



CONFIDENTIAL

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

In the Matter of)	
)	
Retransmission Consent Complaint)	MB Docket No. 12-113
And Petition of Fox Television Holdings, Inc.)	CSR-8623-C
)	
To: Office of the Secretary)	
Attn: Media Bureau)	

RESPONSE OF TV MAX TO MEDIA BUREAU INQUIRIES DATED JUNE 13, 2012

TV Max, Inc. (dba Wavevision, referred to as "TV Max") by and through its counsel, files this Response to the numbered inquiries from the Media Bureau requesting further information from TV Max concerning the Retransmission Consent Complaint and Petition of Fox Television Holdings, Inc. TV Max's responses to the numbered inquiries are provided in Attachment 1 (Declaration of Thomas Balun Responding to June 13, 2012 Inquiry), Attachment 2 (Master List of MDU Buildings with MATV Conversion Data), Attachment 3 (TV Max Channel Line-Up as of November 1, 2011), and Attachment 4 (Schematic Drawings).

TV Max also submits herewith a Request for Confidential Treatment of Certain Information provided in response to the Media Bureau Inquiries.

Respectfully submitted,

TV Max, Inc., d.b.a. Wavevision

By: Carl E. Kandutsch

Carl E. Kandutsch
Attorney at Law
2520 Avenue K, Ste. 700-760
Plano, Texas 75074
(207) 659-6247

Dated: June 26, 2012

REDACTED

ATTACHMENT 1

[Declaration of Thomas Balun Responding to June 13, 2012 Inquiry]

REDACTED

DECLARATION OF THOMAS BALUN RESPONDING TO JUNE 13, 2012 INQUIRIES

I, Thomas Balun, hereby state as follows:

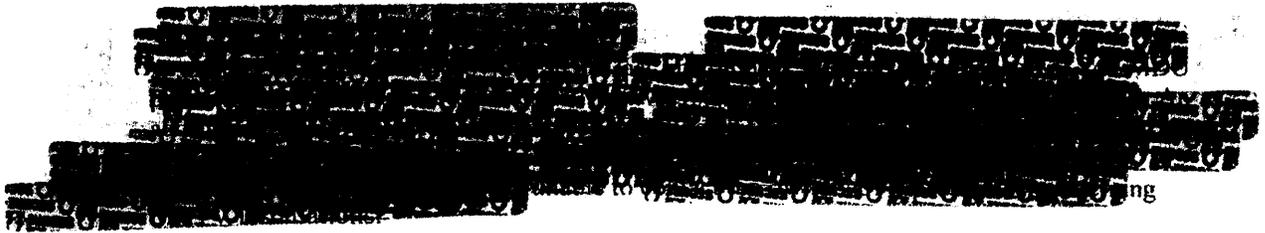
1. I am the CEO of TV Max, Inc. (dba Wavevision, referred to herein as "TV Max"). I submit this Declaration for the purpose of responding to questions (each referred to as the "Question" followed by the corresponding paragraph number) asked by the FCC's Media Bureau in MB Docket No. 12-113, CSR-8623-C by letter dated June 13, 2012 (the "June 13 Inquiry").
2. Except where otherwise specifically indicated, I have personal knowledge of the representations contained within this Declaration. I affirm the truth and accuracy of the information provided herein to be the best of my personal knowledge, information and belief, and that all of the information and/or documents requested by the June 13 Inquiry that are in TV Max's possession, custody, control or knowledge have been produced.
3. Question 1: The total number of MDU buildings served by TV Max in the Houston Designated Market Area is [REDACTED] MDU buildings. [REDACTED] as [REDACTED] Question 2 below for further details.

4. Question 2: In October 2011, TV Max began installing Master Antenna Television ("MATV") systems on the rooftops of MDU buildings served by TV Max for the purpose of allowing residents to receive local off-air broadcast signals through the MATV system at no charge. (See paragraph 5 of the Declaration of Thomas Balun dated April 30, 2012 in MB Docket No. 12-113, CSR-8623-C for further details.) [REDACTED] Up [REDACTED] tech [REDACTED] the date on which [REDACTED] that [REDACTED] completed [REDACTED] were giving first priority for MATV conversion.

When the MATV conversion initiative was begun, the management of TV Max did not realize that some owners or managers of MDU buildings served by TV Max would object to the installation of MATV systems at their buildings. Resistance from MDU owners/managers explains why MATV conversion was not fully completed on all MDU buildings by December 31, 2011.

Attachment 2 is a spreadsheet including data that, to the best of my information, knowledge and belief, is accurate as of March 31, 2012. For each MDU property identified in Column C: Column V indicates whether or not permission was granted to complete the MATV installation; Column W indicates whether or not the MATV installation was completed; a numeral "4" in Column X indicates that an MATV antenna was provided to the property owner for self-installation as requested by the owner; Column Y identifies those properties at which the MATV installation was refused; and Column Z identifies those properties where TV Max has been unable to contact the owner/manager concerning MATV conversion.

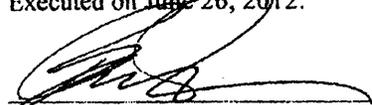
REDACTED



5. Question 3: Residents of MDU buildings served by TV Max, including both paying subscribers and non-subscribers, were provided notice of the availability of free off-air channels by means of a Channel Line-Up card that was posted on the TV Max website () on or about November 1, 2011. To the best of my knowledge, information and belief, Attachment 3 is an accurate photocopy of the TV Max Channel Line-Up as it was posted on the TV Max website as of November 1, 2011. Please note that free off-air channels broadcast in the Houston DMA are listed in the two right-hand columns, along with the corresponding channel numbers for residents possessing digital converter boxes, digital television sets or analog sets, respectively. The removal of the off-air channels from TV Max's subscription programming tier was not accomplished by any "contract modification" or "price adjustment."
6. Question 4: To the best of my information, knowledge and belief, Attachment 4 consists of accurate photocopies of schematic drawings describing the technical components of facilities used by TV Max to deliver television programming signals, including both off-air broadcast and other programming signals, to a subscriber's television set via the MATV system and/or TV Max's cable system. One schematic shows TV Max's 4-port tap system, and one schematic shows our 8-port system. The schematics show how off-air signals are inserted into the MATV system located at each MDU building, along with TV Max's cable programming. In all MDU buildings, the local off-air signals are available for use by all residents without the feed from TV Max's fiber ring, without the need for a set-top box, and at the individual resident's option. Please note that TV Max makes available to all residents free digital to analog conversion of the off-air programming signals. This free analog-to-digital conversion is provided by TV Max as a community service for citizens of Houston who cannot afford to purchase a digital television or a conversion device, or are unable to correctly install the device on their own.
7. Question 5: To the best of my knowledge, information and belief, since November 1, 2011 no resident of any MDU building served by TV Max, whether or not the resident subscribes to any TV Max pay service, has been billed for any off-air programming. Each such resident may to receive or not to receive off-air programming, at the resident's option. Therefore, TV Max satisfies the requirement of Section 76.64(e) of the Commission's rules, that reception of KTXH(TV) and KRIV(TV) be made available without charge and at the subscribers [sic] option."
8. Question 6: To the best of my knowledge, information and belief, in November 2011, TV Max sent a letter to the owner of each MDU building served by TV Max notifying the owner that TV Max would, at its sole expense, install a small master antenna on the rooftop of the building(s), and that the antenna would be the property of the building owner. The letter notified the building owner that installation of the antenna "enables free access to local off-air channels for your tenants..." and that "these channels will be available within your complex even in the event that cable services are interrupted by storms and/or other conditions outside of our control." The letter states, "[t]his is a free installation for you to allow local channels

for your residents and it will remain in your complex as your property for your future use." A copy of the letter was provided to the Commission as Attachment 2 to the Response of TV Max to Complaint of Fox Television Holdings, Inc. dated May 1, 2012 in Docket No. 12-113, CSR-8623-C. Therefore, the MATV systems used by TV Max meet the requirement of Section 76.64(e) of the Commission's rules, that the MATV facilities be "owned by ... the building owner."

I declare under penalty of perjury that the foregoing I true and correct.
Executed on June 26, 2012.



Thomas Balun
CEO, TV Max

REDACTED

ATTACHMENT 2

[Master List of MDU Buildings with MATV Conversion Data]

ATTACHMENT 3

[TV Max Channel Line-Up as of November 1, 2011]

832-495-4109

... AND OTHER STATE

CHANNEL LINE UP

Wavevision's cable channel line up keeps getting better and better!

Packages Available:

- Free Local Channels
- Bronze Package
- Silver Package
- Gold Package

Looking for fantastic movie channels? Unbeatable sports channels? Or Spanish, Chinese, or other language channels?

- Premium Movie Channels
- Additional Language Channels

Digital Converter Channel	Digital TV Channel	Free Local Channels	Digital Converter Channel	Digital TV Channel	Free Local Channel
298	46-298	Create	55	50-55	KTBU The Tube 55
616	53-616	KTMD 47 Telemundo HD	762	48-762	KTBU ITV
14	47-14	KETH TBN-14	754	48-754	KTBU VAN TV
67	50-67	KFTH Telefutara 67	47	49-47	KTMD Telemundo 47
617	54-617	KFTH Telefutara HD	13	47-13	KTRK ABC 13
43	48-43	KHLM 43	605	52-605	KTRK ABC HD
11	46-11	KHOU CBS 11	608	54-608	KTRK LiveWell HD
171	48-171	KHOU Bounce	172	48-172	KTRK LWN
603	51-603	KHOU CBS HD	606	52-606	KTXH MNT 20 HD
39	48-39	KIAH CW 39	20	47-20	KTXH MNT
607	53-607	KIAH CW HD	57	49-57	KUBE 57
22	48-22	KL TJ Daystar	755	49-755	KUBE BYN TV
51	49-51	KNWS 51	8	46-8	KUHT PBS
12	46-12	KPRC NBC 2	601	50-601	KUHT PBS HD
604	51-604	KPRC NBC HD	45	48-45	KXLN Univision 45
49	49-49	KPXB PAX 49	615	53-615	KXLN Univision HD
609	54-609	KPXB Ion	61	49-61	KZJL 61
9	46-9	KRIV FOX 26	287	46-287	THIS
602	50-602	KRIV FOX HD	46	46-46	VME

1/26/12

Channel Line Up | Wavevision - Business and Residential High Speed Broadband Internet and Cable TV...

Digital Converter Channel	Ready Digital TV Channel	channel (no box required)	Digital Converter Channel	Ready Digital TV Channel	channel (no box required)
313	56-313	ABC FAMILY	332	55-332	Jewelry TV
17	47-17	ACCESS HOUSTON	643	56-643	Jewelry TV HD
180	56-180	ANIMAL PLANET	190	56-190	NASA TV
372	55-372	BET	293	55-293	Nickelodeon
16	47-16	CITY OF HOUSTON	303	48-303	Qubo (Kids)
18	47-18	EDUCATIONAL 1	330	55-330	QVC
19	47-19	EDUCATIONAL 2	284	49-284	REELZ
220	55-220	FOOD NETWORK	275	55-275	SyFy
160	56-160	FOX NEWS CHANNEL	334	56-334	TV 55
331	55-331	HOME SHOPPING NETWORK	240	55-240	USA
355	48-355	ION LIFE	2	46-2	Wavevision Information

Includes Bronze Package (Additional equipment required)

Digital Converter Channel	Cable Ready Digital TV Channel	Display Channel	Digital Converter Channel	Cable Ready Digital TV Channel	Display Channel
340	65-340	3ABN	639	76-639	History HD
250	59-250	A&E	132	64-132	HRTV
651	70-651	A&E HD	349	65-349	INSP
675	set top required	ABC Family HD	350	65-350	JCTV
285	58-285	AMC	676	set top req	Lifetime HD
635	73-635	Animal Planet HD	311	53-311	Lifetime
114	63-114	Big Ten Network	281	58-281	LMN
629	79-629	Big Ten Network HD	669	68-669	LMN HD
341	65-341	BYU	157	62-157	MSNBC
300	58-300	Cartoon	375	61-375	MTV
109	63-109	CBS Sports	632	79-632	NASA HD
623	set top required	CBS Sports HD	192	61-192	Nat Geo
760	64-760	CCTV8 (Chinese)	634	75-634	Nat Geo HD
346	65-346	Church Channel	761	56-761	NTD TV
390	61-390	CMT	370	61-370	Nuvo TV
154	62-154	CNBC	351	65-351	Smile of a Child
630	77-630	CNBC HD	265	59-265	SoapNet
158	62-158	CNN - Cable News	344	65-344	SunLife
631	77-631	CNN HD	118	64-118	Speed
267	59-267	Comedy	626	60-626	Speed HD
164	62-164	C-SPAN	276	60-276	Spoke TV
165	62-165	C-SPAN 2	655	69-655	SyFy HD
166	62-166	C-SPAN 3	352	65-352	TBN
342	65-342	Daystar	656	71-656	TBS HD
181	61-181	Discovery Channel	241	59-241	TBS
638	73-638	Discovery HD	345	65-345	TCT
290	58-290	Disney Channel	196	61-196	History Channel

12/26/12

Channel Line Up | Wavevision - Business and Residential High Speed Broadband Internet and Cable TV...

673	set top required	Disney HD	170	63-170	Disney Channel
260	59-260	E!	187	61-187	TLC
653	71-653	E! HD	641	74-641	TLC HD
101	63-101	ESPN	242	59-242	TNT
621	78-621	ESPN 2 HD	657	70-657	TNT HD
104	63-104	ESPN Classics	660	67-660	Toon HD
620	78-620	ESPN HD	646	73-646	Travel HD
102	63-102	ESPN 2	224	61-224	Travel Channel
358	64-358	EWTV	270	59-270	truTV
343	66-343	FamilyNet	318	58-318	T-Mand
644	72-644	Food HD	765	64-765	TBK
117	64-117	Fuel	247	60-247	TVOne
273	59-273	FX	650	66-650	USA TV
654	67-654	FX HD	637	76-637	Velocity HD
347	66-347	GOD	380	61-380	VH1
310	58-310	Hallmark	226	60-226	Wealth TV
348	65-348	Halogen	647	74-647	Wealth TV HD
159	62-159	Headline News	243	60-243	WGN
222	60-222	HGTV			
645	72-245	HGTV HD			

Plus 46 DIGITAL MUSIC CHOICE CHANNELS !

Includes Bronze & Silver (Additional equipment required)

Digital Converter Channel	Cable Ready Digital TV Channel	Display Channel	Digital Converter Channel	Cable Ready Digital TV Channel	Display Channel
150	88-150	ABC News Now	280	83-280	Hallmark Move Channel
151	84-151	BBC Americas	668	set top required	Hallmark Move Channel HD
385	87-385	BET Gospel	633	92-633	HD Nat Geo Wild
194	86-194	Biography	282	85-282	IFC
636	91-636	Biography HD	185	86-185	Investigation Discovery
153	89-153	Bloomberg	312	83-312	Lifetime Real Women
301	83-301	Boomerang	245	84-245	Logo
252	84-252	Bravo	277	84-277	meTV
652	90-652	Bravo HD	186	86-186	Military Channel
387	87-387	Centric	198	66-198	Military History
274	64-272	Chiller	371	84-371	Mnet
272	85-272	cloo	376	87-376	MTV 2
155	89-155	CNBC World	377	87-377	MTV Hits
200	85-200	Cooking Channel	378	87-378	MTV Jams
271	86-271	Crime & Investigation	193	86-193	Nat Geo Wild
161	87-161	Current TV	128	89-128	NBC Sports
291	83-291	Disney XD	624	93-624	NBC Sports HD
674	set top required	Disney XD HD	126	89-126	NHLN
228	85-228	DIY	627	93-627	NHLN HD
		ESPN			

106	89-106	Deportes	295	83-295	Nick Jr
103	88-103	ESPN News	294	83-294	Nick Toons
622	94-622	ESPN News HD	135	88-135	Outdoor Channel
105	88-105	ESPNU	251	85-251	Ovation
156	88-156	FBN	182	85-182	OWN
202	85-202	Fit & Health	262	84-262	Oxygen TV
283	85-283	Fox Movie Channel	183	86-183	Planet Green
110	88-110	Fox Soccer Channel	642	92-642	Planet Green HD
628	92-628	Fox Soccer HD	640	91-640	Science Channel HD
279	83-279	Funimation	261	85-261	Style
388	87-388	Fuse	297	83-297	Teen Nick
278	84-278	G4 TV	184	83-184	The Hub
391	87-391	GAC	188	86-183	The Science Channel
120	88-120	Golf Channel	357	89-357	The Word Network
625	94-625	Golf HD	286	85-286	TCM
124	89-124	GolfTV	381	87-381	VH1 Classic Rock
384	87-384	Gospel Music	382	87-382	VH1 Soul
204	83-204	GSN	263	84-263	WE
197	86-197	H2	317	89-317	You Too

Plus 46 DIGITAL MUSIC CHOICE CHANNELS !

ATTACHMENT 4
[Schematic Drawings]

REDACTED

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

In the Matter of)	
)	
Retransmission Consent Complaint)	MB Docket No. 12-113
And Petition of Fox Television Holdings, Inc.)	CSR-8623-C
)	
To: Office of the Secretary)	
Attn: Media Bureau)	

**REQUEST OF TV MAX, INC. FOR CONFIDENTIAL TREATMENT OF INFORMATION
PURSUANT TO 47 C.F.R. § 0.459**

TV Max, Inc. (dba Wavevision, referred to as “TV Max”) by and through its counsel, files this Request for Confidential Treatment of information provided in response to the letter inquiry dated June 13, 2012 (the “June 13 Inquiry”) from Steven A. Broeckaert, Senior Deputy Chief, Policy Division, Media Bureau.

Section 0.459 of the Commission’s Rules¹ allows a party submitting information or materials to the Commission to request that such information not be made routinely available for public inspection. Materials specifically listed in Section 0.457² are automatically given confidential treatment.

Under Section 0.457(d)(2)³, materials containing “trade secrets or commercial, financial or technical data which would customarily be guarded from competitors” will not be made routinely available for inspection.

Question 2 of the June 13 Inquiry asks TV Max to “[i]dentify each building” in which TV Max retransmitted KTXH(TV) or KRIV(TV) without express consent and without the use of a MATV system on or after January 1, 2012. The requested information is provided in paragraph 4 of Attachment 1 to the Response of TV Max to Media Bureau Inquiries Dated June 13, 2012 (Declaration of Thomas Balun Responding to June 13 Inquiries), and in Attachment 2 to the Response.

Question 4 of the June 13 Inquiry asks TV Max to provide technical schematics showing how television broadcast signals are delivered to subscribers’ television sets. The requested information is provided in paragraph 6 of Attachment 1 to the Response of TV Max to Media Bureau Inquiries Dated

¹ 47 C.F.R. § 0.469.

² 47 C.F.R. § 0.457.

³ 47 C.F.R. § 0.457(d)(2).

June 13, 2012 (Declaration of Thomas Balun Responding to June 13 Inquiries), and in Attachment 4 to the Response.

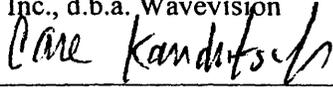
Information or other materials that specifically identify multi-dwelling unit (“MDU”) buildings served by TV Max, or that describes technical aspects of TV Max’s signal delivery systems at those buildings, would customarily be considered confidential commercial information to be guarded from disclosure to TV Max’s competitors. Accordingly, information or other materials submitted in response to Question 2 and Question 4 of the June 13 Inquiry fall within the scope of records that are not routinely available for public inspection under Section 0.457(d)(2).

TV Max therefore requests, pursuant to 47 C.F.R. § 0.459, that any and all information provided to the Commission in response to Question 2 and Question 4 of the June 13 Inquiry be treated in a confidential manner and not be made routinely available for public inspection.

Respectfully submitted,

TV Max, Inc., d.b.a. Wavevision

By:



Carl E. Kandutsch
Attorney at Law
2520 Avenue K, Ste. 700-760
Plano, Texas 75074
(207) 659-6247

Dated: June 26, 2012