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October 10, 2012

VIA HAND DELIVERY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

FILED/ACCEPTED ORIGINAL

OCT 10 2012

Federal Communications Commission  
Office of the Secretary

**Re: Reply of ABC, Inc. to TV Max Answer to Retransmission Consent Complaint  
Concerning KTRK-TV, Houston, Texas  
MB Docket No. 12-266, CSR-8707-C**

Dear Ms. Dortch:

Enclosed please find an original and one copy of the Reply of ABC, Inc. to TV Max Answer to Retransmission Consent Complaint in the above-captioned proceeding. Because the above-referenced docket is not yet available in the Commission's Electronic Comment Filing System, ABC, Inc. is filing this document electronically in the Cable Special Relief holding docket, MB Docket No. 12-1, as well as by hand. Courtesy copies of this filing also will be distributed by first-class mail to TV Max and its counsel and by e-mail to Media Bureau staff.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,



Tom W. Davidson

Enclosures

Number of Copies rec'd 0+1  
ABC/BCDE

Before the  
Federal Communications Commission  
Washington, D.C. 20554

ORIGINAL

In the Matter of )  
)  
TVMax, Inc., d/b/a Wavevision )  
)  
Enforcement Complaint Concerning )  
KTRK-TV, Houston, Texas )  
)

MB Docket No. 12-266  
CSR-8707-C

FILED/ACCEPTED

To: Secretary, Federal Communications Commission  
Attn: Chief, Video Division, Media Bureau

OCT 10 2012

Federal Communications Commission  
Office of the Secretary

**REPLY OF ABC, INC. TO TV MAX ANSWER  
TO RETRANSMISSION CONSENT COMPLAINT**

ABC, Inc. (“ABC”), licensee of KTRK-TV, Houston, Texas (“KTRK”), by and through its undersigned counsel, hereby files this Reply, pursuant to Section 76.7(c) of the rules of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> to the Answer filed on September 24, 2012 by TV Max, Inc. (d/b/a Wavevision) (“TV Max”) in response to the above-captioned Complaint.<sup>2</sup> Despite its apologetic tone, TV Max’s Answer clearly demonstrates TV Max’s disregard for its legal obligations under Section 325(b) of the Communications Act of 1934, as amended (the “Act”), and the Commission’s rules promulgated thereunder. Specifically, TV Max admits that it has failed to comply with the Act and the Commission’s rules by retransmitting the signal of KTRK without ABC’s consent and by failing to negotiate retransmission consent at all with ABC, let alone in good faith. Moreover, it is clear from the Answer that TV Max’s systems do not qualify for any exemption from the retransmission

<sup>1</sup> See 47 C.F.R. § 76.7 (2012).

<sup>2</sup> See Retransmission Consent Complaint and Petition for Order Requiring TV Max, Inc. to Show Cause Why It Should Not Cease and Desist From Violating Section 325(b) of the Communications Act, MB Docket No. 12-266, CSR-8707-C (filed Sept. 5, 2012) (“Complaint”).

consent requirements under the Commission’s rules. Further, the undisputed record concerning TV Max’s complete refusal to negotiate in good faith belies TV Max’s assertions that its failures were “not attributable to lack of good faith efforts to comply with applicable laws and regulations”<sup>3</sup> and “not the result of willful disregard of the law.”<sup>4</sup> For these reasons, ABC respectfully submits that the Bureau should issue an Order compelling TV Max to cease its illegal retransmission of KTRK’s signal immediately and imposing such sanctions as the Bureau deems appropriate.

**I. TV MAX CONCEDES IT WAS IN VIOLATION OF THE RETRANSMISSION CONSENT REQUIREMENTS FOR AT LEAST FOUR AND A HALF MONTHS.**

In its Answer, TV Max freely admits that ABC’s consent to TV Max’s retransmission of KTRK’s signal expired on March 2, 2012.<sup>5</sup> TV Max further admits that when ABC’s retransmission consent expired, it had not completed installation of master antennas on half of the MDU buildings served.<sup>6</sup> Although half of the buildings served by TV Max did not satisfy any of the requirements set forth in Section 76.64(e) as of March 2, 2012, TV Max nonetheless continued to retransmit KTRK’s signal to *all* of its buildings. Buildings not served by master antenna television facilities clearly do not—and cannot—qualify for the exemption under Section 76.64(e). Nor are cable systems eligible for any exemption for the unauthorized retransmission of broadcast signals while they are in the process of converting to a master antenna television facility system. In short, there is no dispute that TV Max was retransmitting KTRK’s signal illegally from at least March 2, 2012 until such time as TV Max converted the remainder of the buildings it serves to allegedly exempt facilities.

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<sup>3</sup> See Answer of TV Max to Retransmission Consent Complaint of ABC, Inc., MB Docket No. 12-266, CSR-8707-C, at 3 (filed Sept. 24, 2012) (“Answer”).

<sup>4</sup> See *id.* at 9.

<sup>5</sup> See *id.* at 2.

<sup>6</sup> See *id.*

Despite TV Max's acknowledgement that at least half of the buildings it serves were not converted to the allegedly exempt master antenna television facilities on March 2, 2012, TV Max nonetheless claimed to ABC on March 16, 2012 that it was "in full compliance with the requirements of 47 C.F.R. § 76.64(e)."<sup>7</sup> Such an inaccurate representation illustrates TV Max's lack of good faith in its dealings with ABC and is just one example of TV Max's willful disregard for the applicable laws and regulations governing retransmission consent. Accordingly, the Bureau should disregard TV Max's contention that it was acting in "good faith" and impose appropriate sanctions against TV Max.

**II. TV MAX'S UNAUTHORIZED RETRANSMISSION OF KTRK CONTINUES TO VIOLATE THE ACT AND THE COMMISSION'S RULES BECAUSE TV MAX'S SYSTEMS DO NOT QUALIFY FOR ANY EXEMPTION FROM THE RETRANSMISSION CONSENT REQUIREMENTS.**

TV Max was and remains in continued violation of the Act and the Commission's rules governing retransmission consent because TV Max does not have ABC's consent to retransmit KTRK's signal and TV Max's systems do not meet the criteria for the exemption set forth in Section 76.64(e).<sup>8</sup> To qualify for this exemption, an MVPD must satisfy each of the rule's conditions, including, *inter alia*, (1) reception by a master antenna facility; and (2) reception of signals without charge and at the subscriber's option. As described in the Complaint, and further detailed below, TV Max's systems do not meet the requirements to qualify for the exemption.

As an initial matter, KTRK is not being received by a master antenna facility as intended by Section 76.64(e). Section 76.64(e) contemplates the reception of a signal by a master antenna

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<sup>7</sup> See Complaint at 5 & Ex. E.

<sup>8</sup> To be clear, ABC submits that TV Max's systems, converted or not, have been in violation of the retransmission consent rules for the entire period since the expiration of ABC's consent on March 2, 2012. ABC makes no distinction between TV Max's systems before and after July 26, 2012, the date upon which TV Max asserts it has converted all of the buildings it serves to the allegedly exempt master antenna television facilities.

television facility and then the passive relaying of that signal to a consumer.<sup>9</sup> TV Max, however, is altering the signal before consumption by subscriber equipment. Specifically, TV Max states that residents in the MDU buildings it serves can receive either “the off-air signal directly through the building’s MATV facilities” *or* “an analog duplication of the off-air signal that has been inserted into the on-site MATV system for delivery to the subscriber’s television set.”<sup>10</sup> Such an analog conversion and insertion of the digital signal alters the original signal before consumer reception, contrary to the passive reception envisioned by Section 76.64(e). Therefore, such distribution constitutes an unauthorized retransmission of KTRK’s signal. Further, TV Max has conveniently ignored its statement in parallel proceedings that, even in its converted buildings, “[b]roadcast signals are delivered to MDU residents using both the fiber ring and the MATV systems.”<sup>11</sup> Such distribution of KTRK’s signal through a fiber ring is not a passive reception under the narrow exemption set forth in Section 76.64(e), but rather is also an unauthorized retransmission.

Additionally, TV Max does not deny that it is retransmitting KTRK’s signal to those residents who subscribe to and pay for TV Max’s services. Rather, TV Max’s Answer states that “[a]s of July 26, 2012 . . . , off-air broadcast signals . . . *could* be received by and delivered to consumer television sets by means of MATV systems” and that “any resident *may* receive the broadcast signals.”<sup>12</sup> TV Max’s carefully chosen language cannot conceal the obvious fact that

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<sup>9</sup> See *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order, 8 FCC Rcd 2965, 2997-98 (1993) (“*1992 Cable Act Order*”).

<sup>10</sup> See Answer at 3, 6.

<sup>11</sup> See E-mail from Carl Kandutsch, Counsel for TV Max, to Diana Sokolow, FCC Media Bureau, Policy Division, MB Docket Nos. 12-113 and 12-181 (filed July 27, 2012).

<sup>12</sup> See Answer at 6.

the potential technical capabilities of the systems TV Max installed differ dramatically from how KTRK's signal is actually being delivered to subscribers.<sup>13</sup>

TV Max erroneously claims that its combined MATV-cable systems should be analogized to the MATV-SMATV combinations the Commission deemed exempt from the retransmission consent requirement.<sup>14</sup> TV Max conveniently ignores the Commission's prior determination that "SMATV systems are, of course, multichannel distributors under the Act" and "must, therefore . . . obtain retransmission consent for any local or distant television broadcast signals (other than superstations) that they deliver via satellite or microwave channels."<sup>15</sup> In other words, only the signals received directly off-air by a combined system's master antenna television facility may qualify for the MATV exemption; signals delivered by other means remain subject to the retransmission consent requirement. The fact that one of the multiple links in TV Max's video distribution system might qualify for an exemption does not render TV Max's entire system exempt from the retransmission consent requirement when other elements of the system comprise non-exempt forms of retransmission.

Further, TV Max is not making the signals either "available without charge" or "at the subscribers option," as required under the rule.<sup>16</sup> As ABC pointed out in the Complaint (and TV Max did not deny in its Answer), TV Max has not reduced its retail subscriber rates for its

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<sup>13</sup> TV Max expends considerable time, energy, and page space bemoaning the allegedly rising costs of retransmission consent fees. In numerous FCC proceedings, the public record is replete with repeated, supported refutations by ABC and others of MVPDs' specious allegations regarding retransmission consent fees. In any event, it is well-settled that an "increase in the retransmission consent fees" is not a justifiable excuse for retransmitting a "station's signal without the originating station's express authority." See *Bailey Cable TV Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 2631, 2633 (MB 2012).

<sup>14</sup> See Answer at 8.

<sup>15</sup> See *1992 Cable Act Order*, 8 FCC Rcd at 2998 ¶ 135.

<sup>16</sup> ABC submits that these provisions render the exemption inapplicable to TV Max regardless of whether TV Max's systems meet the *technical* requirements of Section 76.64(e).

programming services since the expiration of its retransmission consent agreement with ABC.<sup>17</sup> So long as paying subscribers continue to receive broadcast signals as part of the TV Max lineup, it cannot be claimed that TV Max is not charging its subscribers a fee for the retransmission of the broadcast signals.<sup>18</sup> Additionally, the signals are not available at the subscribers' option. Even if TV Max could rationally claim that the price of high-quality broadcast programming is not included in the retail rates for its programming services, TV Max does not communicate to its customers that reception of these broadcast signals without charge is available, let alone provide them with the *option* to receive such signals without charge.<sup>19</sup> Rather, TV Max offers three tiers of paid programming, all of which combine TV Max's cable programming together with broadcast signals.<sup>20</sup> TV Max cannot be deemed to be providing KTRK without charge "at the subscribers option" if such subscribers are not even aware that a no-charge option exists for receipt of broadcast signals. Accordingly, for the reasons set forth above, TV Max fails to qualify for the exemption from the retransmission consent requirements.

### **III. TV MAX IGNORED ITS LEGAL OBLIGATION TO NEGOTIATE IN GOOD FAITH.**

It is uncontested that TV Max breached its duty to negotiate in good faith. In the Complaint, ABC specifically averred that TV Max refused to designate a representative with authority to make binding representations on retransmission consent, refused to negotiate a retransmission consent agreement, refused to meet and negotiate retransmission consent at

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<sup>17</sup> See Complaint at 11.

<sup>18</sup> As yet another broadcaster aggrieved by TV Max astutely noted, "[g]iven TV Max's claim that it had been forced to pass on "exorbitant" retransmission consent fees to subscribers, one would expect TV Max to have reduced its rates if it had truly stopped billing subscribers 'for any off-air broadcast programming.'" See *Reply to Answer of TVMax to Enforcement Complaint*, MB Docket No. 12-222, at n.19 (filed Aug. 27, 2012).

<sup>19</sup> Indeed, TV Max's own exhibit does not make clear that a permanent no-charge option existed for receipt of broadcast signals. Rather, the letter framed the free reception in terms of the unavailability of cable services. See Answer at Attachment 2 (stating that the installation of the antenna "means 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").

<sup>20</sup> See Exhibit A.

reasonable times and locations, acted in a manner that unreasonably delayed retransmission consent negotiations, and failed to respond to ABC's retransmission consent proposals.<sup>21</sup> TV Max does not deny any of the charges in its Answer that TV Max directly violated the requirements of Section 76.65 of the Commission's rules.<sup>22</sup>

TV Max's failure to negotiate demonstrates TV Max's disregard for the applicable laws and regulations and its continued lack of good faith.<sup>23</sup> As described more fully in the Complaint, TV Max was well-aware that, as of March 2, 2012, TV Max did not have ABC's consent to retransmit KTRK's signal. Further, TV Max did not mistakenly believe that it was exempt from the retransmission consent requirements, but rather, TV Max concedes that it knew full-well that not all of the MDU buildings it serves had been converted to allegedly exempt master antenna television facilities upon the expiration of ABC's consent.<sup>24</sup> Therefore, TV Max had a legal obligation under Section 76.65 of the Commission's rules to negotiate with ABC for the retransmission of KTRK's signal.<sup>25</sup> TV Max clearly understood as much, as evidenced by the fact that TV Max signed and returned on December 27, 2011 a one-month extension offer sent by ABC,<sup>26</sup> despite its alleged knowledge in November 2011 that it planned to attempt to qualify for

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<sup>21</sup> See Complaint at 13.

<sup>22</sup> By rule, any averment in the Complaint that TV Max did not expressly deny must be deemed to be admitted by TV Max. See 47 C.F.R. § 76.7(b)(2)(v); see also *In re Star Broadcasting Ltd. v. Brownwood Cable Television Service, Inc.*, 18 FCC Rcd 16446, 16447-48 (2003).

<sup>23</sup> TV Max's self-serving statement that it was allegedly in a state of disarray both financially and operationally does not justify its refusal to even respond to ABC's repeated attempts to engage in retransmission consent negotiations. In fact, until the filing of its Answer, TV Max never communicated to ABC any reason why it could not engage in retransmission consent discussions.

<sup>24</sup> See Answer at 2.

<sup>25</sup> See 47 C.F.R. § 76.65. Regardless of whether TV Max's systems ultimately qualified for the exemption under Section 76.64(e), which they do not, there can be no dispute that TV Max violated the Act and the Commission's rules by failing to negotiate in good faith for the retransmission of KTRK's signal, at the very least for the four-and-a-half month period during which TV Max freely admits to retransmitting KTRK's signal illegally.

<sup>26</sup> As ABC explained in the Complaint, ABC offered this limited extension to TV Max on its own initiative, despite not having received any response to its letters or messages from TV Max. See Complaint at 4.

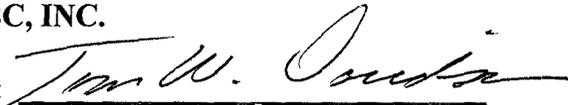
exemption from the retransmission consent rules under Section 76.64(e).<sup>27</sup> Nonetheless, rather than make any “concerted, good faith effort to remain in compliance with its legal obligations,” TV Max disregarded them. In fact, apart from the Answer it filed in the instant proceeding, TV Max has utterly refused to communicate with ABC at all.<sup>28</sup> Accordingly, TV Max breached its duty to negotiate in good faith under the Commission’s rules.

#### CONCLUSION

Given that TV Max does not have ABC’s consent or authorization to retransmit KTRK’s signal, ABC respectfully requests that the FCC order TV Max to cease its illegal retransmission of KTRK immediately. ABC further requests that the Commission impose such sanctions on TV Max as it deems appropriate.

Respectfully Submitted,

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October 10, 2012

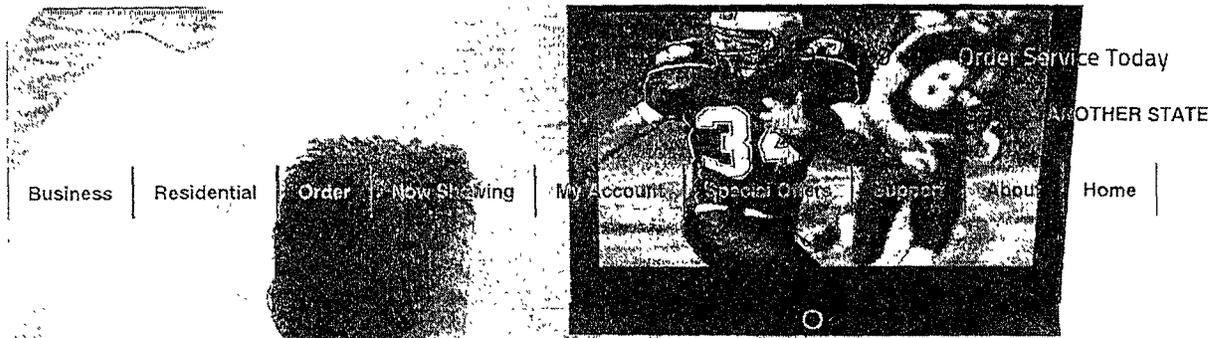
Its Attorneys

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<sup>27</sup> See Answer at 2, 3.

<sup>28</sup> See Complaint at 3-5, 13-14 (describing ABC’s repeated phone calls and letters to TV Max, all of which went unreturned). Indeed, TV Max’s communication with ABC since December 27, 2011 has been limited to a one-sentence letter.

**EXHIBIT A**



## CHANNEL LINE UP

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

Packages Available:

- 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 Programming Packages

### BRONZE

Digital Converter Channel	Digital TV Channel	Display channel (no box required)	Digital Converter Channel	Digital TV Channel	Display channel (no box required)
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 Telefutera 67	47	49-47	KTMD Telemundo 47
617	54-617	KFTH Telefutera 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	KLTJ 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

313	56-313	ABC FAMILY	332	56-332	TV SS
17	47-17	ACCESS HOUSTON	643	56-643	
180	56-180	ANIMAL PLANET	190	56-190	
372	55-372	BET	293	56-293	
16	47-16	CITY OF HOUSTON	303	56-303	
18	47-18	EDUCA	330	56-330	
19	47-19	EDUCA	284	56-284	
220	55-220	FOOD NETWORK	275	56-275	
160	56-160	FOX NEWS CHANNEL	334	56-334	TV SS
331	55-331	HOMELIFE	240	55-240	USA
355	48-355	ION LIFE	2	46-2	Wavevision Information

**SILVER**

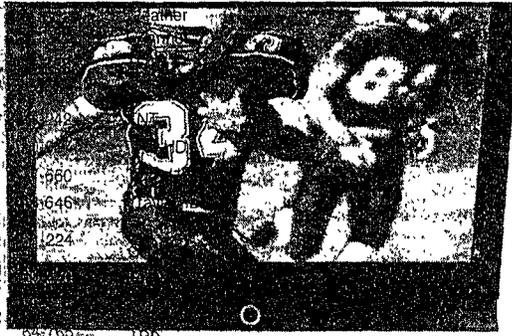
Includes Bronze Package (Additional equipment required)



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
635	73-635	Animal Planet HD	311	58-311	Lifetime
114	63-114	Big Ten Network	281	58-281	LMN
			676	set top req	Lifetime HD
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	CCTV9 (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	80-626	Speed HD
164	62-164	C-SPAN	276	60-276	Spike 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

673	set top required	Disney HD	170		
260	59-260	E I	187		
653	71-653	E I HD	641		
101	63-101	ESPN	242		
621	78-621	ESPN	657		
104	63-104		60		
620	78-620		646		
102	63-102		224		
358	64-358		270		
343	66-343		318		
644	72-644		765		
117	64-117		247	60-247	TVOne
273	59-273		650	66-650	USA TV
654	67-654		637	76-637	Velocity HD
347	66-347		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	80-243	WGN
222	60-222	HGTV			
645	72-245	HGTV HD			

Plus 46 DIGITAL MUSIC CHOICE CHANNELS



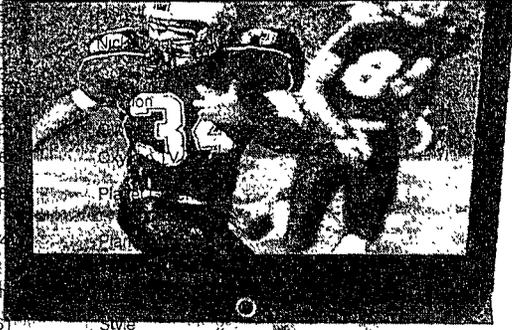
**GOLD**

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 Movie Channel
151	84-151	BBC Americas	668	set top required	Hallmark Movie 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	mavTV
652	90-652	Bravo HD	186	86-186	Military Channel
387	87-387	Centric	198	86-198	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

106	89-106	ESPN Deportes	295	83-295	
103	88-103	ESPN News	294	83-294	
622	94-622	ESPN News HD	135	88-135	
105	88-105	ESPNU	251	85-251	
156	88-156	FBN	182	85-182	
202	85-202	Fit & H		84-286	
283	85-283	Fox M		86-183	
110	88-110	Chan		92-64	
628	92-628	Fox		91-64	
279	83-279	Funima	261	85-261	Style
388	87-388	Fuse	297	83-297	Teen Nick
278	84-278		184	83-184	The Hub
391	87-391		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	GOITV	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	Yo

Plus 46 DIGITAL MUSIC CHOICE CHANNELS



<b>BROADBAND INTERNET</b>	<b>CABLE PACKAGES</b>
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**CERTIFICATE OF SERVICE**

I, Kimberly Harding, of Akin Gump Strauss Hauer & Feld, LLP, certify that a copy of the foregoing Reply of ABC, Inc. to TV Max Answer to Retransmission Consent Complaint was served via first-class mail (except as designated) on this 10th day of October 2012, upon the following:

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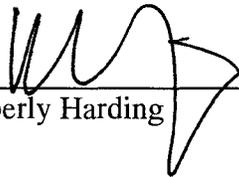
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\*Via Hand-Delivery

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