

REDACTED

DECLARATION OF THOMAS BALUN RESPONDING TO JUNE 13, 2012 INQUIRIES

I, Thomas Balun, hereby state as follows:

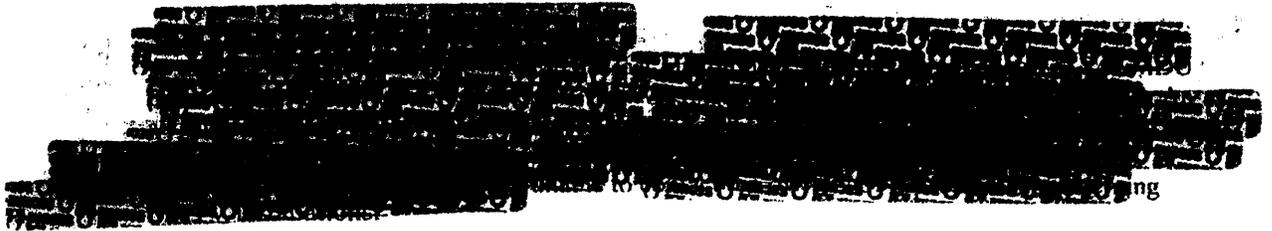
1. I am the CEO of TV Max, Inc. (dba Wavevision, referred to herein as "TV Max"). I submit this Declaration for the purpose of responding to questions (each referred to as the "Question" followed by the corresponding paragraph number) asked by the FCC's Media Bureau in MB Docket No. 12-113, CSR-8623-C 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 (DMA) is [REDACTED] MDU building [REDACTED] return [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] the date on which [REDACTED] that [REDACTED] interpreted [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.

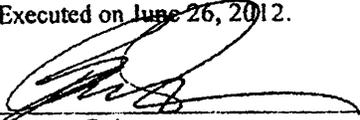
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5. Question 3: Residents of MDU buildings served by TV Max, including both paying subscribers and non-subscribers, were provided notice of the availability of free off-air channels by means of a Channel Line-Up card that was posted on the TV Max website () 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 is true and correct.
Executed on June 26, 2012.



Thomas Balun
CEO, TV Max