



Federal Communications Commission
Washington, D.C. 20554

June 4, 2008

Venture Technologies Group, Inc.
c/o Gregory L. Masters, Esq.
Wiley Rein
1776 K Street, N.W.
Washington, D.C. 20006

Re: File No. BDFCDTL:-20060330ANP
Facility ID No. 129618

Dear Applicant:

This is with respect to the timely petition you filed seeking reconsideration of the staff's dismissal of the above-referenced digital flash-cut application for station KRMV-LP, channel 45, Banning, California, authorized to Venture Technologies Group, Inc. Because your proposed transmitter site was in close proximity to the Mexican border, the staff referred the application to Mexico for international coordination and the Mexican government notified the Commission that it objected to grant of the application because of possible interference to channel 45 at Tijuana, B.C., Mexico.

On reconsideration, you argue that the application did not require coordination because it complied with the "safe harbour" provisions of the U.S.-Mexico LPTV Agreement, as amended in 1988.¹ That agreement, however, only applies to applications for analog facilities. In its *Digital Low Power Television Report and Order* establishing rules and policies for digital LPTV and television translator stations,² the Commission recognized that existing bilateral agreements with Canada and Mexico do not contain provisions for digital LPTV, TV translator and Class A stations, and stated that until the current bilateral agreements are amended, "we will attempt to obtain the approval of such stations in the border area on a case-by-case basis."³ Given the proximity of your proposed digital facility to the Mexican border – less than 275 kilometers – the staff was required under the Commission's current processing guidelines to refer Venture's application for international coordination.⁴

¹ Specifically, you assert that UHF applications with a maximum ERP of 10 kW do not require international coordination if the proposed facility is at least 100 kilometers from the border. You further state that the facility proposed in the flash-cut application specifies a maximum ERP of 7.8 kW and is located more than 100 km from the border.

² *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, 19 FCC Rcd 19331 (2004).

³ *Id.* at 19354.

⁴ You also request that the application be reinstated so that you can work to resolve any potential interference concerns of the Mexican government. You did not, however, proffer an amendment or other engineering submission with your petition for reconsideration.

In view of the foregoing, the petition for reconsideration filed by Venture Technologies Group, Inc. IS HEREBY DENIED.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau