



JOHN FITCH
TITUS COUNTY
COMMISSIONER PCT. 2

100 WEST 1ST STREET
MT. PLEASANT, TEXAS 75455
OFFICE: 903-572-7172
CELL: 903-563-2867
EMAIL: JFITCH@CO.TITUS.TX.US

April 8, 2019

Allison A. Minea
Director and Senior Counsel, Regulatory Affairs
DISH Network, LLC
1110 Vermont Ave. NW
Suite 750
Washington, D.C. 20005

Dear Mrs. Minea:

The Federal Communications Commission (FCC) recently announced it is accepting market modifications under The Satellite Television Extension and Localism Reauthorization Act of 2014 (STELAR). The FCC also stated that: "We encourage prospective petitioners to contact the satellite carrier before filing a satellite market modification petition to determine whether or not the perspective petition is technical and economically feasible for the carrier. This voluntary process is referred to as "pre-filing coordination."

Currently Titus County, Texas is assigned to the Shreveport, Louisiana Designated Market Area (DMA). The vast majority of television viewers in Titus County desire the ability of in-state television, specifically Tyler-Longview, Texas.

The Texas channels to be evaluated are:

1. KLTU-TV (ABC) channel 7, Tyler-Longview, Texas
2. KETK-TV (NBC) channel 56, Jacksonville, Tyler-Longview, Texas
3. KFXK-TV (FOX) channel 51, Longview, Texas
4. KYTX-TV (CBS) channel 19, Nacogdoches, Texas, or KTVT-TV (CBS) channel 11, Dallas, Fort-Worth, Texas

This is to advise that the Titus County Commissioners Court has unanimously voted to follow the FCC rules, as modified under the STELAR Act, to begin the process for



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a market modification request. The purpose of this letter is to initiate the "pre-filing coordination" to ascertain that Titus County, Texas's prospective petition is technically and economically feasible for "DISH Network."

The Commissioners Court is set up by the Texas Constitution as the acting governing authority in all of the 254 counties in the state of Texas. The Court consists of four County Commissioners and a County Judge. I preside on said Court and represent the favor of the court on this request.

If you have any questions or need clarification, you may contact John Fitch, Titus County Commissioner, Precinct 2. It is my understanding that we can expect your response within 45 days.

Very truly yours,

John Fitch
Commissioner Precinct 2, Titus County

Titus County Commissioners Court Signatures

Brian Lee, Titus County Judge

Al Riddle, Commissioner Precinct 1

Dana Applewhite, Commissioner Precinct 3

John Fitch, Commissioner Precinct 2

Jimmy Parker, Commissioner Precinct 4





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April 8, 2019

Direct TV, LLC
Local-into-Local-Market Modification
2260 East Imperial Highway
El Segundo, California 90245
Attention: VP, Content and Programming

Dear Sir or Madam:

The Federal Communications Commission (FCC) recently announced it is accepting market modifications under The Satellite Television Extension and Localism Reauthorization Act of 2014 (STELAR). The FCC also stated that: "We encourage prospective petitioners to contact the satellite carrier before filing a satellite market modification petition to determine whether or not the perspective petition is technical and economically feasible for the carrier. This voluntary process is referred to as "pre-filing coordination."

Currently Titus County, Texas is assigned to the Shreveport, Louisiana Designated Market Area (DMA). The vast majority of television viewers in Titus County desire the ability of in-state television, specifically Tyler-Longview, Texas.

The Texas channels to be evaluated are:

1. KLTU-TV (ABC) channel 7, Tyler-Longview, Texas
2. KETK-TV (NBC) channel 56, Jacksonville, Tyler-Longview, Texas
3. KFXK-TV (FOX) channel 51, Longview, Texas
4. KYTX-TV (CBS) channel 19, Nacogdoches, Texas or KTVT-TV (CBS) channel 11, Dallas-Fort Worth, Texas

This is to advise that the Titus County Commissioners Court has unanimously voted to follow the FCC rules, as modified under the STELAR Act, to begin the process for a market modification request. The purpose of this letter is to initiate the "pre-



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filing coordination" to ascertain that Titus County, Texas's prospective petition is technically and economically feasible for "Direct TV."

The Commissioners Court is set up by the Texas Constitution as the acting governing authority in all of the 254 counties in the state of Texas. The Court consists of four County Commissioners and a County Judge. I preside on said Court and represent the favor of the court on this request.

If you have any questions or need clarification, you may contact John Fitch, Titus County Commissioner, Precinct 2. It is my understanding that we can expect your response within 45 days.

Very truly yours,

A handwritten signature of John Fitch in black ink.

John Fitch
Commissioner Precinct 2, Titus County

Titus County Commissioners Court Signatures

A handwritten signature of Brian Lee in black ink.

Brian Lee, Titus County Judge

A handwritten signature of Al Riddle in black ink.

Al Riddle, Commissioner Precinct 1

A handwritten signature of Dana Applewhite in black ink.

Dana Applewhite, Commissioner Precinct 3

A handwritten signature of John Fitch in black ink.

John Fitch, Commissioner Precinct 2

A handwritten signature of Jimmy Parker in black ink.

Jimmy Parker, Commissioner Precinct 4





*Alison Minea
Director & Senior Counsel, Regulatory Affairs
(202) 463-3709*

August 15, 2016

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Brian Lee
Titus County Judge
Titus County
100 W. First Street Suite 200
Mt. Pleasant, TX 75455

*Re: STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter
for Titus County, TX, MB Docket No. 15-71*

Dear Judge Lee:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),¹ pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²

The Letter requests information regarding carriage of local broadcast stations from the Tyler-Longview, Texas market.

The attached Feasibility Certification pursuant to 47 C.F.R § 76.59(e) reflects DISH's response to the Letter.

Please contact the undersigned if you have any questions.

¹ Letter from the Brian Lee, Titus County Judge, Titus County, TX to Alison Minea, DISH Network, June 21, 2016.

² See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

Sincerely,

/s/

Alison Minea

Director and Senior Counsel, Regulatory
Affairs

DISH Network L.L.C.

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)



Alison Minea
Director & Senior Counsel, Regulatory Affairs
(202) 463-3709

June 18, 2019

VIA ECFS AND FIRST CLASS MAIL

Mr. John Fitch
Commissioner Precinct 2
Titus County
100 W. First Street Suite 200
Mt. Pleasant, TX 75455

Re: *STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter for Titus County, TX*, MB Docket No. 15-71

Dear Commissioner Fitch:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),¹ pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").² The Letter requests information regarding carriage of local broadcast stations from the Tyler-Longview, Texas market. DISH notes that Titus County sent a similar request in 2016.³ DISH therefore reattaches its 2016 response to that first letter

Please contact the undersigned if you have any questions.

Sincerely,

/s/

Alison Minea
Director and Senior Counsel, Regulatory
Affairs
DISH Network L.L.C.

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)

¹ Letter from John Fitch, Titus County, TX to Alison Minea, DISH Network, April 8, 2019.

² See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ Letter from Brian Lee, Titus County Judge, Titus County, TX to Alison Minea, DISH Network, June 21, 2016.

FEASIBILITY CERTIFICATION PURSUANT TO 47 C.F.R § 76.59(e)

1. This certification is issued by DISH Network L.L.C. ("DISH") pursuant to the pre-filing coordination procedures contained in the Federal Communications Commission's ("FCC") Order¹ governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²
2. This certification responds to the letter ("Letter") from the Titus County Judge Brian Lee requesting information regarding carriage of local broadcast stations from the Tyler-Longview, Texas designated market area ("DMA") (the "Stations") to DISH subscribers in Titus County, Texas (the "County").
3. DISH has evaluated the Letter in light of its current satellites and spot beam configurations, and has determined that, at this time, DISH is unaware of any factors that render such carriage "technically infeasible" pursuant to 47 C.F.R. § 76.59(e). DISH, however, reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite being brought into service for the area that includes the County which has different coverage capabilities than the satellite(s) currently being used.
4. To the extent that a Tyler-Longview, Texas local broadcast station impacted by a market modification elects retransmission consent with respect to DISH for carriage of its station in the County, DISH cannot be certain whether it will be able to successfully reach an agreement with the station. If DISH is unable to reach a retransmission consent agreement with a given station, it will be impossible for DISH to provide that station's signal into the County. If any one of the Stations were to deny DISH the right to retransmit its signal into the County, it may be either technically or economically infeasible,³ or both, for DISH to launch a customer offering with only the remaining stations that did grant retransmission consent.
5. As DISH noted in its comments during the development of the market modification rules,⁴ an FCC grant of a market modification could result in, among other things, two different stations affiliated with the same broadcast network being authorized for satellite local-into-local carriage in the County. This could result in DISH being required to pay retransmission consent fees twice for the same broadcast network. Therefore, we must reserve the right to charge additional fees to subscribers in the County who elect to receive any Tyler-Longview, Texas local broadcast stations that DISH may be authorized to offer as a result of any market modification.

¹ Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, Report and Order, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015).


² STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ See 47 C.F.R. § 76.59(e).

⁴ Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

6. Without the ability to offset the additional costs associated with a market modification, it would be "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to comply with a market modification ordered by the FCC consistent with the request described in the Letter.

The foregoing has been prepared using facts of which I have personal knowledge or upon information provided to me. I certify under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.



Alison Minea
Director & Senior Counsel,
Regulatory Affairs
DISH Network L.L.C.

Executed on August 15, 2016.

