



Mapale LLC  
1800 NW 94<sup>th</sup> Avenue  
Doral, FL 33172

May 1, 2012

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Written Ex Parte Communication in CS Docket No. 98-120

Dear Ms. Dortch:

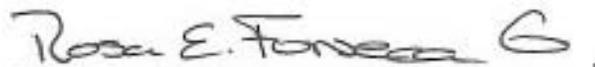
I am writing on behalf of Mapale LLC, licensee of Television Station WGEN-TV, Key West, Florida, located in the Miami-Ft. Lauderdale Designated Market Area ("Miami DMA"). We have been advised that the Commission has proposed to extend its "viewability" rule to ensure that must carry stations can be accessed by all cable subscribers regardless of whether they subscribe to digital, analog or hybrid systems. Because WGEN-TV relies on the Commission's mandatory carriage regime to reach certain cable television households in the Miami DMA, we support the proposal to extend the viewability rule.

WGEN-TV's community of license, Key West, is located offshore in the southernmost portion of the Miami DMA, in Monroe County, while the heart of the Station's market is in the greater Miami metro area in Miami-Dade and Broward Counties. In June 2009, the Commission granted our request to reinstate WGEN-TV's must carry rights in communities throughout the Miami DMA so that viewers would be able to receive the unique Spanish-language programming aired on WGEN-TV, including local and international news, children's programming, and entertainment and public affairs programming that is not available on any other Station in the market. In that proceeding, the Commission recognized that WGEN-TV offers a "specialty" program service and that the Station's economic viability is directly related to its mandatory carriage rights on all cable systems throughout the Miami DMA. Allowing the viewability rule to "sunset" would undermine the impact of the reinstatement of the Station's mandatory carriage rights.

We are aware of a study done by the National Association of Broadcasters which documents the potential harm to must carry stations that may lose a portion of their viewers if changes to the viewability rule are made. While we cannot determine with certainty how many of WGEN-TV's viewers would be affected if the current viewability rule is eliminated, one thing is certain: WGEN-TV cannot afford a decline in viewership. As referenced above, our specialty station offers unique programming that is not otherwise available in this market, and the ability of all viewers throughout the Miami DMA to continue to have access to WGEN-TV's programming is important both to viewers and to the continued economic viability of the Station. As an independent Spanish-language station broadcasting in the third-largest Spanish-language television market, WGEN-TV must compete aggressively with other Spanish-language stations—most of which are affiliated with Spanish-language networks—for advertising revenue. Without an extension of the viewability rule, WGEN-TV would be unable to demonstrate to advertisers that the Station will continue to serve all of the households in the Miami DMA and, as a result, advertisers could seek lower rates or, even worse, take their business elsewhere. Because the success of the Station depends on advertising revenue, a decline in this revenue would cause serious financial problems for the Station and, consequently, for our continued service to the public. In short, we agree with NAB's analysis of the financial impact of a losing access to cable households.

We want WGEN-TV to continue to serve all of the cable households in the Miami DMA, and we therefore strongly urge the Commission to retain the current rule requiring that cable systems make our channel "viewable" to all subscribers.

Respectfully submitted,



Rosa Emilia Fonseca  
Supervising Manager and Vice-president  
Mapale LLC

cc: William Lake  
Michelle Carey  
Mary Beth Murphy  
Steven Broeckaert  
Alison Neplokh  
Evan Baranoff  
John Gabrysch