

April 2, 2013

By Electronic Mail and Electronic Filing

Evan C. Baranoff
Staff Attorney
Federal Communications Commission
Media Bureau, Policy Division
445 12th Street, S.W.
Washington, DC 20554

Re: Univision Enforcement Complaint Concerning KXLN-DT,
Rosenberg, TX and KFTH-DT, Alvin, TX, MB Docket No. 12-
181, CSR No. 8669-C (dated Jun. 21, 2012) (“Univision
Complaint”)

Dear Mr. Baranoff:

Univision Communications, Inc. (“Univision”), the parent company of the licensees of the above-captioned commercial television broadcast stations, submits this letter in response to the Media Bureau’s March 28, 2013, e-mail requesting information related to the above-captioned Univision Complaint. It is Univision’s understanding that TV Max continues to retransmit the signal(s) of KXLN-DT and/or KFTH-DT as part of its cable programming packages.¹ Univision is not in a position to determine whether these signals are being carried over TV Max’s fiber ring, but there is no retransmission consent agreement in effect with TV Max concerning either station. Thus, if TV Max is retransmitting either station’s signal over its fiber ring, TV Max is doing so without the necessary authorization from Univision.

Of possible bearing upon the Media Bureau’s questions, it has come to our attention that TV Max’s corporate affiliate Broadband Fiber, LLC was asked by the Public Utilities Commission of Texas (the “Texas PUC”) to explain the status of the pending complaints by Univision and others against TV Max at the FCC. The response of TV Max’s affiliate did not

¹ Univision understands that TV Max is retransmitting the signal of KFTH-DT and has found inconsistent information concerning whether TV Max is retransmitting the signal of KXLN-DT.

indicate that the system had stopped retransmitting the signals of KXLN-DT and KFTH-DT.² Rather, TV Max reiterated its view that it is exempt from the obligation to obtain retransmission consent, without acknowledging the Media Bureau's letter of December 20, 2012, which confirmed that TV Max "has willfully and repeatedly violated, and continues to violate" applicable law. TV Max went on to opine that "it was not until our conversation with the FCC — and its engineering staff — that the legal counsel for the Broadcasters understood the technical aspects of TVMax's compliance with the requirements of 47 C.F.R. § 76.64(e)." In light of TV Max's statements to the Texas PUC, Univision reiterates its belief that TV Max's system, assuming it retransmits Univision's stations' signals over its fiber ring, violates federal law, including the Commission's retransmission consent rules.

Christopher G. Wood
Senior Vice President and
Associate General Counsel
Univision Communications Inc.
5999 Center Drive
Los Angeles, CA 90045-0073
(310) 348-3696

Respectfully submitted,



Matthew S. DelNero
Eve R. Pogoriler
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue NW
Washington, D.C. 20004-2401
(202) 662-6000

Counsel for Univision Communications, Inc.

² See *Broadband Fiber, LLC's Response to Commission Staff's Request for Information (Question Nos. Staff 1-1 Through Staff 1-7)*, In re: Application of Broadband Fiber, LLC for Service Provider Certificate of Operating Authority, Texas PUC Docket No. 41023 (Feb. 28, 2013), at 5 (available online at http://interchange.puc.texas.gov/WebApp/Interchange/application/dbapps/filings/pgSearch_Results.asp?TXT_CNTR_NO=41023&TXT_ITEM_NO=21).