



# PUBLIC NOTICE

Federal Communications Commission  
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## MEDIA BUREAU ACTION

### REQUEST FOR COMMENT ON PETITION FOR DECLARATORY RULING REGARDING V-ME MEDIA, INC. AND ITS ELIGIBILITY TO BE CARRIED AS A DBS PUBLIC INTEREST NONCOMMERCIAL PROGRAMMER

MB Docket No. 07-170

Comment Date: September 7, 2007

Reply Comment Date: September 24, 2007

On May 18, 2007, the Hispanic Information and Telecommunications Network, Inc. ("HITN") filed a Petition for Declaratory Ruling asking the Commission to find that V-Me Media, Inc. ("V-Me") fails to satisfy the eligibility requirements of an educational programming supplier for purposes of carriage by DBS providers in fulfillment of their public interest obligations under 47 C.F.R. §25.701. We request comment on the issues raised by HITN's petition.

Parties must file responses to the petition for Declaratory Ruling on or before September 7, 2007, and reply comments must be filed on or before September 24, 2007. We are assigning this proceeding a Commission Docket Number, MB Docket No. 07-170, in order to facilitate filing public comments. **All filings must reference MB Docket No. 07-170.**

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings.*<sup>1</sup> Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S.

<sup>1</sup> 63 FR 24121 (1998).

Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings or electronic media filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. Commercial and electronic media mail sent by overnight mail (other than U.S. Postal Service Express mail and Priority mail) must be sent to 9300 East Hampton Drive, Capital Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington D.C. 20554.

Pursuant to Section 1.1200(a) of the Commission's rules, 47 C.F.R. §1.1200(a), this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under Section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206.<sup>2</sup>

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission Secretary no later than the next business day after the presentation.<sup>3</sup> Persons making oral *ex parte* presentations must file a summary of the presentation no later than the next business day after the presentation. 47 C.F.R. §1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 07-170.

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one to two sentence description of the views and arguments presented is generally required. See 47 C.F.R. §1.1206.

An original and one copy of all *ex parte* written presentations and memoranda must be filed with the Commission's Secretary. Copies sent by First Class Mail, Express Mail and Priority Mail, must be sent to: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: Federal Communications Commission, Office of the Secretary, 9300 East Hampton Drive, Capitol Heights, MD 20743. All filings must be made in accordance with Section 1.1206(b)(1) of the Commission's rules.<sup>4</sup> In addition, one copy of each *ex parte* written presentation and memoranda should be delivered to Best Copy and Printing, Inc., Portals II, 445 12th St. S.W., Room CY-B402, Washington D.C. and David Brown, Media Bureau, 445 12<sup>th</sup> Street, S.W., Room 2-C828, Washington, D.C. 20554.

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<sup>2</sup> An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. See 47 C.F.R. §1.1202.

<sup>3</sup> 47 C.F.R. §1.1206(b)(1).

<sup>4</sup> 47 C.F.R. §1.1206(b)(1).

Copies of the petition and other filings in this proceeding will be available for public inspection and copying during normal business hours in the Commission's Reference Information Center located at Room CY-A257, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418-0267 (voice), (202) 418-7365 (TTY), or [bill.cline@fcc.gov](mailto:bill.cline@fcc.gov).

Copies of filed documents may be obtained from Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554; they can also be reached by telephone, at (202) 488-5300 or (800) 378-3160; by e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); or via their website at <http://www.bcpiweb.com>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

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