



Alison Minea  
Director and Senior Counsel, Regulatory Affairs  
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May 3, 2019

***VIA ECFS, EMAIL, AND FIRST CLASS MAIL***

Natalie Menius Rountree  
County Manager, Gates County  
200 Court Street  
PO Box 148  
Gatesville, NC 27938

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

Dear Ms. Rountree:

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

The Request seeks requests information regarding carriage of three channels into Gates County, North Carolina

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.

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)

<sup>1</sup> Letter from Natalie Menius Rountree, Gates County, to Alison Minea, DISH Network, March 11, 2019.

<sup>2</sup> 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)).

**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”) Order<sup>1</sup> governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).<sup>2</sup>
2. This certification responds to the letter (“Letter”) from the county manager for Gates County, North Carolina seeking information regarding carriage of three TV channels by DISH: WNCT (Greenville, NC); WRAL (Raleigh, NC); and Spectrum News (NC-Channel 14, Time Warner Cable).
3. DISH does not carry Spectrum News (NC-Channel 14, Time Warner Cable), and to the best of DISH’s knowledge, that channel is not an over-the-air TV broadcast station. This Feasibility Certification, therefore, is limited to WNCT (Greenville, NC) and WRAL (Raleigh, NC) (the “Stations”).
4. 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 carriage of the Stations into Gates County to be “technically infeasible” or “economically 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.
5. DISH cannot be certain whether it will be able to successfully reach an agreement with either of the Stations, in the event the FCC grants a market modification. 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.
6. As DISH noted in its comments during the development of the market modification rules,<sup>3</sup> 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 additional stations that DISH may be authorized to offer as a result of any market modification.

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<sup>1</sup> 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).

<sup>2</sup> 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)).

<sup>3</sup> Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

7. 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.



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

Executed on May 3, 2019