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WRITER'S DIRECT DIAL

May 25, 2010

FILED/ACCEPTED

MAY 25 2010

Federal Communications Commission
Office of the Secretary

Via Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Attn: Chief, Media Bureau

Re: Supplement to Petition for Waiver of the Network Representation
Rule, Section 73.658(i), Filed by Mambo, LLC on March 5, 2010
MB Docket No. 10-_____

Dear Ms. Dortch:

Through undersigned counsel, Mambo, LLC ("Mambo") hereby supplements the Petition for Waiver of the Network Representation Rule, Section 73.658(i) ("73.658(i) Waiver Petition"), which Mambo filed on March 5, 2010. By this filing, Mambo wishes to bring two recent developments to the attention of the Media Bureau that have a direct bearing on the processing of Mambo's 73.658(i) Waiver Petition.

First, on May 6, 2010, the Media Bureau released its decision in *Liberian Television LLC (Estrella TV), Petition for Waiver of Section 73.658(i) of the Commission's Rules*, Order, DA 10-774 (rel. May 6, 2010) ("*Liberian/Estrella Order*"), granting the Estrella TV Spanish-language network a permanent waiver of Section 73.658(i). See *Liberian/Estrella Order* at ¶¶ 5, 6. The decision in the *Liberian/Estrella Order* was premised on "the same reasons the Commission granted waivers to Univision, Telemundo, and Azteca America, and in recognition of the competitive imbalance that could result in the absence of a waiver." *Liberian/Estrella*

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Order, ¶ 5. Indeed, the showings Liberman made in its waiver petition, as summarized in paragraph 4 of the *Liberman/Estrella Order*, were virtually identical to those made in Mambo's 73.658(i) Waiver Petition. Accordingly, as discussed in Mambo's 73.658(i) Waiver Petition, the Commission must treat similarly situated parties alike and should, therefore, process and grant Mambo's waiver request. See 73.658(i) Waiver Petition at 11-12. Moreover, Mambo's 73.658(i) Waiver Petition specifically referenced the pendency of Liberman's waiver petition, see 73.658(i) Waiver Petition at 3 n.7, 9, 11, and the instant letter shall serve to supplement those references now that Liberman's waiver petition has been granted by the *Liberman/Estrella Order*.

Second, also on May 6, 2010, the Media Bureau released a Public Notice soliciting comments on a Section 73.658(i) waiver petition filed by Spanish Broadcasting System, Inc. relating to its Spanish-language broadcast television network and video programming service MegaTV ("SBS/MegaTV Petition"). See *Comment Dates Established for MegaTV Petition for Waiver of 47 C.F.R. § 73.658(i), the Network Representation Rule*, Public Notice, DA 10-775 (rel. May 6, 2010) ("SBS PN"). It appears that the SBS/MegaTV Petition was filed in late January 2010. See *SBS PN* n.1. Because Mambo's 73.658(i) Waiver Petition is similar to the SBS/MegaTV Petition, Mambo respectfully requests that its waiver petition be afforded similar treatment to the SBS/MegaTV Petition and put out on public notice as soon as possible. Indeed, with the grant of the Section 73.658(i) waiver in the *Liberman/Estrella Order*, the competitive balance among Spanish-language networks in the sale of non-network advertising time has been further affected to the detriment of Mambo's affiliates and Mambo itself. Prompt processing of Mambo's 73.658(i) Waiver Petition would ensure the like treatment of similarly situated parties and the restoration of the competitive balance, with respect to the representation of network affiliates in the sale of non-network advertising time, within the Spanish-language network video programming market.

Please contact the undersigned should any questions arise in connection with this matter.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Stephen Hartzell
Counsel to Mambo, LLC

cc: Lyle Elder, FCC (via email)