



Federal Communications Commission
Washington, D.C. 20554

June 13, 2012

Carl E. Kandutsch
Counsel to TV Max, Inc.
2520 Avenue K
Suite 700-760
Plano, TX 75074

Re: MB Docket No. 12-113, CSR-8623-C

Dear Mr. Kandutsch:

I am writing with regard to the retransmission consent complaint filed by Fox Television Holdings, Inc. (Fox) against TV Max, Inc. Having reviewed the complaint, answer, reply, and surreply filed in this proceeding, the Media Bureau has concluded that further information is necessary to resolve the complaint. Accordingly, please respond to the numbered inquiries set forth below by June 20, 2012. Your response must be filed in MB Docket No. 12-113, and you must serve a copy of the response on counsel for Fox.

1. Provide the total number of buildings served by TV Max in the Houston Designated Market Area ("DMA"), and the total number of those buildings in which TV Max had not installed a master antenna but nonetheless retransmitted the signal of stations KTXH(TV) and KRIV(TV) beginning January 1, 2012.
2. Identify 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. For each such building, indicate the date (if any) on which the building was converted to a MATV system and the date on which the broadcast signals were delivered vis-à-vis the MATV system, if different than the conversion date. If the building has not yet been converted to a MATV system, provide the date on which such conversion is expected to occur.
3. Provide supporting documentation or affidavits that document any contract modification with the building owner and/or price adjustment to reflect TV Max removing the local off-air broadcast stations from its basic programming tier once the building was converted to a MATV system and utilized for purposes of delivering broadcast signals to the subscribers in its building,
4. In buildings in which TV Max has installed a master antenna, how do its paying subscribers receive the signals of stations KTXH(TV) and KRIV(TV)? In particular, please address the assertions of Fox that: a) even for subscribers in buildings in which TV Max has installed a master antenna, TV Max continues to use its fiber ring to retransmit the Fox stations, b) TV Max is using advanced electronics to retransmit Fox's signals to its subscribers, and c) TV Max alters the channel number of Fox's signals. To the extent the signal is altered in any way (including re-modulating and/or altering or augmenting the PSIP metadata) please describe the methods used. We encourage TV Max to provide technical schematics that detail how television broadcast signals reach a TV Max subscriber's television via MATV and how TV Max subscribers receive the rest of its cable programming. Please provide separate explanations/schematics for those buildings that have been converted to MATV service and those that have not yet been converted.
5. Pursuant to Section 76.64(e) of the Commission's rules, to fall under the exemption to the retransmission consent requirements based on MATV status, an MVPD must "make[] reception of such signals available without charge and at the subscribers [sic] option." State whether TV

Max makes reception of KTXH(TV) and KRIV(TV) available without charge and at the option of TV Max's subscribers, and provide an explanation.

6. Pursuant to Section 76.64(e) of the Commission's rules, to fall under the exemption to the retransmission consent requirements based on MATV status, "the antenna facility used for the reception of" the broadcast signals must be "either owned by the subscriber or the building owner; or under the control and available for purchase by the subscriber or the building owner upon termination of service." State whether the MATV systems used by TV Max meet these requirements, and if so, explain how.

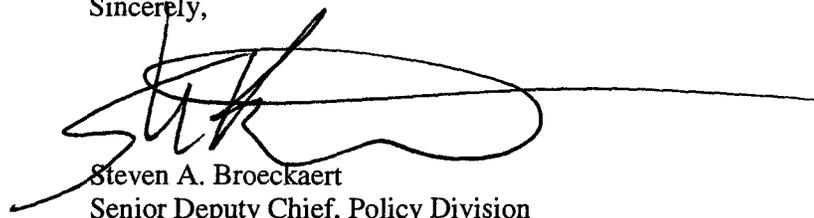
We direct TV Max to support its responses to the questions above with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of TV Max with personal knowledge of the representations provided in TV Max's response, verifying the truth and accuracy of the information therein and that all of the information and/or documents requested by this letter which are in TV Max's possession, custody, control, or knowledge has been produced. In addition to the general affidavit or declaration of the authorized officer of TV Max noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Commission's rules¹ and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.² Failure to respond appropriately to this letter may constitute a violation of the Communications Act or our rules.³

Request for Confidential Treatment. If TV Max requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Likewise, casual requests, including simply stamping pages "confidential," are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

We look forward to reviewing your response.

Sincerely,



Steven A. Broeckaert
Senior Deputy Chief, Policy Division
Media Bureau

¹ 47 C.F.R. § 1.16.

² See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

³ See *SBC Communications, Inc.*, Order of Forfeiture, 17 FCC Rcd 7589 (2002); *Globcom Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Order of Forfeiture, 18 FCC Rcd 26065 (Enf. Bur. 2003).

cc: Antoinette Cook Bush
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