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February 22, 2000

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VIA HAND DELIVERY

Magalie Roman Salas, Secretary
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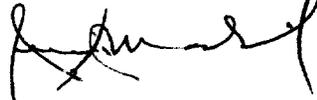
Re: Establishment of a Class A Television Service (MM Docket No. 00-10)

Dear Ms. Salas:

Transmitted herewith on behalf of Grupo Televisa, S.A., a Mexican corporation, are an original and thirteen (13) copies of its Reply Comments on the Commission's Notice of Proposed Rule Making in the above-referenced proceeding.

In connection with its representation of Grupo Televisa, S.A., Leventhal, Senter & Lerman P.L.L.C. has registered as a foreign agent under the Foreign Agents Registration Act.

Respectfully submitted



Juan F. Madrid

Enclosure

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)

Establishment of a Class A)
Television Service)

MM Docket No. 00-10

To: The Commission

REPLY COMMENTS OF GRUPO TELEVISA, S.A.

Grupo Televisa, S.A. ("Televisa"), a Mexican corporation, by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission's rules,¹ hereby replies to the comments of other parties on the Commission's *Order and Notice of Proposed Rule Making* ("NPRM") in the above-captioned proceeding,² in which the Commission seeks to establish regulations for a new primary Class A license for qualified low-power television ("LPTV") stations,³ as required by the Community Broadcasters Protection Act of 1999 ("CBPA").⁴ Like Televisa's Comments,⁵

¹ 47 C.F.R. §§ 1.415, 1.419.

² *Establishment of a Class A Television Service*, FCC 00-16 (MM Docket No. 00-10) (released January 13, 2000).

³ *See id.*, FCC 00-16, at 1.

⁴ Community Broadcasters Protection Act of 1999, Section 5008 of Pub. L. No. 106-113, 113 Stat. 1501 (1999), Appendix I, *codified at* 47 U.S.C. § 336(f).

⁵ Comments of Grupo Televisa, S.A. (filed February 10, 2000) ("Comments").

the comments of several parties remind the Commission that additional requirements apply to potential Class A LPTV operations near the U.S.-Mexican border, and that such operations would implicate cross-border coordination.⁶

For example, the Society of Broadcast Engineers, Inc. indicated that the Commission needs to clarify whether Class A LPTV stations will be permitted to operate near the border.⁷ As noted in its Comments, Televisa reiterates that such operation is subject to the provisions of the U.S.-Mexican VHF TV Agreement,⁸ UHF TV Agreement,⁹ their 1988 modifications,¹⁰ and DTV Agreement¹¹ (collectively, the “Agreements”), as these Agreements are

⁶ See Comments of Fox Television Stations, Inc. and Fox Broadcasting Company at 6-7 (filed February 10, 2000); Comments of the Society of Broadcast Engineers, Inc. at 11 (filed February 10, 2000) (“SBE Comments”).

⁷ See SBE Comments at 11.

⁸ United States-Mexico VHF Television Agreement (April 18, 1962) (the “VHF TV Agreement”).

⁹ Agreement Amending the Agreement Relating to Assignment and Usage of Television Broadcasting in the Frequency Range 470-806 MHZ (Channels 14-69) Along the United States-Mexico Border (June 18, 1982) (the “UHF TV Agreement”).

¹⁰ United States-Mexico Low Power VHF Television Agreement (September 14, 1988) (“VHF TV Agreement Modification”); Agreement Amending the Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the Frequency Range of 470-806 MHZ (Channels 14-69) Along the United States-Mexico Border (November 21, 1988) (“UHF TV Agreement Modification”).

¹¹ Memorandum of Understanding Between the Federal Communications Commission of the United States of America and the Secretaria de Comunicaciones y Transportes of the United Mexican States Related to the Use of the 54-72 MHZ, 76-88 MHZ, 174-216 MHZ and 470-806 MHZ Bands for the Digital Television Broadcasting Service Along the Common Border (July 22, 1998) (the “DTV Agreement”).

binding international law, and cannot be altered without negotiations conducted by the proper governmental authorities.¹²

Specifically, as Televisa indicated in its Comments, the VHF TV Agreement and UHF TV Agreement make it clear that LPTV stations in both countries must operate on a *secondary* basis with respect to full-service stations operating on the channels that are identified in these agreements.¹³ Any assignment inconsistent with the required parameters must be notified and fully coordinated with the other country.¹⁴ Additionally, any action by the Commission that may alter the premises upon which DTV is to be introduced in the U.S. and Mexico, such as permitting an LPTV operator in the U.S.-Mexico border area to provide digital service¹⁵ on a channel that is not part of the agreements, must be coordinated pursuant to the DTV Agreement.

¹² See Comments at 4, 7.

¹³ See VHF TV Agreement Modification para. M bis; UHF TV Agreement Modification para. 1.I.2.

¹⁴ See *id.*

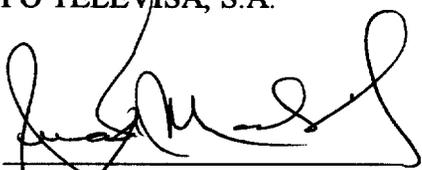
¹⁵ See CPBA, 47 U.S.C. § 336(f)(4).

CONCLUSION

The *NPRM* fails to recognize that special circumstances apply to LPTV operations near the border. In establishing regulations for Class A LPTV operations, the Commission must act consistently with U.S.- Mexican bilateral TV Agreements, which are binding international law.

Respectfully Submitted,

GRUPO TELEVISIA, S.A.

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February 22, 2000

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CERTIFICATE OF SERVICE

I, Tim Jordan, do hereby certify that copies of the foregoing "Reply Comments of Grupo Televisa, S.A." were delivered this 22nd day of February, 2000, to the following in the manner indicated:

VIA HAND DELIVERY

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