



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

October 19, 2009

Sunshine Broadcasting Company, Inc.
c/o Peter Tannenwald, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street
11th Floor
Arlington, VA 22209-3801

Mapalé LLC
c/o Stephen Hartzell, Esquire
Brooks, Pierce, McLendon,
Humphrey & Leonard, LLP
P.O. Box 1800
Raleigh, NC 27602

Re: W24DE-D, Miami, FL
Facility ID No. 168061
BMPD TT-20090630AEQ

WIMP-CA, Miami, FL
Facility ID No. 4366
BDFCDTA-20090630AIE

Gentlemen:

This refers to the following applications: (1) an application (BMPD TT-20090630AEQ) filed by Mapalé LLC (Mapalé) for modification of the construction permit for Station W24DE-D, Miami, Florida, and (2) an application (BDFCDTA-20090630AIE) filed by Sunshine Broadcasting Company, Inc. (Sunshine) to flash cut to digital operation Station WIMP-CA, Miami, Florida. Because WIMP-CA operates on Channel 25 and W24DE-D is authorized to operate on Channel 24 in the same geographic area, the two applications are mutually exclusive.

On August 31, 2009, the staff dismissed the WIMP-CA application on the basis that its proposed operation would cause interference to the proposed operation of W24DE-D. On September 21, 2009, Sunshine filed a Petition for Reconsideration of that staff action. Therein, it states that Sunshine and Mapalé entered into an agreement whereby both applications can be granted and both stations can operate without destructive interference. Specifically, the parties consent to the grant of each other's application using a stringent mask,¹ regardless of whether such operations may cause interference to either station as currently authorized or as proposed in the applications. The parties therefore request that the settlement agreement be approved by the Commission, that the Petition for Reconsideration to reinstate Sunshine's application be granted, and that subject applications be granted. In addition, the parties have submitted

¹ See Section 74.794(a)(2)(ii) of the Commission's Rules, 47 C.F.R. §74.794(a)(2)(ii).

documentation, pursuant to Section 73.3588(a) of the Commission's Rules, that neither they nor their principals have received or have been promised any monetary consideration in return for entering their agreement other than mutual benefit gained by each party's participation and concurrence.

We will approve the settlement agreement. The parties have submitted the documentation required by Section 73.3588(a) of the Commission's Rules. In addition, review of the matters raised herein, consistent with the obligation to determine whether the public interest, convenience and necessity will be served by approval of the parties' requests, does not appear to raise a question warranting further Commission action.² We will also reinstate the Sunrise application as requested. Finally, our review of the pending applications indicates that the parties are legally and technically qualified to construct and operate their facilities as proposed and consistent with their mutual agreements.

Accordingly, IT IS ORDERED that: the settlement agreement between the parties IS APPROVED; the Petition for Reconsideration filed by Sunshine Broadcasting Company, Inc. IS GRANTED and that its digital flash-cut application (BDFCDTA-20090630AIE) IS REINSTATED; and the Sunshine Broadcasting Company, Inc. digital flash-cut application (BDFCDTA-20090630AIE) and the Mapalé LLC modification of facilities application (BMPDTT-20090630AEQ) ARE GRANTED.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau

cc: Howard M. Weiss, Esquire

² See, e.g., *Booth American Co.*, 58 FCC 2d 553, 554 (1976).