

Law Offices of Evan D. Carb, PLLC

1200 New Hampshire Avenue, NW
Suite 600
Washington, DC 20036

Ph (202) 293-2555
Fax (844) 331-4661
Carblaw@verizon.net

October 11, 2016

VIA Electronic Filing System

Mr. Hossein Hashemzadeh, Deputy Chief
Media Bureau, Video Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Miriam Media, Inc.
LPTV Application, Ch 24, Palm Springs, CA
File No. BNPDTL-20100202AAV (FAC ID 184237)
Request for Reconsideration and Reinstatement**

Dear Mr. Hashemzadeh:

Miriam Media, Inc. ("MMI") is an applicant for a new digital low power television ("LPTV") Station, on Channel 24 at Palm Springs, California (BNPDTL-20100202AAV). On August 25, 2016 the Video Division issued a letter dismissing MMI's application because, after coordination efforts, the Mexican Department of Communications (MDC) indicated that they would object to a grant of the proposed facility because it would not provide protection to digital channel 24 Mexicali, BC (a Mexican allocation for digital television).¹ Based on research and discussions with staff of the FCC's International Bureau, it is believed that the conclusion of the MDC was arrived at in error. Accordingly, MMI is hereby requesting reconsideration and reinstatement of its above-referenced application so that the International Bureau may recirculate it to the MDC.²

A review of stations and allotments for Mexicali in the Video Services TV Query utility did not reveal either an existing station or an allotment. In discussion with Staff of the International Bureau it was learned that such reference had been removed pursuant to discussions and a July 15, 2015 exchange of letters by the agencies as part of a US and Mexico 600MHz mobile broadband accord. Under a revised Table 1 Mexico was given a Channel 17 allotment at Mexicali and the Channel 24 allotment was removed.³ Paragraph 3 of the US letter from the Chief of the International Bureau states that the entries in the revised Table 1 will be considered "mutually acceptable" and "may be brought into immediate operation." The responsive Letter from Mexico makes clear at page 2 that the "final digital channels are for immediate use by

¹ See August 25, 2016 Letter of Video Division Deputy Chief Hossein Hashemzadeh (1800E1-MFC), attached hereto as Exhibit 1.

² This request is timely made pursuant to a two week extension conferred by Hossein Hashemzadeh via email dated Wed 9/21/2016 2:10 PM. The due date for such filing now falls on October 11, 2016 due to interceding holidays.

³ See attached July 15, 2015 exchange of letters and related table 1 excerpt.

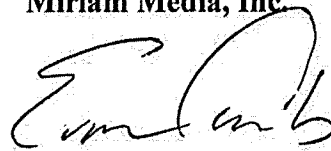
stations, except those stations marked with an asterisk (*) ... [or] with a double asterisk (**). Because there were no remaining inter-agency issues with the Channel 17 for 24 swap at Mexicali and such swap was not marked with an asterisk or double asterisk, the substitution of channel 17 for 24 at Mexicali is deemed in effect and the agencies are now operating (with regard to such swap, based on the 2015 letters.⁴ Accordingly MMI's proposal would not interfere with any future co-channel (24) station, as no such station will ever be licensed at Mexicali. Staff in the International Bureau indicated that if MMI's application were reinstated it would be recirculated to for Mexican coordination with an explanatory note regarding the Mexicali channel change.

Good cause exists to reinstate the dismissed application. Since the Mexican coordination evaluation and decision that it would object to the grant of MMI's application was likely reached without regard to the July 15, 2015 exchange of letters or the revised Table 1 attachment to those letters, the Video Division's subsequent decision to dismiss MMI's application was similarly made based on those erroneous conclusions. The fact that the two agencies are operating pursuant to the July 15, 2015 exchange of letters and related Tables was a newly discovered fact not previously known to MMI at the time its application was filed. Further, because the International Bureau staff believe that a re-circulation of the application, with a note highlighting the July 15, 2015 letters and the Table 1 change at Mexicali, may yield a different decision from the MDC, reinstatement and recirculation of MMI's application would further the Commission's statutory mandate to license stations among the several states so as to provide a fair, efficient and equitable distribution of stations in furtherance of the public interest.⁵

Accordingly, for the reasons set forth herein, MMI respectfully request that the Video Division reinstate the above referenced application and allow the International Bureau to recirculate it to the MDC.

Respectfully Submitted,

Miriam Media, Inc.



By: Evan D. Carb, Vice President

Attachments

cc: Anne Gallagher
Louis Bell
James McLuckie

⁴ As evidence of this, an application has already been filed in for the vacant Mexican Mexicali allotment on the newly protected channel 17. See BPFS-20160524AAV (Fac ID No 199433)(XHCTME-TDT) Channel 17 at Mexicali, Mexico.

⁵ 47 USC 307(b).

Attachment
Dismissal Letter



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

August 25, 2016

Miriam Media, Inc.
42859 Lindsey Heights Place
Ashburn, VA 20148

1800E1-MFC

In re: Low Power Television Application of:

Miriam Media, Inc.
Channel 24, Palms Springs, CA
File number: BNPDTL-20100202AAV
Facility Id No.: 184237

Dear Applicant:

This refers to your above-captioned application for a construction permit authorization in the low power television service.

Because your proposed transmitter site is in close proximity to the Mexican border, coordination with the Government of Mexico was mandatory as prescribed by the Mexican USA Television Agreement. As a result of this coordination, the Mexican Department of Communications has informed the Commission that it would object to the grant of your proposed facility, because it would not provide protection to digital channel 24 Mexicali, BC, a Mexican allocation of digital television.

Accordingly your application are application file number BNPDTL-20100202AAV IS
HEREBY DISMISSED.

Sincerely,

A handwritten signature in black ink, appearing to read "Hossein Hashemzadeh", is written over a horizontal line.

Hossein Hashemzadeh
Deputy Chief
Video Division
Media Bureau

Attachment
July 2015 FCC and IFT Letters and Excerpted Table 1



Federal Communications Commission
Washington, DC 20554

International Bureau

REGISTERED MAIL-RETURN RECEIPT REQUESTED

July 15, 2015

Ricardo Castañeda Álvarez
Director General de Ingeniería y Estudios Técnicos
IFT
Av. Insurgentes Sur 1143
Col. Nochebuena, C.P. 03720
Del. Benito Juárez
México, D.F.

Dear Mr. Castañeda:

The Federal Communications Commission ("FCC") and Instituto Federal de Telecomunicaciones ("IFT") have held discussions regarding use of the 54-72 MHz, 76-88 MHz, 174-216 MHz, and 470-698 MHz television broadcast bands with the intent to replace analog television service with digital and to reconfigure the UHF television band to allocate a portion of the 470-698 MHz band for mobile broadband service. This letter summarizes our mutual understanding of the key coordination factors and procedures that our Administrations intend to use as our countries initiate a joint spectrum reconfiguration for these bands. The results of these joint procedures may be subsequently formalized, through bilateral arrangements, to govern digital television service under the updated band plan, and to govern newly created mobile broadband service in the 600 MHz band in the border region, including procedures to govern use of spectrum shared by both television and mobile services. The mutual understanding between our Administrations described in this letter serves to support both the spectrum reconfiguration and the eventual development of these new arrangements.

Therefore, I propose the following joint guidelines to help advance Mexico's analog-to-digital transition and the ongoing FCC and IFT spectrum reconfiguration process:

1. The FCC and IFT intend to jointly reconfigure spectrum use in the TV broadcast bands by allocating a portion of contiguous spectrum, excluding channel 37, for use by mobile broadband service, beginning with channel 51 and extending downward.

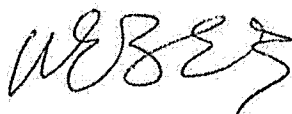
2. The FCC and IFT intend to allocate a maximum of 84 MHz of UHF television spectrum in Mexico and a maximum of 144 MHz of UHF television spectrum in the United States for mobile broadband service.
3. The FCC and IFT intend to consider the entries contained in Tables 1 and 6 to be mutually acceptable and the DTV stations listed therein may be brought into immediate operation or continue operation with the designated facilities under the following constraints:
 - 3.1. Stations in Table 1 that are listed with an “*” would be subject to delayed operation on the designated channel in order to protect existing television operation(s).
 - 3.2. Stations in Table 1 that are listed with an “*” may require modification to an alternate channel based on the final arrangement of channels that result from the FCC Incentive Auction.¹
 - 3.3. Stations in Table 6, which have multiple designated channels in addition to their current channel assignment, are approved for operation on any of the designated channels, but may operate on *only one* of the designated channels. Once this final channel of operation is determined in the FCC Incentive Auction, the remaining channels in the designated range will be eliminated.
4. The FCC and IFT intend to mutually consent to any modifications and additions to Tables 1 and 6.
5. The FCC and IFT intend to continue work on Tables 1 and 6 with the goal of formalizing the DTV Plans in a new DTV Memorandum of Understanding (“MOU”), intended to replace the 1998 DTV MOU.
6. The FCC and IFT intend to allow a limited amount of spectrum sharing between television and mobile broadband service in the 470-698 MHz band. The potential for inter-service interference (ISIX) between these services will be limited through the development of mutually acceptable techniques and factors that permit each service to operate on overlapping and adjacent frequencies.
7. The FCC and IFT intend to follow the guidelines outlined in this letter and work towards development of new bilateral arrangements to govern digital television service under the updated band plan, and to govern newly created mobile broadband service in the 470-698 MHz band in the border region, including procedures to govern use of spectrum shared by both television and mobile services.

On this occasion, I would like to thank representatives of the IFT for the excellent spirit of cooperation and commitment that has prevailed throughout this process. Please let me know if

¹ “Incentive Auction” refers to the process whereby the FCC holds a “reverse auction” in which broadcasters in the United States will offer to voluntarily relinquish some or all of their spectrum usage rights, and a “forward auction” for mobile broadband licenses.

you find the understanding outlined above (including agreement of terms 1 through 7 and the attached Tables 1 and 6) acceptable to IFT by reply letter.

Sincerely,



for

Mindel De La Torre
Chief, International Bureau
Federal Communications Commission

Attachments

Table 1: Mexico Post-Transition DTV Allotment Plan

Table 6: United States Post-Transition DTV Allotment Plan

Table 1: Mexico Post-Transition DTV Allotment Plan

Final Digital Channel	Potential Airing & Digital Transition	State	City	Latitude (NAD83)	Longitude (NAD83)	Call Sign	ERP (kW)	NCMETS (m)	Antenna	Antenna ID	Comments
14	D44	BN	ENSENADA	31-53-26.00	116-37-50.00	LICITACION	250.00	370.00	DA	1000	
16	A13	BN	ENSENADA	31-53-25.00	116-37-51.30	XHENE	29.50	144.00	DA	1001	
17	A17, D48	BN	ENSENADA	31-53-22.00	116-37-51.00	XHENI	38.00	205.00	DA	1002	
20	A2	BN	ENSENADA	31-53-25.00	116-37-51.30	XHENT	29.10	144.00	DA	1003	
23	A23, D43	BN	ENSENADA	31-53-22.00	116-37-51.00	XHS	38.00	205.00	DA	1005	
24		BN	ENSENADA	31-53-26.00	116-37-50.00	CADENA TRES	250.00	370.00	NO		
26	A57	BN	ENSENADA	31-53-22.00	116-37-51.00	XHEBC	38.00	205.00	DA	2005	
29	A29, D35	BN	ENSENADA	31-53-26.00	116-37-50.00	XHENB	1.00	368.30	DA	1006	
Floating	P15	BN	ENSENADA	31-53-26.00	116-37-50.00	LICITACION	250.00	370.00	ND		Mex 2016 auction
Floating	P25	BN	ENSENADA	31-53-28.00	116-36-21.00	LICITACION	30.00	74.00	ND		Mex 2016 auction
14(*)	A3, D47	BN	MEXICALI	32-36-41.00	115-29-39.00	XHBC	200.00	168.00	DA	1007	
15(*)	A38, D45	BN	MEXICALI	32-36-41.00	115-29-39.00	XHME	200.00	168.00	DA	1008	
16	D35	BN	MEXICALI	32-36-41.00	115-29-39.00	LICITACION	300.00	80.00	DA	1010	
17	D24	BN	MEXICALI	32-36-41.00	115-29-39.00	CADENA TRES	400.00	163.00	DA	1011	
18(*)	A32, D44	BN	MEXICALI	32-36-41.00	115-29-39.00	XHME	200.00	163.00	DA	1012	
20(*)	A66, D46	BN	MEXICALI	32-31-34.00	115-29-16.50	XHIA	255.00	99.00	DA	1013	
25	A20	BN	MEXICALI	32-36-46.20	115-29-16.50	XHXT	252.00	99.00	DA	1014	
28	A5	BN	MEXICALI	32-36-41.00	115-29-39.00	XHBM	180.00	163.00	DA	1015	
34	A14	BN	MEXICALI	32-31-34.00	114-50-24.00	XHFE	5.00	35.00	ND		Mex 2016 auction
Floating	P21	BN	MEXICALI	31-01-09.90	114-50-24.00	XHREC	107.00	34.00	DA	1016	
21	A2	BN	SAN FELIPE	31-01-21.21	114-50-15.71	XHSFE	5.00	45.00	ND		
22	A4	BN	SAN FELIPE	31-01-09.99	114-50-24.00	LICITACION	35.00	45.00	ND		
23	D51	BN	SAN FELIPE	31-01-21.21	114-50-15.71	XHSFB	40.00	45.00	ND		
26	A26	BN	SAN FELIPE	31-01-09.99	114-50-24.00	CADENA TRES	35.00	45.00	ND		
30		BN	SAN FELIPE	31-01-21.21	114-50-15.71	XHSFN	40.00	45.00	ND		
33	A8	BN	SAN FELIPE	31-01-21.21	114-50-15.71	CADENA TRES	50.00	120.00	ND		
25	D49	BN	SAN QUINTIN - SAN TELMO	30-33-55.99	115-56-36.00	LICITACION	50.00	120.00	ND		
30	A36	BN	SAN QUINTIN - SAN TELMO	30-33-55.99	115-56-36.00	LICITACION	50.00	120.00	ND		
21(*)	A49, D47	BN	TECATE	32-18-49.00	116-39-53.00	XHDTV	300.00	1,353.00	DA	1017	

**INSTITUTO FEDERAL DE TELECOMUNICACIONES
UNIDAD DE ESPECTRO RADIOELECTRICO**

IFT/222/UER/168/2015

Mexico, Distrito Federal a 15 de julio de 2015

MINDEL DE LA TORRE

Chief of the International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

PRESENTE

I refer to your communications dated 29 June and 15 July this year, received via email on the same dates, which provide updates to Table 1: post-digital TV transition allotments for Mexico; and of Table 6: allotments for the United States of America prior to the incentive auction and after the DTV transition, which take into consideration our exchange IFT / 222 / EBU / DG- IEET / 560 / 2015 dated June 2 of this year, which seeks to expand the range of channels available for use by some US stations located in the most congested border zones.

Regarding this matter, I would like to inform you that we appreciate the efforts of your Administration to find joint solutions to, on one hand, move Mexican channels located in the coordination zone established in the signed bilateral instruments below channel 37, and on the other hand, to have channel alternatives in which to relocate the US stations that remain in operation after the incentive auction in the United States of America, allowing both countries to benefit from plans to restructure the 600 MHz band to permit new wireless services.

Insurgentes Sur, 1 143,
Col. Nochebuena, C.P. 03720
Delegación Benito Juárez,
México, D.F.
Tel. (55) 5015 4000

FCC TRANSLATION

We also appreciate the incorporation in Table 1 of the coordination requests for new channels that will be included in our next Annual Frequency Bands Program 2016, which at the moment appear as "floating" channels and which at the appropriate time will have the final channels designated for them. With respect to these, I would appreciate it very much if you tell us as soon as possible which frequency band, whether VHF or UHF, will be awarded to Mexico for the 34 channel coordination requests designated as floating channels.

In addition to this, we appreciate the effort of your team in providing timely responses to requests of our administration for the coordination of complementary equipment that primary operating DTV stations need to replicate their analog coverage, a situation that has contributed to our Administration's ability to comply with the objective of successfully completing the process of transition to Digital Terrestrial Television in Mexico.

Regarding implementation of the Allotment Plan for Mexico (Table 1), we understand that the final digital channels are for immediate use by stations, except those channels marked with an asterisk (*), which in order to be used will have to await the outcome of the FCC incentive auction, which we understand will be held, at the latest, in the first half of 2016. Similarly, for stations with a double asterisk (**) their use will be subject to the process and the administrative time required to modify the channel previously authorized by IFT.

As to the updates of your DTV Allotment Plan (Table 6) which seek to expand the range of channels that potentially could be used by each station, we understand that at this time the Commission has no certainty of the channels that will finally remain in operation after the incentive auction, which is why we agree to provide flexibility with the proposals listed in Table 6, on the understanding that only one channel is finally chosen, preferably below the channel 37, for those stations remaining in operation at the end of the incentive auction.



Insurgentes Sur 1143,
Col. Nochebuena.C.P. 03720
Delegación Benito Juárez
México, D.F.
Tel. (55) 5015 4000

Because of the time constraints required by our Administrations for use of some of the channels specified in Table 1 marked with (*) and / or (**) , plus eventual definition of the final channel assignment in Table 6 we understand that the two Administrations must carry out coordination to arrange the appropriate time for ultimate implementation of operation by stations as provided in Tables 1 and 6 and to avoid the risk of affecting the DTV services on both sides of the common border.

As for the guidelines numbered 1-7 that the FCC proposed in its letter of July 15, with the aim of contributing to the process of transition to DTV in Mexico and plans for reconfiguration of the spectrum below channel 51 in both Administrations, we agree in general with the terms set by the FCC in the referenced paragraphs above. However, we state the following details:

Regarding number 2 of those guidelines referred to above, we note that this Institute has not yet formally determined the amount of MHz below channel 51 that will be reconfigured for new wireless services, so our Administration will not necessarily free a maximum of 84 MHz for mobile broadband services but may increase this amount of spectrum in the future.

Concerning numbers 5, 6 and 7 of the guidelines, we express our intention to work with the FCC to jointly establish new conditions for sharing of DTV spectrum in both countries; conditions for spectrum sharing and technical conditions for coexistence of television services and mobile broadband operations below channel 51 ; all with a view to establishing rules and procedures to agree on the use of radio spectrum for such services by amending the existing bilateral agreements and eventually adopting new bilateral agreements.

Insurgentes Sur 1143,
Col. Nochebuena C.P 03720
Delegación Benito Juárez,
México. D.F.
Tel. (55) 5015 4000



INSTITUTO FEDERAL DE
TELECOMUNICACIONES

In this regard, we express to the FCC that in negotiations to agree upon amendments to existing agreements or adoption of new bilateral agreements, this Institute would do it in coordination with the Secretariat of Communications and Transportation of Mexico, which is the formal authority for international agreements in our country in the subject matter at hand.

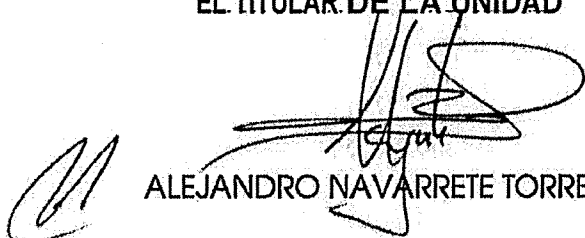
For these reasons, we express that the terms in which the FCC proposes the allotment plan for Mexico and the United States of America contained in Tables 1 and 6 with their respective specific written notes of your letter of July 15 of this year, are acceptable to our Administration as well as the proposed guidelines along with the clarifications we have described in the preceding paragraphs.

Cordially,

ATENTAMENTE

"2015, Año del Generalísimo José María Morelos Pavón"

EL TITULAR DE LA UNIDAD



ALEJANDRO NAVARRETE TORRES

c.c.p. JUAN CARLOS HERNANDEZ WOCKER.- Titular de la Coordinación General de Asuntos Internacionales del IFT. Presente.

Insurgentes Sur 1143.
Col. Nochebuena. C.P. 03720
Delegación Benito Juárez.
Mexico, D.F.
Tel. (55) 5015 4000

4/4

FCC TRANSLATION

Attachment
TV Query Search Showing
Mexicali Digital Application on Channel 17

XHCTME-TDT BN MEXICALI

Mexico

Service Designation: DT Digital television station

Transmit Channel: 17 488 - 494 MHz

Virtual Channel: (viewer sees this channel number)

Network affiliation: -

Designated Market Area (DMA): -

File No.: BPFS-20160524AAV

Facility ID number: 199433

CDBS Application ID No.: 1729797

32° 31' 33.80" N Latitude

115° 35' 46.00" W Longitude (NAD 27)

Polarization: Horizontal
(H)

Effective Radiated Power (ERP):	150.	kW ERP
Antenna Height Above Average Terrain:	-	meters HAAT -- Calculate HAAT
Antenna Height Above Mean Sea Level:	130.	meters AMSL
Antenna Height Above Ground Level:	0.	meters AGL

Directional

Antenna ID No.: 124617

Pattern Rotation: 0.0

Relative Field values for directional antenna
polar plot

Relative Field

Relative field values listed here do not include any pattern rotation that may be indicated above.

0° 0.935	60° 0.904	120° 0.986	180° 0.301	240° 0.206	300° 0.853
10° 0.916	70° 0.916	130° 0.939	190° 0.217	250° 0.217	310° 0.939
20° 0.904	80° 0.935	140° 0.853	200° 0.206	260° 0.301	320° 0.986
30° 0.899	90° 0.962	150° 0.732	210° 0.231	270° 0.436	330° 1.000
40° 0.898	100° 0.987	160° 0.587	220° 0.244	280° 0.587	340° 0.987
50° 0.899	110° 1.000	170° 0.436	230° 0.231	290° 0.732	350° 0.962