



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2007

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Re: Applications for Low Power Digital  
Companion Channels

NBC Telemundo License Co.  
File No. BSFDTL-20060630CYE  
FIN: 168746

Caballero Acquisition, Inc.  
File No. BSFDTL-20060630BPN  
FIN: 167844

Dear Applicants:

This letter concerns the above-referenced applications for low power television digital companion channels filed in the auction filing window.

You have submitted a settlement agreement to resolve the mutual exclusivity among these applications. The settlement between NBC Telemundo License Co. (NBC) and Caballero Acquisition, Inc. (Caballero) calls for the dismissal of NBC's application and the grant of Caballero's application in MX Group 132. In exchange for dismissing its application, Caballero will make available to NBC a portion of the capacity of Caballero's digital companion channel so that NBC may air its station's programming in digital format. Upon review of your settlement agreement and related documents, we find that it complies with Section 311(c) of the Communications Act and Section 73.3525 of the Commission's Rules. We remind Caballero that, as licensee, it will be responsible for compliance with all applicable Commission laws and rules and, specifically, those related to all content aired on its digital companion channel. Application File No. BSFDTL-20060630CYE is hereby dismissed.

As for application File No. BSFDTL-20060630BPN, within 30 days of the date of this letter, the applicants must submit a complete FCC Form 346 (June 2000 version) for each file number, pursuant to the procedures set forth in the Commission's rules.<sup>1</sup> You must file your FCC Form 346 application electronically. You have to choose "Long form auction 85" option from perform screen. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: [www.fcc.gov/mb](http://www.fcc.gov/mb). For assistance with electronic filing, call the Media Bureau Help Desk at (202) 418-26MB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed technical submissions of any applicant that fails to submit the complete FCC Form 346 by the deadline set forth herein.<sup>2</sup>

The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.<sup>3</sup> Interested parties should monitor these public notices.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Division at (202) 418-1600.

Sincerely,

Hossein Hashemzadeh  
Associate Chief  
Video Division  
Media Bureau

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<sup>1</sup> See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

<sup>2</sup> See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

<sup>3</sup> See 47 C.F.R. § 73.5006.