

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

In the Matter of)	
)	
Gray Television Licensee, LLC)	MB Docket No. 18-8
)	
For Modification of the Television Market)	CSR-8949-A
for WYMT-TV, Hazard, Kentucky)	
Facility Identification Number 24915)	

RESPONSE OF DIRECTV, LLC TO STAFF INQUIRY

DIRECTV, LLC (“DIRECTV”) hereby responds to the inquiry of Evan Baranoff, Staff Attorney, Policy Division, Media Bureau, in the above-captioned proceeding.¹ Mr. Baranoff requested clarification of DIRECTV’s statement that “adding WYMT to the Lexington, KY spot beam is infeasible for the independent reason that DIRECTV currently lacks sufficient capacity to launch WYMT in accordance with the Commission’s rules unless WKYT is deleted from the spot beam.”² The email sought information on whether “the Lexington, KY spot beam is full and thus at this time there is not a slot available on this spot beam for a new channel.”³

DIRECTV clarifies that its Lexington, KY spot beam is “full” in that the MPEG-4 spot beam serving the market does not have the capacity to add a new channel in high-definition (“HD”) format. Because DIRECTV currently carries local broadcast signals in HD in the Lexington, KY designated market area (“DMA”) (as well as in the Orphan Counties, as defined in DIRECTV’s Opposition), HD carriage for WYMT would be required under the Commission’s

¹ Email from Evan Baranoff, FCC, to Amanda Potter, AT&T, *et al.* (Mar. 27, 2018) (“March 27 Email”).

² Opposition of DIRECTV, LLC to Petition for Special Relief, MB Docket No. 18-8, at 6 (filed Feb. 5, 2018) (“Opposition”).

³ See March 27 Email (emphasis in original).

rules regarding material degradation, including, in particular, the HD carry-one, carry-all rule.⁴

Thus, as DIRECTV explained in its response to Gray’s pre-filing coordination letter, DIRECTV “lacks sufficient spot beam capacity to carry both WYMT (CBS) and WKYT (CBS) stations” on the Lexington, KY spot beam.⁵

Respectfully submitted,

/s/ Amanda E. Potter

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April 5, 2018

⁴ See 47 C.F.R. § 76.66(k); *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*, Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking, 23 FCC Rcd 5351 ¶¶ 5-6 (2008).

⁵ Moreover, as DIRECTV explained in its response to Gray’s pre-filing coordination letter, DIRECTV is in the process of retiring the MPEG-2 spot beam serving the Lexington, KY DMA. DIRECTV is now actively transitioning customers with MPEG-2 equipment and has scheduled the retirement date for early next year. Given DIRECTV’s imminent retirement of MPEG-2 service in the Lexington, KY DMA, carriage of WYMT should be deemed technically and economically infeasible for that separate reason. See *La Plata County, Colorado Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV, and KUSA-TV, Denver, Colorado*, Memorandum Opinion and Order, 32 FCC Rcd 1474 ¶ 18 (MB 2017) (providing for a determination of infeasibility based on “finalized” plans to remove a satellite from service).

CERTIFICATE OF SERVICE

I, Loretia Hill, hereby certify that on this fifth day of April, 2018, a true and correct copy of the foregoing Response of DIRECTV, LLC to Staff Inquiry was served, via first-class mail, upon the following:

Robert J. Folliard, III
Gray Television Licensee, LLC
Assistant Secretary
4370 Peachtree Road, NE
Atlanta, GA 30319

/s/ Loretia Hill
Loretia Hill