855-30FIBER (3-4237).

Sail Harbour

Channel Lineup

2 CHANNEL LINE UP
3 FRONT GATE
4 LMN
5 WEATHER CHANNEL
6 ABC WZVN 26
7 PBS WGPU 30
8 FOX WFTX 36
9 CW WTVK 46
10 IND WRXY 49
11 CBS WINK 11
12 CNBC
13 CNN
14 CNN HLN
15 C-SPAN
16 C-SPAN2
17 FOX NEWS
18 G4 TECH TV
19 MSNBC
20 NBC WBBH 20
21 ESPN
22 ESPN2
23 ESPNEWS
24 FSN FLORIDA
25 SUNSHINE NETWORK
26 A&E
27 BET
28 BRAVO
29 COMEDY CENTRAL
30 TRUE TV
31 E!
32 FX
33 GALAVISION
34 GAME
35 LIFETIME
36 SYFY
37 SPIKE
38 TBS
39 TELEFUTURA
40 TNT
41 UNIVISION
42 USA
43 WE

44 ABC FAMILY
45 CARTOON
46 DISNEY
47 NICKELODEON
48 ION
49 TV LAND
50 AMC
51 ANIMAL PLANET
52 DISCOVERY CHANNEL
53 EWTN
54 FOOD NETWORK
55 HISTORY CHANNEL
56 HGTV
57 TLC
58 TRAVEL
59 CMT
60 MTV
61 MTV2
62 VH-1
63 HSN
64 QVC
65 SHOP NBC



opticaltel™

www.opticaltel.com

**Call us at 1-855-303-4237
TO ORDER TODAY!**

Watch Your Favorite Movies and Shows Anywhere - Anytime With Dish Anywhere!



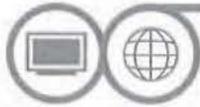
- Over 100,000 Titles Available
- Stream Content to Your PC, Smart Phone, or Tablet
- On Demand Library Access

Digital Service Required

Go to www.dishanywhere.com to create an account

Or Call Us Today to Order Your Digital Service!

1-855-303-4237



BUNDLE AND SAVE

Double Play Savings of \$10 per month!
 Triple Play Savings of \$20 per month!

Double Play and Triple Play discounts need only apply to upgraded services separate from those included by HOA

Call Now & Save! 1-855-303-4237



HIGH-SPEED INTERNET

Internet Starter 6	\$19.95/mo	6mbps download by 512kbps upload
Internet Extreme 10	\$29.95/mo	10mbps download by 1mbps upload
Internet Extreme 15	\$39.95/mo	15mbps download by 2mbps upload
Internet Extreme 20	\$49.95/mo	20mbps download by 3mbps upload

Call Now to Experience Our New Blazing Fast Speeds! 1-855-303-4237



DIGITAL CABLE PACKAGES



America's Top 200 <i>Now includes NFL, MLB & NHL Networks!</i>	Included	The best in family, news and sports programming including your Regional Sports Networks (based on zip code) and local channels. HD Programming requires HD Service and corresponding equipment.
America's Top 250 <i>Now includes beIN Sports & FOX Soccer!</i>	\$17.95/mo	Includes all of America's Top 200 plus 50 additional channels of Programming and 15 Movie Channels.
America's Everything Pak	\$63.95/mo	Includes all of the above with 315 channels including 30 commercial-free premium movie channels, including: HBO, Showtime, Cinemax and Stars.
High Definition Service	\$10.00/mo	Watch your favorite shows in HD. Monthly fee covers all HD receivers.
DVR Service	\$7.00/mo	Watch TV on your own time. Monthly fee covers all DVR Receivers.



PHONE SERVICE

Primary Choice \$24.95/mo Digital Phone Service with unlimited local and domestic long distance plus advanced calling features.

1-855-303-4237 WWW.OPTICALTEL.COM



Additional taxes and fees may apply. Prices, Promotional Period, and Channels are subject to change without notice. For additional information on America's Top 200, America's Top 250 and America's Everything Pak Channel listings, details on the Blockbuster @Home™, or any other promotion, please contact an Opticaltel representative at 1-855-303-4237.

Glades Country Club

Channel Lineup

2 NBC - WBBH
3 PBS - WGCU
4 FOX - WFTX
5 CBS - WINK
6 CW - WTVK
7 ABC - WZVN
8 IND - WEVU
9 Community Channel
10 IND - WRXY
11 Golf Channel
12 Oxygen
13 Hallmark Channel
19 Women's Entertainment
20 USA
21 Channel Guide
22 TNT
23 TBS
24 Spike
25 SyFy
26 Lifetime
27 ABC Family
28 E! Entertainment
29 Arts & Entertainment
30 HBO
31 HBO 2
32 Bravo
33 Court TV
34 The Weather Channel
35 CNN
36 WGN
37 MSNBC
38 CNBC
39 Fox News
40 C-SPAN
41 ESPN
42 ESPN 2
43 ESPN Classic
44 HGTV
45 TLC
46 History Channel

47 Food Network
48 Travel Channel
49 Animal Planet
50 Discovery
51 Discovery Health
52 Disney Channel East
53 Classic Arts Showcase
54 TCM
55 AMC
56 Comedy Central
57 Chelsea Channel
58 TV Land
59 Doc Channel
60 Game Show Network
61 Trinity
62 EWTN



opticaltel™

www.opticaltel.com

Call us at 1-855-303-4237

TO ORDER TODAY!

Watch Your Favorite Movies and Shows Anywhere - Anytime With Dish Anywhere!



- Over 100,000 Titles Available
- Stream Content to Your PC, Smart Phone, or Tablet
- On Demand Library Access

Go to www.dishanywhere.com to create an account

Or Call Us Today to Order Your Digital Service!

Digital Service Required

1-855-303-4237

EXHIBIT D



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

October 1, 2014

Todd M. Stansbury
202.719.4948
tstansbury@wileyrein.com

CERTIFIED MAIL

Optical Telecommunications, Inc.
OpticalTel
1360 S Dixie Highway
Suite #200
Coral Gables, FL 33146

Attn: Mario M. Bustamante, Chief Executive Officer

Re: Unlawful Retransmission of WXCW(TV), Naples, FL

Dear Mr. Bustamante:

On behalf of Sun Broadcasting, Inc., licensee of WXCW(TV), Naples, Florida (the "Station"), this letter provides notice that Optical Telecommunications, Inc. ("OpticalTel") is retransmitting the signals of the Station in the Fort Myers-Naples Designated Market Area without the licensee's express written consent in violation of Section 325(b) of the Communications Act and applicable rules of the Federal Communications Commission. In addition, retransmission of the Station's signals without consent results in copyright infringement of the programming rights owned by the licensee.

We understand that OpticalTel is retransmitting the signals of the Station to subscribers using transmissions received from DISH Network. WXCW has not authorized DISH Network to sublicense the right of the station to consent to the retransmission of its signals by another multichannel video programming distributor ("MVPD") to subscribers. DISH has confirmed that they have not purported to give OpticalTel the necessary retransmission consent rights under Section 325(b) of the Communications Act (see attached correspondence). Thus, OpticalTel has no written consent to retransmit the Station's signals to subscribers.

Section 325(b) of the Communications Act of 1934, as amended, prohibits MVPDs, like OpticalTel, from retransmitting the signal of a broadcasting station without the "express authority" of the station. Since OpticalTel has not secured such consent from WXCW, its retransmission of the Station's signals to subscribers constitutes a violation of the Act, and further, copyright infringement.



Optical Telecommunications, Inc.
OpticalTel
October 1, 2014
Page 2

As compensation for OpticalTel's unlawful retransmission, compensation is demanded in the sum of [REDACTED] for WXCW for each subscriber for each month to which OpticalTel has retransmitted the Station's signals without express written consent. In addition, WXCW demands that OpticalTel immediately enter into negotiations for an agreement to memorialize the terms of any future carriage of the Station. In the event OpticalTel fails to comply with these terms within thirty (30) days of the date of this letter, WXCW will pursue all remedies available to it in law and equity.

We look forward to your constructive response.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd M. Stansbury".

Todd M. Stansbury

cc: Luis F. Rodriguez, Chief Operating Officer & President

EXHIBIT E



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

November 11, 2014

Todd M. Stansbury
202.719.4948
tstansbury@wileyrein.com

CERTIFIED MAIL

Optical Telecommunications, Inc.
OpticalTel
1360 S Dixie Highway
Suite #200
Coral Gables, FL 33146

Attn: Mario M. Bustamante, Chief Executive Officer

Re: Unlawful Retransmission of WXCW(TV), Naples, FL
SECOND NOTICE

Dear Mr. Bustamante:

By letter dated October 1, 2014, this office, on behalf of Sun Broadcasting, Inc., licensee of WXCW(TV), Naples, Florida (the "Station"), advised you that Optical Telecommunications, Inc. ("OpticalTel") was retransmitting the signals of the Station in the Fort Myers-Naples Designated Market Area without the licensee's express written consent in violation of Section 325(b) of the Communications Act and applicable rules of the Federal Communications Commission ("FCC"). In addition, we advised you that retransmission of the Station's signals without consent results in copyright infringement of the programming rights owned by the licensee.

To date, Sun Broadcasting has received no response from you, and OpticalTel continues unlawfully to retransmit the signal of the Station. Therefore, unless OpticalTel provides notice that it has terminated illegal carriage of WXCW no later than November 21, Sun Broadcasting will pursue all remedies available to it, including without limitation, a complaint with the FCC. As you may know, the FCC requires strict adherence by multichannel video programming distributors ("MVPDs"), like OpticalTel, to the retransmission consent provisions of Section 325(b) of the Communications Act. For your information, attached is a recent order from the FCC imposing a \$2,250,000 forfeiture against a MVPD in Houston, Texas, for retransmitting the signals of broadcast stations without their express consent.

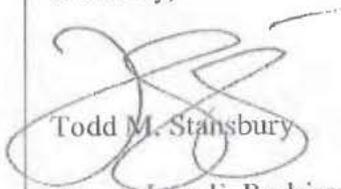
With this letter, we are providing notice to communities served by OpticalTel that WXCW's highly popular programming may unfortunately, and unnecessarily, be terminated.



Optical Telecommunications, Inc.
OpticalTel
November 11, 2014
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We look forward to your prompt reply.

Sincerely,



Todd M. Stansbury

cc: Luis F. Rodriguez, Chief Operating Officer & President
Sail Harbor – HOA
Tropical Isle Management Services
Glades Golf & Country Club – HOA

CERTIFICATE OF SERVICE

I, Kimberly Booth, hereby certify that on this 4th day of December, 2014, a copy of the foregoing Complaint has been served by first-class mail on the following:

Mario M. Bustamante
Chief Executive Officer
Optical Telecommunications, Inc.
1360 S Dixie Highway, Suite 200
Coral Gables, FL 33146

Luis F. Rodriguez
Chief Operating Officer and President
Optical Telecommunications, Inc.
1360 S Dixie Highway, Suite 200
Coral Gables, FL 33146



Kimberly Booth