

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Petition for Declaratory Ruling Regarding)	MB Docket No. 18-274
Mandatory Satellite Carriage of Qualified)	
LPTV and Demand for Carriage by)	
Michael Karr d/b/a WVUX-LD)	

**DIRECTV, LLC AND DISH NETWORK L.L.C.’s JOINT OPPOSITION TO
WVUX-LD’S PETITION FOR DECLARATORY RULING AND DEMAND
FOR CARRIAGE**

AT&T Services Inc., on behalf of its affiliate DIRECTV, LLC (DIRECTV), and DISH Network L.L.C. (DISH) respectfully submit this Joint Opposition to WVUX-LD’s Petition for Declaratory Ruling and Demand for Carriage.¹ According to WVUX-LD, it is a “qualified” low power television (LPTV) station and, for that reason, WVUX-LD asserts that it has mandatory carriage rights on a direct broadcast satellite (DBS) provider’s systems. But, WVUX-LD’s claims are contrary to the Communications Act of 1934, as amended (Act), the Commission’s implementing regulations, and nearly twenty years of Commission precedent, which unambiguously state that mandatory carriage rights *do not* extend to LPTV stations on DBS platforms. There is thus no controversy or uncertainty with respect to a DBS provider’s

¹ Michael Karr d/b/a WVUX-LD Petition for Declaratory Ruling and Demand for Carriage, MB Docket No. 18-274 (dated Sept. 7, 2018) (Petition). *See also* Public Notice, Report No. 0472, MB Docket No. 18-274 (rel. Sept. 19, 2018) (*Public Notice*). Because the Petition remains undocketed and thus unavailable to the public, we attach a copy of it to this Joint Opposition.

mandatory carriage obligations for the Commission to resolve. As a result, the Commission should deny WVUX-LD's Petition.

I. LOW-POWER TELEVISION STATIONS DO NOT HAVE MUST CARRY RIGHTS ON DBS SYSTEMS

Section 338(a)(1) of the Act requires DBS providers to “carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b) of this title.” Section 338(k)(10) states that the term “television broadcast station” has the same meaning given such term in section 325(b)(7). Section 325(b)(7), in turn, defines “television broadcast station” as “an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, *except that such term does not include a low-power or translator television station.*”² Petitioner would have the Commission read the italicized text out of the statute, as well as out of section 76.66(a)(4) of its rules.³ The statutory definition of “television broadcast station” quoted above is unambiguous⁴ and the Commission is required to give effect to all of the words in this definition.⁵

Petitioner emphasizes that it is a *qualified* LPTV station (as opposed to a Class A LPTV station) and is therefore entitled to elect mandatory carriage on DBS platforms.⁶ But, that

² 47 U.S.C. § 325(b)(7) (emphasis added).

³ 47 C.F.R. § 76.66(a)(4) (adopting the same definition of “television broadcast station” as section 325(b)(7) of the Act).

⁴ See *Hearth, Patio & Barbeque Ass’n v. U.S. Dep’t of Energy*, 706 F.3d 499, 503 (D.C. Cir. 2013) (“if the intent of Congress is clear, the reviewing court must give effect to that unambiguously express intent.”).

⁵ See, e.g., *Hibbs v. Winn*, 542 U.S. 88, 101 (2004) (“A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant. . .”).

⁶ Petition at 4-5.

distinction is of no consequence to DBS providers in terms of their mandatory carriage obligations. Specifically, Petitioner asserts that the definition of “low power television station” in section 338 does not apply to “qualified” LPTV stations like WVUX-LD because the definition does not expressly mention qualified LPTV stations as it does Class A LPTV stations.⁷ Here, again, Petitioner’s argument is unavailing. The definition of “low power television station” in section 338(k)(5) states, in part, “the term ‘low power television station’ *includes* a low power television station that has been accorded primary status as a Class A television licensee. . . .”⁸ Courts have consistently held that “Congress’s use of the word ‘includes’ generally indicates that what comes next is ‘illustrative, not exclusive.’”⁹ Read in context, it is not the case that Congress sought to exclude “qualified” LPTV stations from its definition of “low power television station” in section 338(k)(5) because it did not expressly mention that term in the definition.

II. WVUX-LD’S REQUEST IS PROCEDURALLY AND LEGALLY DEFECTIVE

Through its Petition, WVUX-LD is requesting a rewrite of section 338 of the Act, a request that the Commission is powerless to grant. Petitioner bases its mislabeled “Petition for Declaratory Ruling”¹⁰ on an erroneous statement contained in a 2016 U.S. General

⁷ *Id.* at 4 (stating section 338(a)(3) and (k)(5) do not apply to WVUX-LD because it is neither a Class A LPTV station nor does it duplicate the transmission of any other station in its broadcast area).

⁸ 47 U.S.C. § 338(k)(5) (emphasis added).

⁹ *United States v. \$215,587.22 in U.S. Currency Seized from Bank Account Number 100606401387436 Held in the Name of JJ Szlavik Companies, Inc. at Citizens Bank, et al.*, 306 F.Supp. 3d 213, 218 (D.C. Cir. 2018) (further citations omitted).

¹⁰ While the default deadline for responding to a petition for declaratory ruling is 30 days from the release date of the public notice, 47 C.F.R. § 1.2(b), it does not appear from the *Public Notice* that Commission staff is treating WVUX-LD’s filing as such – a decision with which we agree. Consequently, DIRECTV and DISH are following the filing deadline set forth in section 76.7(b)(1) (oppositions are due within 20 days of the public notice).

Accountability Office (GAO) report.¹¹ In that report, GAO mistakenly states that “Federal law requires cable *and satellite* operators to carry the signal of qualified LPTV stations serving their markets. 47 U.S.C. §§ 534 and 535.”¹² According to Petitioner, this GAO statement means “Congress has been advised and likely has the understanding that qualified low power television stations are must-carry on both cable and satellite.”¹³ But, the GAO neither advises Congress on the laws that Congress passed nor interprets those laws. More importantly, as demonstrated above, Congress explicitly excluded LPTV stations from a DBS provider’s mandatory carriage obligation.

Petitioner’s argument is also flawed because it fails to mention any Commission precedent to support its arguments for mandatory carriage. This omission is for good reason: for almost twenty years, the Commission has consistently concluded that LPTV stations have *no* mandatory carriage rights on DBS systems. For example, in 2000, the Commission stated, “unlike cable operators, satellite carriers have no obligation to carry low power television stations *in any instance*.”¹⁴ The Commission has consistently reiterated this fact over the years. In 2010, the Commission stated that “low-power broadcasters do not have DBS carriage rights.”¹⁵ In 2012, the Commission explained that “[t]he cable and satellite carriage rules,

¹¹ Petition at 5 (citing *Information on Low Power Television, FCC’s Spectrum Incentive Auction, and Unlicensed Spectrum Use*, GAO-17-135, rel. Dec. 5, 2016, available at <https://www.gao.gov/assets/690/681394.pdf> (GAO Report)).

¹² *Petition* at 5 (quoting GAO Report at n.17) (emphasis added).

¹³ *Id.*

¹⁴ *Implementation of the Satellite Home Viewer Improvement Act of 1999, Broadcast Signal Carriage Issues*, CS Docket No. 00-96, Notice of Proposed Rulemaking, 15 FCC Rcd 12147, ¶ 12 (2000) (emphasis added).

¹⁵ *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, ¶ 33 (2010).

however, provide Class A and other low power television stations fewer carriage rights than those afforded to full power television stations”¹⁶ and “[l]ow power television stations and Class A stations are not entitled to carriage on satellite systems. *See* 47 U.S.C. § 338(a)(3).”¹⁷ In 2015, the Commission similarly stated, “[l]ow-power stations, including Class A stations do not have DBS carriage rights.”¹⁸ And last year, the Commission noted, “[w]e limit our discussion to the burdens on cable operators because low power stations do not have DBS carriage rights.”¹⁹

III. WVUX-LD’S REQUEST IGNORES DBS PROVIDERS’ TECHNICAL LIMITATIONS

Petitioner also states that, as a policy matter, “there is no legitimate reason to treat cable providers and satellite carriers differently.” Congress and the Commission disagree, as do DIRECTV and DISH. It is evident from the most cursory review of the Act that Congress treats cable providers and satellite carriers differently, especially as it relates to carriage obligations. Among other things, there are well-known capacity limitations that DBS providers face. In the Conference Report to the Satellite Home Viewer Improvement Act, where it created new section 338, Congress recognized the “unique technical challenges on satellite technology and constraints on the use of satellite spectrum. . . .”²⁰

¹⁶ *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, et al.*, GN Docket No. 12-268, Notice of Proposed Rulemaking, 27 FCC Rcd 12357, ¶ 372 (2012).

¹⁷ *Id.* at n.566.

¹⁸ *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, et al.*, GN Docket No. 12-268, MB Docket No. 15-137, First Order on Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668, ¶ 37 (2015).

¹⁹ *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions, et al.*, GN Docket No. 12-268, Report and Order, 32 FCC Rcd 2637, n.43 (2017).

²⁰ H.R. Conf. Rep. No. 106-464, at 102 (1999), 1999 WL 1095089.

Over the years, the Commission also has acknowledged the important differences between DBS and cable providers. For example, a decade ago, the Commission “recognize[d] that satellite carriers face unique capacity, uplink, and ground facility construction issues. . .” that warrant different treatment from cable operator requirements.²¹ DBS providers use spot beam satellites to offer local channels. Spot beam technology divides up a portion of the bandwidth available to a satellite into beams that cover limited geographic areas. The amount of bandwidth allocated to spot beams is fixed, and the vast majority of DBS providers’ spot beams are now currently full, a fact the Commission has acknowledged.²² The decision to exclude LPTV stations from the DBS mandatory carriage regime was grounded in, among other things, these technological limitations. Any attempt to change such rules now would not only be legally deficient, as discussed above, but would ignore the well-recognized technical differences between DBS and cable providers.

IV. CONCLUSION

The Act and Commission regulations unambiguously exclude LPTV stations from asserting must carry rights on DBS platforms. And, for nearly twenty years, the Commission has reiterated that satellite carriers have no obligation to carry LPTV stations. Indeed, the Commission and Congress have found that DBS providers face several technical limitations that

²¹ *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999; Local Broadcast Signal Carriage Issues and Retransmission Consent Issues*, Memorandum Opinion and Order and Second Further Notice of Proposed Rulemaking, 23 FCC Rcd 5351 ¶ 7 (2008). *See also id.* at ¶ 8 (noting “the serious technical difficulties that . . . satellite carriers face”), ¶ 9 (“We agree that there are important differences between the two services [*i.e.*, cable and satellite service]”).

²² *See, e.g., Amendment to the Commission’s Rules Concerning Market Modification; Implementation of Section 102 of the STELA Reauthorization Act of 2014*, Report and Order, 30 FCC Rcd 10406 ¶ 32 & n.178 (2015) (noting that most of DIRECTV’s spot beams already are full).

support treating DBS carriers differently from cable operators in terms of carriage obligations.

For these reasons, among others, the Commission should deny WVUX-LD's Petition.

Respectfully submitted,

/s/ Cathy Carpino

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October 9, 2018

ATTACHMENT

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of)
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Petition for Declaratory Ruling Regarding)
Mandatory Satellite Carriage of Qualified LPTV)
)

Docket No. _____

PETITION FOR DECLARATORY RULING AND DEMAND FOR CARRIAGE

Submitted by,

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Dated this 7th day of September 2018.

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Before the
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Washington, DC

In the Matter of)
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Petition for Declaratory Ruling Regarding)
Mandatory Satellite Carriage of Qualified LPTV)
)

Docket No. _____

PETITION FOR DECLARATORY RULING and DEMAND FOR COVERAGE

COMES NOW Michael Karr, owner and operator of WVUX-LD, and respectfully petitions pursuant to Rule 1.2 that this Federal Communications Commission ("Commission") issue a declaratory ruling that confirms and clarifies the key aspects of the federal code and regulatory regime requiring mandatory carriage of qualified Low Power Television stations by satellite providers who choose to carry local television. For the reasons set forth herein, Petitioner urges this Commission to grant this Petition.

I. INTRODUCTION

Petitioner owns and operates WVUX-LD, a television station in the community of Fairmont, West Virginia and in the Clarksburg/Weston-DMA. Petitioner's station is a qualified low power television station as defined in 47 USC §534(h)(2). Petitioner has successfully exercised its must-carry rights with the cable provider located within thirty-five miles of its transmission site.

The satellite carriers in Petitioner's area are DIRECTV and DISH Network. Petitioner notified both carriers of his election and demand for carriage in the

Clarksburg-DMA as a must-carry election. Both satellite providers have denied carriage on the basis that they are not required to carry *any* low power television stations – not even *qualified* low power television stations.

In the 1992 Cable Act, Congress gave LPTVs must-carry rights on cable systems provided they offered local broadcasting and programs. (See 47 USC 534(c)(1) and (h)(2)(B)). Likewise, Congress imposed the must-carry mandate upon satellite carriers in 1999 when it passed the Satellite Home Viewer Improvement Act (“SHVIA”). Section 338 of SHVIA required satellite carriers to carry on request all qualified local television broadcast stations’ signals in local markets in which the satellite carries at least one local television broadcast signal pursuant to the statutory copyright license. This Commission adopted rules to implement those provisions in November 2000.

Under the Commission’s broadcast signal carriage rules, each satellite carrier providing local-into-local service pursuant to the statutory copyright license is generally obligated to carry any qualified local television station in the particular DMA except for those which provide duplicative programming. The procedure for those qualified stations that provide over-the-air service for the first time after June 30, 2001 and thus are considered “new” as is WVUX-LD, is to exercise their right to be carried by notifying the satellite carrier. If the station meets all the requirements of Section 338, then the satellite carrier must commence carriage within ninety (90) days of receipt of the request. (See 47 CFR 76.66(d)(3)).

If the satellite carrier refuses or fails to meet its obligations under Section 338, the station must first notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier has failed to comply with its obligations

and the satellite carrier must respond in writing within thirty (30) days with its reasons for believing that it is in compliance. (See 47 USC 338(f)(1); see also 47 CFR 76.66(m)(1) and (2)). Then the station may file a complaint with the Commission within sixty (60) days following the satellite carrier's final rejection of the carriage request. (See 47 CFR 76.66(m)(6)).

In this matter, the Petitioner mailed final notice on January 16, 2018 to both Directv and Dish that it believed the satellite carriers were incorrect in their judgment that Section 338 does not to apply to "qualified LPTVs". By letter dated February 5, 2018 from Directv and letter dated February 8, 2018 from Dish, the satellite carriers responded by denying that WVUX-LD is entitled to must-carry rights because they opine that no low power station is entitled to must carry rights – not even qualified LPTVs.

Petitioner then filed this action for declaratory ruling by mailing the original to the Secretary of the FCC on March 27, 2018, which was received on April 2, 2018. On August 30 2018, counsel for Petitioner received a telephone message and email directing that this document be electronically filed with the FCC.

II. DISCUSSION

Both satellite carriers argue that qualified LPTVs are not entitled to "must carry" status on the basis that 47 USC §§ 534-535 apply to cable operators and not satellite carriers. They argue that 47 USC §338(a)(3) makes carriage of all LPTVs merely discretionary by satellite carriers – even qualified LPTVs. They argue that FCC Rule §76.66(a)(4) explicitly excludes all LPTVs, including qualified LPTVs, from the "television broadcast station". Petitioner disagrees.

Subsection (k)(5) of 47 USC §338 defines "low power television station" to mean one "as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004" and includes "a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations." Subsection (a)(3) of 47 USC §338 states, "No low power television stations whose signals are provided under section 119(a)(14) of Title 17 shall be entitled to insist on carriage under this section, regardless of whether the satellite carrier provides secondary transmission of the primary transmissions of other stations in the same local market pursuant to section 122 of such title nor shall any such carriage be considered in connection with the requirements of subsection (c) of this section."

Section 74.701(f) of Title 47 of the Code of Federal Regulations provides the definition of "low power TV station" as "[a] station authorized under the provisions of this subpart that may retransmit the programs and signals of a TV broadcast station and that may originate programming in any amount greater than 30 seconds per hour and/or operates a subscription service (citations omitted)."

Title 47 Section 338 is the section that Directv and Dish have relied upon to deny Petitioner must-carry rights. However, neither subsections apply to Petitioner because Petitioner's *qualified* low power television station is not a Class A nor does it duplicate the transmission of any other station in its broadcast area.

Rather, Petitioner operates a "qualified low power television" station as defined in 47 USC §534(h)(2) which means that (1) it conforms to the rules established for LPTVs in part 47 CFR §74; (2) broadcasts a minimum number of hours as required in 47 CFR §73 and meets the requirements therein with respect to certain programming and equal

employment opportunity; (3) complies with interference regulations consistent with its secondary status; (4) is located no more than 35 miles from the headend site; (5) delivers to the principal headend an over-the-air signal of good quality; (6) has a community of license located outside the largest 160 Metropolitan Statistical Areas, ranked by population as determined by the OMB on June 30, 1990, and the population of said community then did not exceed 35,000; and (7) has no full power television broadcast station in its county or political subdivision. By virtue of the definition, only those LPTVs in the smallest markets – meaning the bottom 50 markets whose population in the county or city is less than 35,001 – have the possibility of meeting the criteria of a qualified low power television station. It does not serve any governmental interest to further limit these qualified low power television stations by denying carriage via satellite. There is no separate definition of “qualified low power television” in Section 338 of Title 47.

Specifically, Petitioner cites the United States General Accounting Office (“GAO”) report to Congress as persuasive authority to support this Petition. In December 2016, the GAO cited 47 USC §§ 534 and 535, explaining to Congress, “Federal law requires cable and satellite operators to carry the signal of qualified LPTV stations serving their markets. 47 U.S.C. § 534 and 535” (Footnote 17, *in part*, GAO-17-135, Dec. 2016). Thus, Congress has been advised and likely has the understanding that qualified low power television stations are must-carry on both cable and satellite.

Petitioner further argues that there is no legitimate reason to treat cable providers and satellite carriers differently. Section 534 of Title 47 of the United States Code sets forth certain requirements of cable operators. Subsection (c) mandates that cable

operators carry low power stations that meet certain criteria as defined in Subsection (h)(2). Section 338 of Title 47 of the United States Code sets forth carriage obligations of satellite providers.

Moreover, if the must-carry rule does not apply to satellite carriers, then the options of public viewers who subscribe to the satellite provider are further limited. For example, if a qualified low power television station is an affiliate network for some out-of-state network, then the network cannot be seen in that qualified LPTV's political subdivision pursuant to typical contractual agreements networks enter into with affiliates. There is demonstrable dearth of full-power stations in Petitioner's Clarksburg/Weston-DMA where the nation's top four networks are affiliated with only three television stations.

Lastly, if the must-carry rule does not apply to satellite carriers, then the DBS industry will decide the criteria instead of this Commission and the law will require amendment to meet constitutional requirements. In Petitioner's State of West Virginia, the Charleston/Huntington/Parkersburg DMA was expanded to include Parkersburg, West Virginia for WSAZ, WCHS, WOWK and WVAH. In 2011 Gray Television purchased low power television stations WOVA and WIYE that were not qualified LPTVs. Yet within months, both LPTVs were carried by direct broadcast satellite operators – without the LPTVs becoming qualified LPTVs or even Class A television stations. These same satellite providers have denied must-carry coverage to Petitioner. Thus, Petitioner argues that no change in the law is necessary and that this Commission simply must clarify the must-carry right of qualified low power television stations to satellite carriers.

III. DECLARATORY RULING IS APPROPRIATE

A broadcast station may file a complaint with the Commission within sixty (60) days after the satellite carrier submits a final rejection of the station's carriage request. (See 47 CFR 76.66(m)(6)). In this matter, the Petitioner was denied his must carry rights for WVUX-LD, a qualified low power television station, by Directv as recently as February 6, 2018 and by Dish on February 12, 2018.

This Petition does not seek a new rule or revision thereto; it merely requests that this Commission declare that 47 USC §338(a)(3) does not apply to qualified LPTVs, and that satellite providers must carry qualified low power televisions that meet the criteria of 47 USC §§534-535 so that they are treated equally with cable providers.

Section 1.2 grants the FCC the power to issue declaratory rulings to remove uncertainty or resolve controversy. The United States Supreme Court has also recognized the inherent power of administrative agencies such as the FCC to clarify issues without making a new rule. (See *NLRB v. Bell Aerospace Co.*, 416 U.S. 267 (1974)).

In this matter, the Petitioner is not seeking a new rule or amendment thereof. All that is required to resolve this matter to clarify whether qualified LPTVs are entitled to insist on mandatory carriage by satellite providers or whether the carriage is optional under 47 USC §338(a)(3).

It is generally known that LPTVs have less capital resources than full power stations and therefore are less likely to formally dispute a large corporation's denial of satellite carriage. Therefore, this Commission should hear this matter to clarify that qualified

LPTVs enjoy the same must-carry rights with regard to satellite carriers as they do with cable carriers.

IV. DEMAND FOR CARRIAGE IS APPROPRIATE

A broadcast station may file a complaint with the Commission within sixty (60) days after the satellite carrier submits a final rejection of the station's carriage request. (See 47 CFR 76.66(m)(6)). In this matter, the Petitioner was denied his must carry rights for WVUX-LD, a qualified low power television station, by Directv as recently as February 6, 2018 and by Dish on February 12, 2018.

This Petition does not seek a new rule or revision thereto; it merely requests that this Commission order DIRECTV and DISH Network to carry Petitioner's qualified LPTV, finding that 47 USC §338(a)(3) does not apply to qualified LPTVs, and that satellite providers must carry qualified low power televisions that meet the criteria of 47 USC §§534-535 so that they are treated equally with cable providers.

This Commission is empowered in 47 USC §338(f) to order satellite companies to carry qualified LPTVs. In this matter, the Petitioner is not seeking a new rule or amendment thereof. All that is required to resolve this matter to clarify whether qualified LPTVs are entitled to insist on mandatory carriage by satellite providers or whether the carriage is optional under 47 USC §338(a)(3).

It is generally known that LPTVs have less capital resources than full power stations and therefore are less likely to formally dispute a large corporation's denial of satellite carriage. Therefore, this Commission should hear this matter to clarify that qualified LPTVs enjoy the same must-carry rights with regard to satellite carriers as they do with

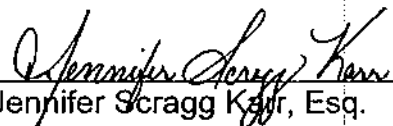
cable carriers and order that DIRECTV and DISH Network must carry Petitioner's qualified low power television station.

V. CONCLUSION

Respectfully, this Petitioner urges the FCC to act upon the question of whether qualified low power television stations have mandatory carriage rights with regard to satellite carriers and to order satellite carriage of Petitioner's qualified LPTV. A brief clarification of the present rules is all that is necessary to guarantee those rights and to equalize the treatment of satellite carriers with cable providers. No amendment or new rule is required to make this declaration. Thus, the Petitioner requests that the FCC grant this Petition, issue a Declaratory Ruling as requested herein and order satellite carriage of Petitioner's qualified low power television station.

Respectfully submitted,

Michael Karr d/b/a WVUX-LD
By counsel,



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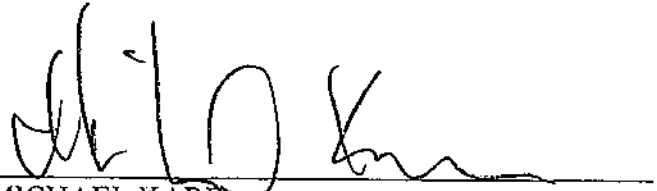
Dated: September 7, 2018

VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF PUTNAM, To Wit:

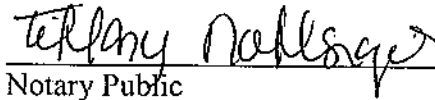
I, Michael Karr, being duly sworn, state that I have read the foregoing "Petition for Declaratory Ruling and Demand for Coverage" and it is true to the best of my knowledge and belief.



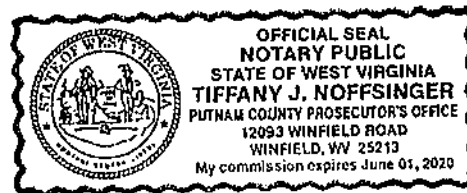
MICHAEL KARR
WVUX-LD Owner/Petitioner

Subscribed and sworn to before me this 6th day of September 2018.

My Commission expires: June 1 2020.



Notary Public



CERTIFICATE OF SERVICE

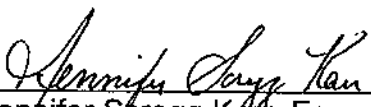
I, Jennifer Scragg Karr, Esq., counsel for Petitioner Michael Karr, do hereby certify that I have this 7th day of September 2018, served the foregoing "Petition for Declaratory Ruling and Demand for Coverage" by depositing a true copy thereof in the US Mail, First-Class postage paid, upon interested parties, Directv and Dish Network, addressed as follows:

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CERTIFICATE OF SERVICE

I, Loretia Hill, hereby certify that on this 9th day of October 2018, I caused a copy of the foregoing Joint Opposition of DIRECTV and DISH in MB Docket No. 18-274 to be served by U.S. first-class mail, postage prepaid, on WVUX-LD's counsel at the following address:

Jennifer Scragg Karr
Attorney at Law
4810 Browns Creek Road
Saint Albans, WV 25177

/s/ Loretia Hill