

**Request for Grant of Special Temporary Authority
WAWA-LP, Orlando, Florida (Facility ID # 67101)
WALO-LP, West Palm Beach, Florida (Facility ID # 61930)
Del Caribe Orlando, LLC and Del Caribe Partners, LLC;
Network Representation Rule, Section 73.658(i).**

GOOD CAUSE SHOWING

This is a request for issuance of Special Temporary Authority, which pertains to two different LPTV stations licensed to two different entities.

Del Caribe Orlando, LLC and Del Caribe Partners, LLC, (collectively referred to herein as “Del Caribe”) each hereby respectfully request a grant of Special Temporary Authority, to allow the newly launched GenTV Spanish language network owned by Mambo, LLC to represent Del Caribe in the sale of non-network advertising. This STA is requested for a period of six months from the date of the STA grant, **or** from the date of grant of this STA until the Commission acts on a pending *Petition for Waiver of Network Representation Rule, Section 73.658(i)* filed with the Office of the Secretary on or about March 8, 2010 by Mambo, LLC, whichever period is shorter. As good cause for this STA, Del Caribe states as follows:

Del Caribe Orlando, LLC is the licensee of WAWA-LP, a digital flashcut LPTV station licensed to Orlando, Florida, operating on Channel 47D. Del Caribe Partners, LLC, which has similar ownership to Del Caribe Orlando, LLC, pursuant to a Time Brokerage Agreement with Spirit Productions, Inc., provides programming for and has the right to utilize and sell the available airtime, including commercial time, on Low Power Television Station WALO-LP, licensed to Spirit at West Palm Beach, Florida. Del Caribe Orlando, LLC has entered into a Network Affiliation Agreement with Mambo, LLC which provides for the airing of Mambo’s new GenTV network programming in the Spanish language on WAWA-LP. Del Caribe Partners, LLC is in the process of negotiating a similar network affiliation agreement with Mambo, LLC for the airing of GenTV network programming in the Spanish language on WALO-LP.

Del Caribe is currently prohibited, pursuant to Section 73.658(i) of the Commission’s Rules (the “Network Representation Rule”), from utilizing Mambo as its sales representative, because Mambo is a network entity that is affiliated with Del Caribe. That rule section provides as follows:

- (i) No license shall be granted to a television broadcast station which is represented for the sale of non-network time by a network organization or by an organization directly or indirectly controlled by or under common control with a network organization, if the station has any contract, arrangement or understanding, express or implied, which provides for the affiliation of the station with such network organization: *Provided, however*, that this rule shall not be applicable to stations

licensed to a network organization or to a subsidiary of a network organization.

The Network Representation Rule generally prohibits a broadcast television affiliate (except a network O&O) from being represented by its network in the sale of non-network advertising. Mambo, essentially contemporaneously with this STA request, has filed a petition seeking for itself a permanent waiver of the Network Representation Rule for the affiliates of GenTV. A copy thereof is attached as a separate exhibit for convenient reference. If granted, that waiver would make it possible for GenTV to act as sales representative for WAWA-LP and WALO-LP on an ongoing basis. As discussed below, it is fully expected that this permanent waiver request will be granted in due course. However, Del Caribe is a “startup” Spanish language broadcaster, the media interests of which consist only of WAWA-LP and WALO-LP. Del Caribe does not have a sales staff, anticipating that Mambo will be able to provide that service. Because it may take some months for the Commission to act on Mambo’s pending waiver request, the instant STA is necessary in order to obviate the need for Del Caribe to retain (i.e. hire and train) a sales operation which might only be in place for a few months. Therefore, and absolutely conditioned on the outcome of the pending Mambo waiver request, Del Caribe respectfully requests that it be issued the requested STA, to permit Mambo, LLC to act as sales representative for WAWA-LP and WALO-LP during the pendency of Mambo’s waiver request.

Good cause exists for grant of the instant STA. Mambo, LLC is now launching the GenTV network, which is a new Spanish language program service that targets Hispanic persons of Latin American, non-Mexican descent. At the same time, Del Caribe is launching its two-station, Spanish language LPTV broadcast operations. The carriage of GenTV programming by WAWA-LP and WALO-LP will commence almost immediately, and WAWA-LP and WALO-LP are the only two stations that are affiliated with GenTV. Del Caribe has the exclusive right to air the GenTV programming in Florida. Del Caribe anticipates future expansion of its Florida broadcast operations. Del Caribe is of the view that the unique GenTV programming is in the best interests of its over-the-air viewers. Del Caribe will be airing local, live programming. As a startup operation, however, in an extremely challenging economic climate for broadcast operations, Del Caribe cannot afford to retain, train and deploy a sales staff for only a short period of time. It makes good sense for Mambo, LLC, to represent its Del Caribe affiliates in the sale of non-network airtime immediately. Because the Network Representation Rule was enacted a half-century ago for the clear purpose of preventing anticompetitive actions by networks, and because the clear effect of the Mambo waiver will be to *encourage* and *create* competition and diversity in Spanish language broadcasting, the purpose of the rule will not be frustrated, but will be satisfied, by the waiver and the proposed short-term STA.

As Mambo illustrates in its waiver request, it is difficult for Spanish language television stations to compete for now-scarce advertising revenues among stations with English language broadcasting. At the same time, it is even more difficult for stations

affiliated with a startup network to compete against other, much larger Spanish language broadcasters affiliated with the large Spanish language network entities such as Telemundo, Univision and Azteca. Each of these large Spanish language networks has been granted a waiver of Section 73.658(i). The Telemundo and Univision permanent waivers were granted in 1990, and a permanent waiver was granted to Azteca in 2003. A new Spanish language network, Estrella TV, filed a similar request for waiver of Section 73.658(i) in June of 2009. That waiver request was placed on public notice in October of 2009 (See, *Public Notice*, 24 FCC Rcd.12925 (2009)). Though no adverse comments were filed with respect to it, it has not yet been granted by the Commission.¹ Because of this, it is anticipated that the waiver request just filed by Mambo, LLC could take several months to grant. While the Commission cannot treat similarly situated parties differently, and therefore it is highly likely that the Mambo, LLC waiver request will be granted, it is at the same time apparent that Del Caribe must have an interim arrangement for a sales staff. Therefore, an STA is necessary for the short period between the startup of Del Caribe's broadcast operations using Mambo's innovative and unique Spanish language GenTV network programming, and the time when Mambo is authorized by the Commission to provide sales representation to its affiliates, which now consist of Del Caribe's stations.

In the unlikely event that Mambo's waiver request is denied, of course Del Caribe would immediately cease any reliance on the STA and would necessarily retain its own separate sales staff. Conversely, as soon as Mambo's waiver request is granted as expected, the STA would become moot. Should the Commission's review of Mambo's waiver request take longer than six months from the date of the grant of Mambo's waiver, Del Caribe would consider a single extension of the granted STA, though it is hoped that such would not be necessary.

Therefore, the foregoing considered, and taking into account the high probability that the Commission will ultimately grant the Mambo request for waiver of the Network Representation Rule, Del Caribe Orlando, LLC and Del Caribe Partners, LLC respectfully request that they be granted Special Temporary Authority on the terms set forth herein permitting Mambo, LLC to represent WAWA-LP and WALO-LP in connection with the sale of non-network advertising, during the pendency of the Mambo waiver request.

¹ It is unclear whether, in the interim, Estrella is presently providing sales representation to affiliates on an interim basis, and if it is, what authority may have been granted by the Commission for such representation.

Should any additional information be called for, kindly contact the undersigned, counsel for Del Caribe Orlando, LLC and Del Caribe Partners, LLC.

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