



5670 Wilshire Boulevard, Suite 1620  
Los Angeles, California 90036  
Tel: 323.965.5400 Fax: 323.965.5411

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January 10, 2019

**Via ECFS and LMS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation  
MB Docket No. 16-306; GN Docket No. 12-268

Dear Ms. Dortch:

Venture Technologies Group, LLC (“VTG”) submits this letter to preserve its future opportunity to negotiate a settlement agreement to resolve mutual exclusivity for its low-power television station license W3IEF-D (Facility ID 128222).

On October 30, 2018, the FCC released Public Notice DA 18-1108 that provides a settlement opportunity for mutually exclusive displacement applications filed during the Special Displacement Window created for LPTV, TV translator and other eligible stations displaced by the incentive auction and repacking process.<sup>1</sup> The FCC Public Notice DA 18-1108 states that “Appendix A of this Public Notice lists all displacement applications received in the Special Displacement Window that are mutually exclusive with other application.”

However, the Public Notice failed to list VTG’s application for W3IEF-D. VTG timely submitted a displacement application on June 1, 2018 for its LPTV station W3IEF-D on channel 29.<sup>2</sup> W3IEF-D was eligible to participate in the Special Displacement Window.<sup>3</sup> W3IEF-D’s displacement application is mutually exclusive with a displacement application submitted by Word of God Fellowship, Inc. (“WOGF”) for its LPTV station WPXU-LD, Facility ID 2129.<sup>4</sup> The FCC did not include the displacement applications for W3IEF-D or WPXU-LD in Appendix A to the Public Notice DA 18-1108.

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<sup>1</sup> INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU ANNOUNCE SETTLEMENT OPPORTUNITY FOR MUTUALLY EXCLUSIVE DISPLACEMENT APPLICATIONS FILED DURING THE SPECIAL DISPLACEMENT WINDOW, OCTOBER 30, 2018 TO JANUARY 10, 2019 MB Docket No. 16-306, GN Docket No. 12-268. (“Public Notice DA 18-1108”)

<sup>2</sup> See FCC File Number 0000054807.

<sup>3</sup> W3IEF-D is displaced by the post-transition construction permit of WTXF-TV.

VTG calls on the FCC to provide an opportunity for it and WOGF to resolve the mutual exclusivity of their displacement applications because Appendix A of the Public Notice DA 18-1108 did not “list[ ] all displacement applications received in the Special Displacement Window that are mutually exclusive.” VTG reserves the right to negotiate a potential settlement with WOGF to resolve the mutual exclusivity between their applications.

Respectfully Submitted,

By:   
Lawrence Rogow, Chairman  
Venture Technologies Group, LLC

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<sup>4</sup> See FCC File Number 0000051706, submitted on April 10, 2018. On June 21, 2018, the FCC granted this displacement application filed by WOGF during the Special Displacement Window. VTG filed a timely petition for reconsideration asking that the FCC rescind the grant because WOGF’s application is mutually exclusive with VTG’s displacement application for W31EF-D (FCC File Number 0000054807), which was also filed during the Special Displacement Window. WOGF did not file a response. On December 28, 2018, the FCC notified VTG that the grant of WOGF’s application was in error and is rescinded. The FCC’s analysis using TVStudy shows that WOGF’s proposed displacement on channel 29 would cause 32% interference to the service area of VTG’s proposed displacement facility on channel 29. The applications are indeed mutually exclusive.