**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, DC 20554**

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| In the Matter of | ) | |
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| Consumer and Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant | ) ) ) | CG Docket No. 16-16 |
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| Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules to Low-Power, Class A, and Noncommercial Broadcast Stations | ) ) ) ) ) ) | RM-10335 |
| | ) | |
| Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries | ) ) ) | GN Docket No. 87-24 |

To: Office of the Secretary
Attn: Acting Chief, Consumer & Governmental Affairs Bureau

**COMMENTS OF VENTURE TECHNOLOGIES GROUP, LLC**

Venture Technologies Group, LLC ("VTG") hereby submits these Comments in response to the *Public Notice* in the above-referenced proceeding (the "PN") released by the Federal Communications Commission's ("FCC" or "Commission") Consumer and Governmental Affairs Bureau ("CGB") on February 22, 2016.[1] The PN seeks comment on whether to terminate 260 proceedings as dormant. VTG takes no position as to whether the majority of these proceedings should be terminated; however, VTG urges the Commission not to terminate two proceedings: (1) Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules to Low-

[1] Consumer and Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant, *Public Notice*, 31 FCC Rcd. 1205 (CG Feb. 22, 2016).

Power, Class A, and Noncommercial Broadcast Stations, RM-10335; and (2) Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries, GN Docket No. 87-24 (the "Program Exclusivity Expansion Dockets"). Because the issues raised in each of these proceedings are ripe for FCC consideration, and the Commission recently has indicated that it intends to act in the general subject areas addressed therein, these dockets do not meet the criteria for termination.

In the *Procedure Order*, the Commission directed the CGB to propose for termination dockets "in which no further action is required or contemplated and dockets in which no pleadings or other documents have been filed for several years." *In the Matter of Amendment of Certain of the Commissions Part 1 Rules of Practice & Procedure & Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd. 1594, 1604 (2011); 47 C.F.R. § 0.181(h). However, "proceedings in which petitions addressing the merits are pending -- for example, proceedings containing timely filed petitions for reconsideration that have not been addressed -- should not be terminated under the authority delegated here unless the parties consent." *Id.*

Because further action in the Program Exclusivity Expansion Dockets is both required and contemplated, these dockets should not be terminated. The central issue in these dockets is whether to extend the FCC's existing exclusivity and non-duplication rules to broadcast television stations not currently subject to such rules, including low-power, Class A, and non-commercial television stations. As the Commission recently observed, "[l]ow power television stations are a source of diverse and local television programming, and television translator stations are an important free, over-the-air television resource in rural and remote locations." *In the Matter of Expanding the Econ. & Innovation Opportunities of Spectrum Through Incentive*

*Auctions*, Notice of Proposed Rulemaking, 27 FCC Rcd. 12357, 12475 (2012). The importance of low power television stations to the free, over-the-air programming eco-system will only increase as full power stations terminate their operations pursuant to the Broadcast Television Incentive Auction and their programming transitions to low power stations. Even without the overhang of the auction, the FCC concluded that "it is appropriate to extend the exclusivity rights of the existing rules . . . to all station types including commercial, noncommercial, low power, and translator stations." *In the Matter of Amendment of Parts 73 & 76 of the Commission's Rules Relating to Program Exclusivity in the Cable & Broad. Indus.*, Further Notice of Proposed Rulemaking, 3 FCC Rcd. 6171, 6177-78 (1988). Although it is unclear why the Commission has not yet adopted these unquestionably desirable rules, the impending reduction in broadcast outlets makes prompt action even more necessary.

Not only is further action on the issue of program exclusivity required, but it is currently contemplated. On August 12, 2015, Chairman Wheeler circulated a Second Report and Order in the Amendment of the Commission's Rules Related to Retransmission Consent. *See* FCC, Items on Circulation, https://transition.fcc.gov/fcc-bin/circ_items.cgi (last visited May 31, 2016). That proceeding addressed the exact same rules at issue in the Program Exclusivity Expansion Dockets, and it would be a logical outgrowth of the record in that proceeding to extend the exclusivity rules to low power television, Class A, and noncommercial stations, as requested in the Program Exclusivity Expansion Dockets. The CGB should not prejudge the outcome of a matter currently pending before the Commission by terminating inherently related proceedings as dormant.

For the foregoing reasons, the CGB should not terminate the Program Exclusivity Expansion Dockets.

Respectfully submitted,

VENTURE TECHNOLOGIES GROUP, LLC

/S/
Paul Koplin
President

Dated: June 1, 2016