



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.



*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)

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.

A handwritten signature in dark ink, appearing to read "Alison Minea", written over a horizontal line.

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

Executed on August 15, 2016.