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Stamp and Return

August 31, 2007

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VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

FILED/ACCEPTED

AUG 31 2007

Federal Communications Commission
Office of the Secretary

Re: Petition for Declaratory Ruling
MB Docket No. 07-170

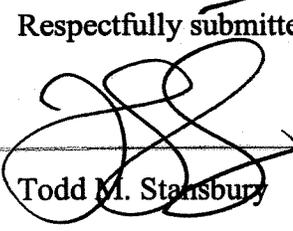
Dear Ms. Dortch:

On behalf of V-me Media, Inc. ("V-me"), attached is a stamped duplicate copy of an Opposition ("Opposition") submitted by V-me on May 24, 2007 in response to the Petition for Declaratory Ruling ("Petition") filed by Hispanic Information and Telecommunications Network, Inc. in the proceeding referenced above.

Subsequent to V-me's filing of the Opposition, the Commission issued a Public Notice ("Public Notice") requesting public comment on the Petition. To ensure the Opposition is considered as part of the record in this proceeding, V-me is resubmitting the pleading through the FCC's Electronic Comment Filing System. V-me also expects to file comments in response to the Public Notice.

Please contact this office if there are any questions.

Respectfully submitted,



Todd M. Stansbury

RETURN COPY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)
)
Classification of V-Me Media, Inc.)
As a Qualified Programmer for Purposes)
Of Carriage Obligation Under Section 335)

RECEIVED - FCC

MAY 24 2007

Federal Communications Commission
Bureau / Office

To: The Commission
Attn: Chief, Media Bureau

OPPOSITION TO REQUEST FOR DECLARATORY RULING

V-Me Media, Inc. ("V-Me"), hereby opposes the Petition for Declaratory Ruling (the "*Petition*") filed by the Hispanic Information and Telecommunication Network, Inc. ("*HITN*") on May 18, 2007 requesting that the Federal Communications Commission (the "*Commission*") find that V-Me is not a qualified national educational programming supplier permitted to provide noncommercial programming on reserved channels of direct broadcast satellite ("*DBS*") providers under Section 25.701 of the Commission's rules. The Petition is based upon several false assumptions. V-Me does not claim to be a qualified programmer, nor does it provide programming to DBS providers for reserved channels. Instead, Educational Broadcasting Corporation ("*EBC*"), licensee of WNET(TV), Newark, NJ (Fac. ID 18795), provides programming to EchoStar that is carried on one of the Dish Network's reserved channels in compliance with the Commission's rules.¹

¹ V-Me understands that EBC will also be filing a response to the Petition.

Section 335 of the Communications Act of 1934, as amended, directed the Commission to adopt rules requiring each DBS provider to reserve between four and seven percent of its channel capacity for national educational programming suppliers to provide noncommercial programming of an educational or informational nature. 47 U.S.C. § 335(b)(1). The Communications Act defines national educational programming suppliers as including any qualified noncommercial educational television station and public or private educational institutions. 47 U.S.C. § 335(b)(5)(B).

Subsequently, the Commission promulgated a rule requiring each DBS provider to reserve four percent of its channel capacity for use by "qualified programmers" for noncommercial, educational or informational programming. 47 CFR § 25.701(f)(1).

The Commission's rules establish five categories of qualified programmers, including noncommercial educational broadcast stations as defined in Section 397(6) of the Communications Act of 1934, as amended. 47 CFR § 25.701(f)(2)(i). Station WNET(TV) is a noncommercial educational broadcast station as defined in Section 397(6) of the Communications Act of 1934, as amended, and is therefore a qualified programmer eligible to use a DBS provider's reserved channel.

Noncommercial entities with an educational mission constitute another category of qualified programmers. 47 CFR § 25.701(f)(2)(v). The Commission has stated that the tax code definition of "non-profit" is used to qualify an entity as a qualified programmer.² It is a matter of public record that EBC is a New York educational, noncommercial corporation that has been granted non-profit, 501(c)(3) status, and thus is a qualified programmer eligible to use a DBS provider's reserved channel.

² *Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order, 13 FCC Rcd 23254, 23290 (1998).

Currently, EBC broadcasts programming it obtains from V-Me on one of WNET(TV)'s digital multicast channels. The V-Me programming is also broadcast on digital multicast channels by numerous other public television stations nationwide. Each of these stations retains the ability to not broadcast any programming which it feels is not in its community's best interest.

V-Me has no agreement with EchoStar of any kind, including an agreement to provide V-Me programming on a reserved EchoStar channel. It is V-Me's understanding that EBC/WNET(TV) has an agreement with EchoStar Satellite L.L.C. to use one of the reserved channels on the Dish Network system to provide the V-Me programming consistent with Section 25.701 of the Commission's rules.

V-Me is not in negotiations with DirecTV to provide the V-Me programming on one of its DBS system reserved channels. It is V-Me's understanding that EBC/WNET(TV) is currently in negotiations with DirecTV, Inc. to provide the V-Me programming on one of its DBS system's reserved channels.

HITN appears not to understand that V-Me is not using any reserved DBS channels and that EBC/WNET(TV), a qualified programmer under the Commission's rules, is the entity that is using reserved DBS channels. The Petition is therefore entirely premised on a mistake of fact. HITN is incorrect in asserting that V-Me claims to be a qualified programmer, and that it has a contractual relationship with a DBS provider.

The Spanish-language V-Me programming provided by WNET(TV) furthers the public interest by providing high-quality educational and informational content that meets and exceeds the Public Broadcasting Service's standards. Included in the V-Me line-up are a nightly news interview program that provides an open forum for discussions of

current affairs and social issues, *Plaza Sésamo*, the acclaimed Spanish-language counterpart of *Sesame Street*, and numerous other programs that educate and inform through Spanish-language programming. In addition, Spanish language versions of EBC/WNET(TV)'s award winning public television programs, including *Nature*, *Great Performances*, *Religion & Ethics Newsweekly*, *A.I.R.*, *Wide Angle*, *Cyberchase*, and *Franny's Feet* are staples of the V-Me program line-up.

There is no basis for proceeding further with this matter. Indeed, it serves the public interest to conserve scarce resources by terminating unnecessary proceedings. HITN's misunderstanding as to EBC/WNET(TV)'s provision of the V-Me programming must not be allowed to delay or impede EBC/WNET(TV)'s negotiations with DirecTV and other multichannel video programming distributors. This is particularly true given the paucity of high-quality, Spanish-language, educational and information programming, despite the significant, growing need for it.

For the reasons set forth above, V-Me respectfully requests that the Commission deny HITN's Petition for Declaratory Ruling. Should the Commission require additional information, V-Me would be happy to provide further information or to attend a meeting if one is desired.

Respectfully submitted,

V-ME MEDIA, INC.

By:


Carmen M. DiRienzo
President

V-Me Media, Inc.
450 West 33rd Street
New York, NY 10001-2605
212-560-2054

May 24, 2007

CERTIFICATE OF SERVICE

I, Joan M. Trepal, hereby certify that copies of the foregoing *Opposition to Petition for Declaratory Ruling of V-Me Media, Inc.* were served this 24th day of May 2007, on the following parties via Electronic Mail, unless otherwise noted, at the following addresses:

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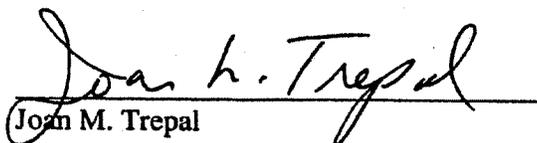
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Joan M. Trepal

*Via United States Postal Service