

Explanatory Statement

By this application, BFI Licenses, LLC, a wholly owned licensee subsidiary of Encompass Digital Media, Inc. (“Encompass”), seeks the modification of its license to change the regulatory status of its C-band transmit/receive Earth station from Common Carrier to Non-Common Carrier. The current designation is a legacy of a prior licensee and not reflective of the business model that Encompass has employed since it acquired the license over a decade ago. Encompass enters into individualized transmission arrangements with customers, often including additional value-added services such as live event production, editing, graphic insertion, video-on-demand, and channel playout, with the range of services provided tailored to meet each customer’s needs. It has no customers receiving service on a common carrier basis and therefore has no need to have its licensed Earth station designated a common carrier facility. Because Encompass is not offering any common carrier service, no discontinuance notice is required under either Section 63.19 or Section 63.71 of the Commission’s Rules. Grant of this application will serve the public interest by removing an inappropriate designation from the license and clarifying the appropriate regulatory status of this facility. Encompass will continue providing services using the Earth station pursuant to individually negotiated agreements.