

Open Video System
Notice of Intent

Attention:
Cable Services Bureau

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054**

In the Matter of

STARPOWER COMMUNICATIONS, LLC)
)
) File No. _____
)
Notice of Intent to Establish)
an Open Video System)

**NOTICE OF INTENT
TO ESTABLISH AN OPEN VIDEO SYSTEM**

Starpower Communications, LLC, (“Starpower”), pursuant to Section 651 of the Telecommunications Act of 1996 and Sec 76.1503(b)(1) of the Commission’s Rules, hereby submits its “Notice of Intent,” (“Notice”) to establish an open video system (“OVS”). As required by Section 76.1503(b)(1), Starpower respectfully submits the following information:

1. The OVS operator is Starpower Communications, LLC. The contact person for the operator, Scott Burnside, is located at 100 Lake Street, Dallas, Pennsylvania 18612. Mr. Burnside may be reached at (717)675-6201.
2. Starpower’s projected service area includes the following communities:

Washington, DC

Starpower’s open video system will provide service to Washington, DC (CUID No. DC 20002).

Maryland

Montgomery County. Starpower’s open video system will encompass portions of Montgomery County (CUID No. MD0236) including all or portions of the following incorporated communities and their surrounding areas:

<u>Community</u>	<u>CUID Number</u>
Chevy Chase	MD0223, MD0274
Chevy Chase Sec. III	
Chevy Chase Sec. V	MD0276
Chevy Chase Village	MD0277
Chevy Chase View	
Friendship Heights	
Gaithersburg	MD0057
Garrett Park	MD0231
Glen Echo	MD0233
Kensington	MD0234
Martin’s Additions	
North Chevy Chase	
Oakmont	
Rockville	MD0222
Somerset	MD0227
Takoma Park	MD0226
Washington Grove	MD0225

Prince George’s County. Starpower’s open video system will encompass portions of Prince George’s County (CUID Nos. MD0163 and MD0172) including all or portions of the following incorporated communities and their surrounding areas:

<u>Community</u>	<u>CUID Number</u>
Berwyn Heights	MD0142
Bladensburg	MD0141
Brentwood	MD0220
College Park	MD0143
Colmar Manor	MD0221
Cottage City	MD0144
Edmonston	MD0145
Fairmont Heights	MD0182

Glenarden	MD0146
Hyattsville	MD0140
Landover Hills	MD0147
Laurel	MD0201
Mount Rainier	MD0148
New Carrollton	MD0171
North Brentwood	MD0149
Riverdale	MD0150
Takoma Park	MD0383
University Park	MD0151

•**Howard County.** Starpower’s open video system will encompass portions of Howard County (CUID Nos. MD0077 and MD0355).

Virginia

•**Arlington County.** Starpower’s open video system will encompass portions of Arlington County (CUID No. VA0108).

•**Fairfax County.** Starpower’s open video system will encompass portions of Fairfax County (CUID Nos. VA0301).

•**Independent Cities.** Starpower’s open video system will encompass all or portions of the following incorporated communities, as well portions of Fairfax County adjacent to those communities:

<u>Community</u>	<u>CUID Number</u>
City of Alexandria	VA0220
City of Falls Church	VA0327

3. The open video system will have a maximum of 330 channels available, each consisting of 6-MHz analog capacity. Subject to demand from prospective Video Programming Providers (“VPPs”), Starpower will evaluate and may implement an alternative technology including, but not limited to, a switched digital open video system. In any event, the selected solution will satisfy VPPs channel requests and meet all OVS channel capacity requirements.

4. VPPs interested in carriage on Starpower's open video system may obtain additional information about the system by completing the OVS Information Request Form

(Attachment 1) and submitting it to:

Scott Burnside
100 Lake Street
Dallas, PA 18612
(717) 675-6201

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC's rules, within five business days of receipt of a request for information, Starpower will provide the VPP with additional information regarding the open video system to enable the VPP to make an enrollment decision. With this information, the VPP will also be provided with additional forms and instructions necessary for carriage on Starpower's open video system. If a VPP decides to seek carriage on Starpower's open video system after receipt of the additional information, the VPP must submit the required forms, a non-refundable application processing fee, and a channel reservation deposit by the end of the enrollment period.

5. One third of the system's maximum capacity will be set aside for Starpower and/or its affiliates. In addition, Starpower will utilize approximately thirteen (13) channels to carry public programs, educational programs, governmental programs, and those stations entitled to demand carriage pursuant to 47 C.F.R. § 76.56 and §76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for Starpower and its affiliates.

6. The enrollment period for VPPs seeking carriage on Starpower's open video system will commence on March 19, 1998 and will conclude June 18, 1998. In order to allow for contract finalization, ensure orderly channel allocation and allow timely systems allocation to occur, VPPs must submit their preliminary enrollment requests no later than May 18, 1998.

Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a certification that Starpower has complied with all relevant notifications requirements under the FCC's open video system regulations concerning must-carry and retransmission consent (47 C.F.R. §76.1506), including a list of all the local commercial and non-commercial television stations served. (Attachment 3). An example of the notification letter sent to television stations pursuant to this Section is also appended hereto. (Attachment 4). Also attached is a certificate of service showing that Starpower's Notice of Intent has been served on all local franchising authorities which are located within Starpower's anticipated OVS service area (Attachment 5).

Respectfully submitted,
Starpower Communications, LLC

John D. McCallum

Michael J. Mahoney
Co-Chairmen

Starpower Communications, LLC
2100 Pennsylvania Avenue, N.W., Suite 225
Washington, D.C., 20037

**STARPOWER COMMUNICATIONS, LLC
OPEN VIDEO SYSTEM
INFORMATION REQUEST FORM**

Section I: Video Programming Provider Information

Name of Company: _____

Name of Contact: _____

Address: _____

Telephone: _____

Facsimile: _____

Section II: Carriage Information

Total amount of capacity requested: _____ channels

Section III: Certification and Non-Disclosure Statement

The undersigned video programming provider ("VPP") represents that it has the right under the copyright laws to select and contract for carriage of specific video programming on the Starpower open video system, and that it has no formal or informal affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC's rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services within Starpower's open video system service area, and that the capacity requested will only be used for the commercial operation of an information service. The VPP and its affiliates agree not to disclose to any other party the information provided by Starpower in response to this request, except for information that is in the public domain and except as provided in 47 C.F.R. § 76.1513(j) of the FCC's rules, and that they will not use the

information for any purpose whatsoever other than making an informed decision as to whether to enroll in the Starpower open video system and the subsequent activation of such enrollment, if any.

Signature

NameTitle

Date

**STARPOWER COMMUNICATIONS, LLC
OPEN VIDEO SYSTEM
CHANNEL ALLOCATION PROCESS**

Starpower’s anticipated total system capacity on its open video system is 330, 6 MHz analog channels. The following channel allocations already have been made:

Starpower: 110 channels for video programming + approximately 13 channels for the PEG/Must-Carry/Retransmission consent requirements. The remaining number of channels to be allocated is 207.

Initial capacity requests must be submitted by May 18, 1998. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its request. If the

sum of all channels requested exceeds available channel capacity, each VPP requesting fewer than 6 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 6, total capacity permitting. The remaining channels will be allocated to each VPP requesting more than 6 channels on a pro rata basis; that is based on the ratio of the remaining number of channels requested by all VPPs.

The following is an illustration of the allocation process based on the availability of 207 channels and a request for 398 channels from multiple VPPs.

	Total	398	32
	<u>Channels Requested</u>		<u>Minimum Allocation</u>
A	2		2
B	6		6
C	20		6
D	110		6
E	150		6
F	110		6

<u>Remaining Channels Requested</u>	<u>Ratio of Rmng Chnl Avlble to Rmng Chnl Requested</u>	<u>No. of Channels Allocated</u>
0	--	2
0	--	6
14	.478	13
104	.478	56
144	.478	74
104	.478	56
<hr/>		<hr/>
366		207

Because VPPs C through F all requested more than 6 channels, each VPP is allotted up to 6 channels as the minimum allocation.

The remaining number of channels available to be divided among the VPPs is 175 (207 channels minus 32 channels).

The number of available channels to be allocated on a pro rata basis (175) is divided by the remaining number of channels requested (366), which equals .478. This factor is used to calculate the distribution of the remaining 175 channels to VPPs C through F.

The remaining channels requested by VPPs C through F are multiplied by the pro rata factor (.478) to determine the number of channels the VPPs will be allocated in addition to the six channel minimum. Fractions of channels have been rounded to the nearest whole number, provided that the

sum of all allocations not exceed the total number of available channels.

Starpower will mail notification to each VPP to confirm the channel capacity allocation by June 2, 1998. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying Starpower by mail. Cancellations must be received by 5:00 p.m. on June 9, 1998. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a pro rata basis to the remaining VPPs who did not receive their full request. On June 15, 1998, Starpower will mail a notification to each remaining VPP to confirm the final channel capacity allocation.

CERTIFICATE OF SERVICE

I, Patrick J. Whittle hereby certify that on this 17th day of March, 1998, copies of the foregoing Starpower Communications, LLC, Notice of Intent to Establish an Open Video System was served via overnight delivery on the parties listed below:

WRC
4001 Nebraska Ave., N.W.
Washington, D.C. 20016
Attn: Allan Horlick, President &
General Manager

WTTG
5151 Wisconsin Ave., N.W.
Washington, D.C. 20016
Attn: Gene McHugh, Vice-President &
General Manager

WJLA
3007 Tilden Street, N.W.
Washington, D.C. 20008
Attn: Terrence Connelly, Jr.,
President & General Manager

WUSA
4100 Wisconsin Avenue, N.W.
Washington, D.C. 20008
Attn: Robert Sullivan, President &
General Manager

WDCA
5202 River Road
Bethesda, MD 20816
Attn: Richard H. Williams,
Vice President & General Manager

WBDC
2121 Wisconsin Avenue, N.W., Ste. 350
Washington, D.C. 20007
Attn: Michael Nurse, General
Manager

WMAR
6400 York Road
Baltimore, MD 21212
Attn: Steve Gigliotti, General
Manager

WBFF
2000 West 41st Street
Baltimore, MD 21211-1420
Attn: Steve Marks, General
Manager

WBAL
Maryland's Broadcast Center
Baltimore, MD 21211
Attn: Philip Stolz, Vice-President &
General Manager

WJZ
Television Hill
Baltimore, MD 21211
Attn: Marcellus Alexander, Vice-
President & General Manager

WNUV
3001 Druid Park Drive
Baltimore, MD 21215
Attn: Joseph Koff, General
Manager

WHSW
4820 Seton Road
Baltimore, MD 21215
Attn: Bonnie McCausey, Operations
Manager

WETA
3620 27th Street, S.
Arlington, VA 22206
Attn: Sharon Percy Rockefeller,
President & CEO

WHMM
2222 4th Street, N.W.
Washington, D.C. 20059
Attn: Marva Fletcher, General
Manager

WMPT
11767 Owings Mill Blvd.
Owings Mills, MD 21117
Attn: Norm Silverstein, Senior
VP, Administrative Services

Patrick J. Whittle

**Example of Notification Letter
(Attached)**

CERTIFICATE OF SERVICE

I, Yvonne Skinner, hereby certify that on this 17th day of March, 1998, copies of the foregoing the Starpower Communications, LLC. Notice of Intent to Establish an Open Video System were served via first class mail on the parties listed below (parties designated with * were served by hand delivery):

Chairman William E. Kennard*
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Commission Michael K. Powell*
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

Commissioner Harold Furchtgott-Roth*
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

Commissioner Susan Ness*
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

Commissioner Gloria Tristani*
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

Office of the Bureau Chief*
Cable Services Bureau
Federal Communications Commission
2033 M Street, NW
Washington, DC 20554

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Meredith Jones*
Chief of the Cable Services Bureau
Federal Communications Commission
2033 M Street, NW, Room 918
Washington, DC 20554

Larry Strickling, Chief*
Competition Division
Office of the General Counsel
Federal Communications Commission
1919 M Street, NW, Room 658
Washington, DC 20554

John E. Logan*
Deputy Chief
Cable Services Bureau
Federal Communications Commission
2033 M Street, NW, Room 918
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Cable Services Bureau
Federal Communications Commission
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Federal Communications Commission
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The Honorable Marion Barry
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District of Columbia
Executive Office of the Mayor
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* Hand Delivery
