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May 28, 2019

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Re: Gray Media Group, Inc, Petition for Special Relief for Modification of the Television Market of Station WCJB-TV with Respect to DISH Network and DIRECTV, MB Docket No. 19-131*

Dear Mr. Dortch:

DISH Network L.L.C. (“DISH”) submits this letter to incorporate into the above-referenced docket its response to Gray Television, Inc. in response to a request for a feasibility certification regarding carriage of WCJB-TV in Columbia and Marion counties, Florida.

Sincerely,

/s/ Alison Minea

Alison Minea  
Director & Senior Counsel, Regulatory  
Affairs



*Jeffrey H. Blum*  
*Senior Vice President and Deputy General*  
*Counsel*  
*(202) 463-3703*  
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October 22, 2018

***VIA ECFS AND FIRST CLASS MAIL***

Robert J. Folliard, III  
Vice President & Deputy General Counsel  
Gray Television, Inc.  
4370 Peachtree Road NE  
Atlanta, GA 30319

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

Dear Mr. Folliard:

DISH Network L.L.C. (“DISH”) is in receipt of your pre-filing coordination letter (“Letter”),<sup>1</sup> 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”).<sup>2</sup>

The Letter requests information regarding carriage of WCJB-TV, Gainesville, Florida into Columbia County, Florida and Marion County, Florida. 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.

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<sup>1</sup> Letter from Robert Folliard, III, Vice President & Deputy General Counsel, to DISH Network Programming Department, September 6, 2018.

<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)).

Sincerely,

/s/ Jeffrey H. Blum

Jeffrey H. Blum  
Senior Vice President and Deputy General  
Counsel  
DISH Network L.L.C.

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

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

1. This Feasibility 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 Feasibility Certification responds to the letter (“Letter”) dated September 6, 2018 from Robert J. Folliard, III, Vice President & Deputy General Counsel, Gray Television, Inc., requesting information regarding carriage of WCJB-TV, Gainesville, Florida into Columbia County, Florida and Marion County, Florida (together, the “Counties”).
3. DISH carries WCJB-TV on spot beams located on three different satellites: from the 110° W.L. orbital slot (in standard definition or “SD”), and from the 61.5° and 129° W.L. orbital slots (in high definition or “HD”). The 110° and 129° orbital slots are both in the “Western Arc.” The 61.5° W.L. orbital slot is in the “Eastern Arc.”
4. The ability of an individual DISH subscriber in both Counties to receive WCJB-TV depends on, among other things, how the subscriber’s individual satellite antenna was originally installed and pointed, and whether that subscriber is predicted to have adequate spot beam coverage from one of our three satellites that carries WCJB-TV.
5. In general, a DISH customer’s satellite antenna, when installed, is pointed so that it can receive satellite signals from specific orbital slots. Receiving service from orbital slots not planned for in the original equipment installation at the subscriber’s home typically would require DISH to send a truck and technician to adjust equipment or install different equipment, which would impose a very substantial cost burden on DISH.
6. For DISH subscribers in both Counties, DISH has first determined whether the particular spot beam on each of our three satellites that carry WCJB-TV provides adequate spot beam coverage. In determining whether a given spot beam covers each of the Counties, DISH evaluates whether the spot beam’s signal, as designed by the satellite manufacturer, is predicted to achieve reception and demodulation of the signals at the same availability levels that DISH ordinarily uses to assess spot beam coverage for the local markets to which DISH provides service. To that end, DISH has “conducted this analysis in substantially the same manner and using substantially the same parameters used to determine the geographic area in which it currently offers stations carried on the spot beam.”<sup>3</sup> The calculation methodology takes into account the following principal parameters: (i) the uplink and downlink portions of the end-to-end satellite signal, (ii)

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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) (“*Market Modification Order*”).

<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> *Market Modification Order* ¶ 41.

rain loss using the International Telecommunication Union (“ITU”) 618.6 rain rate data and ITU rain region boundaries, (iii) atmospheric loss, (iv) carrier to interference ratio (“C/I”) terms due to adjacent satellite interference, (v) C/I terms due to aggregate adjacent beam interference, (vi) cross polarization degradation, (vii) forward error correction, and (viii) modulation.

7. **Marion County:** Under the method described above, the spot beam at the 110° W.L. orbital slot that transmits WCJB-TV in SD and the spot beam at the 129° W.L. orbital slot that transmits WCJB-TV in HD (the “Western Arc” orbital slots) are predicted to provide adequate coverage to Marion County. The spot beam at the 61.5° W.L. orbital slot that transmits WCJB-TV in HD (the “Eastern Arc” orbital slot) is predicted to provide coverage to most of the Marion County area, but may not cover the northernmost 15 percent of the county area.
8. Most DISH subscribers in Marion County have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, with the remaining subscribers pointed to receive from Western Arc satellites. DISH subscribers pointed to receive from the Western Arc satellites could receive WCJB-TV (in both SD and HD). DISH subscribers pointed to receive from the Eastern Arc satellites could receive WCJB-TV (in only HD) if they are not located in the northernmost 15 percent of Marion County. Some DISH subscribers pointed to receive from the Eastern Arc satellites that are located in the northernmost 15 percent of Marion County may receive WCJB-TV (in only HD), but some may not receive WCJB-TV at all. Requiring DISH to send a truck and technician to adjust equipment or install different equipment for the majority of Marion County subscribers that cannot receive WCJB-TV in SD or cannot receive WCJB-TV at all would impose a very substantial cost burden on DISH.
9. In addition, providing WCJB-TV into Marion County would create a complex patchwork of different customer scenarios. DISH would need to parse its subscribers in Marion County into different groups depending on whether they receive service calls and equipment changes to enable them to receive WCJB-TV. DISH would need to make, among other things, operational and billing changes in an attempt to manage these different cases. Customer confusion and frustration would ensue. For example, one DISH subscriber might be able to receive WCJB-TV while her neighbor could not, or could not receive WCJB-TV in SD. This, in turn, could lead to a poor customer service experience and a burden on DISH if a subscriber requested to have a technician sent to install equipment at DISH’s expense in order to receive service from a different orbital location.
10. As a result, DISH has determined that it would be both “technically infeasible” and “economically infeasible” pursuant to 47 C.F.R. § 76.59(e) for DISH to provide WCJB-TV to subscribers located in the northernmost 15 percent of Marion County who cannot receive either the HD or SD versions of WCJB-TV with their current equipment. In addition, it would be, at least, “economically infeasible” pursuant to 47 C.F.R. § 76.59(e) for DISH to accommodate customer requests for service visits and equipment upgrades

for subscribers desiring to receive WCJB-TV in SD when they could otherwise receive only WCJB-TV in HD.

11. **Columbia County:** The spot beam at the 110° W.L. orbital slot that transmits WCJB-TV in SD is predicted to provide adequate coverage to Columbia County. The spot beam at the 129° orbital slot that transmits WCJB-TV in HD does not cover Columbia County at all. The spot beam at the 61.5° W.L. orbital slot that transmits WCJB-TV in HD is predicted to provide coverage to most of the Columbia County area, but may not cover subscribers in 15 percent of the county area.
12. The substantial majority of DISH subscribers in Columbia County have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, with the remaining subscribers pointed to receive from Western Arc satellites. DISH subscribers pointed to receive from the Western Arc satellites could receive WCJB-TV (in only SD). In 85 percent of Columbia County, DISH subscribers pointed to receive from the Eastern Arc satellites could receive WCJB-TV (in only HD). In 15 percent of Columbia County, some DISH subscribers pointed to receive from the Eastern Arc satellites may receive WCJB-TV (in only HD), but some may not receive WCJB-TV at all. Requiring DISH to send a truck and technician to adjust equipment or install different equipment for the Columbia County subscribers that cannot receive WCJB-TV at all or cannot receive WCJB-TV in both SD and HD would impose a very substantial cost burden on DISH.
13. As a result, and for the reasons discussed above in connection with Marion County, DISH has determined that it would be both "technically infeasible" and "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to provide WCJB-TV to some subscribers located in 15 percent of Columbia County who cannot receive either the HD or SD versions of WCJB-TV with their current equipment. In addition, it would be, at least, "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to accommodate customer requests for service visits and equipment upgrades for subscribers desiring to receive WCJB-TV in HD when they could otherwise receive only WCJB-TV in SD, or to also receive WCJB-TV in SD when they could otherwise receive only WCJB-TV in HD.
14. DISH reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite or satellites being brought into service for the area that includes the Counties which has different coverage capabilities than the satellites currently being used.

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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Jeffrey H. Blum  
DISH Network L.L.C.

Executed on October 22, 2018