

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

In the Matter of)	
)	
Promoting Diversification of Ownership In the Broadcasting Services)	MB Docket No. 07-294
)	
2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	MB Docket No. 06-121
)	
2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	MB Docket No. 02-277
)	
Cross-Ownership of Broadcast Stations and Newspapers)	MM Docket No. 01-235
)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets)	MM Docket No. 01-317
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further Section 257 Mandate and To Build on Earlier Studies)	MB Docket No. 04-228
)	

**COMMENTS OF HISPANIC INFORMATION
AND TELECOMMUNICATIONS NETWORK, INC.**

Hispanic Information and Telecommunications Network, Inc (“HITN”), by its attorneys, hereby submits these comments in response to the *Third Further Notice of Proposed Rulemaking* in the above-captioned proceeding¹ in which the Federal Communications Commission (“FCC” or “Commission”) seeks comment on a number of proposals designed to encourage ownership

¹ In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, *Report and Order and Third Further Notice of Proposed Rulemaking*, MB Dkt. No. 07-294, FCC 07-217 (rel. March 5, 2008) (“Third FNPRM”).

diversity and new entry in broadcasting. HITN applauds the Commission's ongoing efforts to increase diversity in the media and recommends that the Commission (1) confirm that broadcast television stations may partition their digital licenses for access by qualified non-commercial educational entities and (2) mandate must-carry obligations for those partitioned stations. Confirming that television stations may partition their licenses in this manner will provide potential new entrants certainty in pursuing such plans and will lead to an increase in diversity of voices and new entry into broadcasting. HITN also supports recommendations to create a public interest/independent channel set aside for cable systems.

I. Overview of HITN.

Founded in 1981, HITN is a not-for-profit 501(c) corporation whose mission is to promote educational opportunities for Hispanic Americans through multiple media outlets and telecommunications services. HITN holds 83 station authorizations in the Educational Broadband Service ("EBS") for facilities throughout the United States and Puerto Rico and is the largest holder of EBS licenses in the United States. In 1987, and because of its national position in EBS (formerly ITFS), HITN formed HITN-TV, the first and only independent 24-hour-a-day Spanish language public interest television channel in the United States. HITN-TV offers instructional, educational and informational programming designed to educate, empower and enrich its audience. Today, HITN-TV is carried by DirecTV, Dish Network, Comcast Cable, Time Warner Cable, and Charter Communications and is presently available in over 30 million U.S. households. HITN remains the first and only non-profit Latino managed and controlled public interest television network offering educational content to the nation's largest minority group and to all who share an interest in Hispanic news, information, and culture.

II. The Commission Should Confirm Partitioning of Broadcast Licenses to Qualified Entities and Mandate Must Carry for Partitioned Channels.

In the Third FNPRM, the Commission continues its efforts to increase participation by new entrants and small businesses, including minority- and women-owned businesses, which historically have been underrepresented in the broadcast industry.² The tragedy of media consolidation is that it has made it more and more difficult for independent voices to be heard. Mergers and brand extensions have increasingly consumed limited capacity in electronic media. HITN applauds the Commission's continued efforts to encourage independent voices, particularly those of minorities, and is grateful for the opportunity to comment on such important issues.

To encourage new entrants and a diversity of independent voices, HITN recommends a variation on the Share-Time proposal presented in the Third FNPRM.³ The Commission should confirm that qualified noncommercial, non-profit, educational entities, which do not have any ownership by a commercial interest, may acquire partitioned digital channels from noncommercial, educational stations or commercial channels and thereby hold a Commission license for the same. It is HITN's position that the rules do not prohibit a qualified noncommercial, non-profit, educational entity from acquiring a partitioned digital channel from a broadcaster.⁴ As separately licensed independent public broadcast stations, these partitioned channels should also qualify for carriage under the Commission's must-carry rules.⁵

² Third FNPRM, para. 1.

³ *Id.*, para. 87.

⁴ In the case of a public broadcaster, the assignee in such a transaction would be obligated to uphold its responsibilities as a noncommercial public television station, pursuant to the Commission's rules.

⁵ 47 C.F.R. § 76.56 (2007).

Commission confirmation that this variation of the Share-Time proposal is permissible will bring new voices to the broadcast industry in the most expeditious way. The digital transition presents the Commission with a unique opportunity to expand capacity and voices by confirming that stations may partition channels and divest those channels to qualified unaffiliated entities for the transmission of programming. In addition, partitioning digital channels would assist existing noncommercial and other stations in covering the costs of the digital transition.

III. Public Interest Set-Asides Are a Proven Method of Opening Opportunities for Independent Non-Profit Voices.

Representatives from HITN attended the FCC En Banc Hearing and Conference on Overcoming Barriers to Communications Financing on July 29, 2008. HITN strongly supports comments made by participants recommending a set-aside on cable systems for independent and public interest, non-profit networks similar to the digital broadcast satellite (“DBS”) set-aside⁶ which was recently extended to satellite radio as a condition of the Sirius / XM merger.⁷ As a beneficiary of the DBS public interest set-aside, HITN strongly applauds this recommendation to encourage diversity and new entrants into the broadcast industry.

For HITN-TV, the DBS set-aside has permitted our network to serve the educational needs of Spanish language households as well as provide a glimpse into the rich, diverse interests and culture of Latino America for all viewers. A public interest set-aside for cable would afford the same opportunity for non-profit broadcasters like HITN-TV to provide non-commercial content to viewers and offer new, fresh, or alternative perspectives to what is available through

⁶ 47 C.F.R. § 25.701 (2007).

⁷ *Public Notice*, Commission Approves Transaction Between Sirius Satellite Holdings, Inc. and XM Satellite Holdings, Inc. Subject to Conditions (July 28, 2008) http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-284108A1.pdf.

major consolidated media outlets. Additionally, non-profit broadcasters, free from the profit motive, can offer programming tailored to the needs of viewers.

III. Conclusion.

HITN recommends that the Commission confirm that noncommercial, non-profit, educational entities may own partitioned digital channels acquired from television stations. These channels would then be separately licensed by the Commission and would qualify for carriage under the Commission's must-carry rules. HITN also supports recommendations to create a public interest set-aside for cable systems. If adopted, these two proposals would greatly increase independent voices and new entry in broadcasting.

Respectfully submitted,

HISPANIC INFORMATION AND
TELECOMMUNICATIONS NETWORK, INC.

By:



Rudolph J. Geist
Eric E. Menge
RJGLaw LLC
7910 Woodmont Ave.
Suite 1400
Bethesda, MD 20814
(240) 821-9850

Its Attorneys

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CERTIFICATE OF SERVICE

I, Norman Liu, hereby certify that copies of the foregoing *Comments of Hispanic Information and Telecommunications Network, Inc.* were served this 30th day of July, 2008 on the following parties via electronic mail at the following addresses:

Michelle Carey
Office of Chairman Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Michelle.Carey@fcc.gov

Monica Desai
Federal Communications Commission
Mass Media Bureau
445 12th Street, S.W.
Washington, DC 20554
Monica.Desai@fcc.gov

Rick Chessen
Office of Commissioner Copps
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Rick.Chessen@fcc.gov

Rudy Brioché
Office of Commissioner Adelstein
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Rudy.Brioché@fcc.gov

Wayne Leighton
Office of Commissioner Tate
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Wayne.Leighton@fcc.gov

Cristina Chou Pauzé
Office of Commissioner McDowell
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Cristina.Pauze@fcc.gov



A handwritten signature in blue ink, appearing to read 'N. Liu', is written over a solid black horizontal line.