

Received & Inspected

OCT 13 2021

FCC Mailroom

VIA COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9050 Junction Drive
Annapolis Junction, MD 20701



COURIER FILING DELIVERY

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
LOS ANGELES
BOSTON
HOUSTON
DALLAS
AUSTIN
HANOI
HO CHI MINH CITY

DuaneMorris®

FIRM and AFFILIATE OFFICES

PHILLIP M. HUDSON III, P.A.
DIRECT DIAL: +1 305 960 2273
PERSONAL FAX: +1 305 397 2443
E-MAIL: PMHudson@duanemorris.com

www.duanemorris.com

SHANGHAI
ATLANTA
BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
LAKE TAHOE
MYANMAR

ALLIANCES IN MEXICO
AND SRI LANKA

Accepted / Filed

OCT 13 2021

Federal Communications Commission
Office of the Secretary

October 13, 2021

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9050 Junction Drive
Annapolis Junction, MD 20701

Re: Notice of Decision in Bankruptcy Court Appeal (File Nos. BTCCDT-20200821AAH, AAJ, AAK, AAL; BTC-20200821AAI; Fac. ID Nos. 58342, 60165, 39887, 58340, 58341)

Dear Secretary Dortch:

In connection with the above-referenced matter, Petitioners Emilio Braun, Ramon Diez Barroso, and Pegaso Television Corp. (collectively, "Petitioners") hereby give notice to the Commission of a recent decision by the U.S. District Court for the Southern District of Florida ("Decision") affirming a Bankruptcy Court decision that effectively denied Petitioners any post-bankruptcy interest in America-CV Station Group, Inc. ("ACV") and granted entities controlled by Carlos Vasallo ("Mr. Vasallo") full control of ACV. The Decision, a copy of which is attached, is relevant to Petitioners' pending Petition for Clarification/Reconsideration filed April 28, 2021 ("Petition") under the same file numbers listed above. However, it is not dispositive of the Petition.

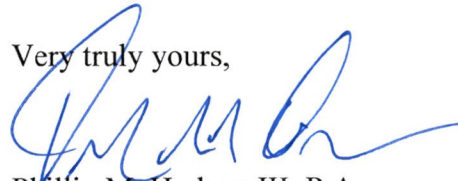
Briefly summarized, the Petition asks the Commission to clarify and/or reconsider its April 14, 2021 Order, DA 21-426 ("Order"), which conditionally granted an August 21, 2020 application ("Application"), filed on behalf of ACV and Mr. Vasallo, requesting the transfer of control of licenses to five stations (WKPV, WJPX, WJWN-TV, WIRS, WJAN-CD) to entities controlled by Mr. Vasallo. The Application was premised upon decisions by the Bankruptcy Court for the Southern District of Florida approving modifications (proposed by entities controlled by Mr. Vasallo) to ACV's reorganization plan and vesting full control of ACV in Mr. Vasallo's entities. At the time the Application was filed, Petitioners had already appealed the Bankruptcy Court's decisions; however, the Application made no mention of the pending appeal. Once the Commission issued the Order granting the Application (contingent on the filing of a petition for declaratory ruling under section 310(b)(4) of the Communications Act), Petitioners -- not Mr.

Marlene H. Dortch, Secretary
October 13, 2021
Page 2

Vasallo or his entities -- notified the Commission of the pending appeal and sought reconsideration/clarification of the Order, partly on the basis that a reversal or remand of the Bankruptcy Court's decision would completely undermine and frustrate the purpose of the Application and a related petition for declaratory ruling.

Notwithstanding the District Court's Decision, a reversal or remand of the Bankruptcy Court's decision underlying the Application is not only possible, but in Petitioners' estimation, is likely to occur. Pursuant to 28 U.S.C. § 158(d), Petitioners are granted the right to file a non-discretionary appeal of the Decision in the Court of Appeals for the Eleventh Circuit, and they intend to do so. As with the appeal to the District Court, a reversal or remand by the Circuit Court would eliminate the basis for the Application and Mr. Vasallo's petition for declaratory ruling. For that reason, as well as the other reasons set forth in the Petition, the Commission should reconsider its Order and/or clarify that any action on ACV/Mr. Vasallo's petition for declaratory ruling will be deferred pending the outcome of Petitioners' appeal, or that its outcome is conditioned on the final ruling in Petitioners' appeal.

Very truly yours,



Phillip M. Hudson III, P.A.

BY: DTD w/
AUTH. VSA E-MAIL

PMH/DTD
Attachment

cc: Mr. Francisco Montero, montero@fhhlaw.com
Mr. David Roberts, david.roberts@fcc.gov
Ms. Barbara Kreisman, barbara.kreisman@fcc.gov