



Federal Communications Commission
Washington, D.C. 20554

March 28, 2007

Mako Communications, LLC
518 Peoples St.
Corpus Christi, TX 78401

Broadcasting Systems, Inc.
5120 Woodway, Suite 10025
Houston, TX 78401

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1290 Avenue of the Americas
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Re: Applications for Low Power Digital
Companion Channels

Mako Communications, LLC
File No. BSFDTL-2006063BJL
FIN: 167686

Broadcasting Systems, Inc.
File No. BSFDTL-20060630BIP
FIN: 167664

Lotus TV of Houston, Ltd.
File No. BSFDTL-20060630CSP
FIN: 168600

Lotus TV of Tampa, Ltd.
File No. BSFDTL-20060630CQT
FIN: 168552

Dear Applicants:

This letter concerns the above-referenced applications for low power television digital companion channels filed in the auction filing window.

You have submitted a settlement agreement to resolve the mutual exclusivity among these applications. The settlement filed by Mako Communications, LLC (Mako), Broadcasting Systems, Inc. (BSI), Lotus TV of Houston, Ltd. (Lotus Houston), and Lotus

TV of Tampa, Ltd. (Lotus Tampa) calls for the dismissal of Mako's and Lotus Houston's above-referenced applications and the grant of Lotus Tampa's and BSI's above-referenced applications in MX Groups 104 and 111. In exchange for dismissing their applications, Lotus Tampa and BSI will make available to Mako and Lotus Houston a portion of the capacity of Lotus Tampa's and BSI's digital companion channels so that Mako and Lotus Houston may air their stations' programming in digital format. Upon review of your settlement agreement and related documents, we find that it complies with Section 311(c) of the Communications Act and Section 73.3525 of the Commission's Rules. We remind Lotus Tampa and BSI that, as licensees, they will be responsible for compliance with all applicable Commission laws and rules and, specifically, those related to all content aired on their digital companion channel. Application File Nos. BSFDTL-2006063BJL and CSP are hereby dismissed.

As for application File Nos. BSFDTL-20060630BIP and CQT, within 30 days of the date of this letter, the applicants must submit a complete FCC Form 346 (June 2000 version) for each file number, pursuant to the procedures set forth in the Commission's rules.¹ You must file your FCC Form 346 application electronically. You have to choose "Long form auction 85" option from perform screen. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: www.fcc.gov/mb. For assistance with electronic filing, call the Media Bureau Help Desk at (202) 418-26MB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 by the deadline set forth herein.²

The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.³ Interested parties should monitor these public notices.

¹ See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

² See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

³ See 47 C.F.R. § 73.5006.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Division at (202) 418-1600.

Sincerely,

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau