



Federal Communications Commission  
Washington, D.C. 20554

June 4, 2008

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

Re: File No. BDFCDTL-20060330AKG  
Facility ID No. 128327

Dear Counsel:

This is with respect to the timely petition you filed on behalf of Venture Technologies Group, Inc. ("Venture"), seeking reconsideration of the staff's dismissal of the above-referenced digital flash cut application for Channel 33, Banning, California. The application was dismissed after the staff received notice that the Secretaria de Comunicaciones Y Transportes of the United Mexican States objected to the grant of the facilities proposed in Venture's application.

We deny your petition for reconsideration for the following reasons. Venture's petition states that its application meets the minimum distance separation requirements for low power television (LPTV) stations under the terms of the *Agreement Amending the Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the Frequency Range 470-806 MHz (Channels 14-69) Along the United States-Mexico Boarder* (November 21, 1998) ("1988 Agreement"). The 1998 Agreement governs analog transmissions and does not apply to the digital flash cut application filed by Venture. In its *Digital Low Power Television Report and Order* establishing rules and policies for digital LPTV and television translator stations,<sup>1</sup> 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." Given the proximity of your proposed digital facility to the Mexican border – less than 275 kilometers - we were required under our current processing guidelines to refer your application for international coordination. In view of the foregoing, Venture's petition for reconsideration IS HEREBY DENIED.

Sincerely,

Hossein Hashemzadeh  
Associate Chief, Video Division  
Media Bureau

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<sup>1</sup> *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).