



Alison A. Minea
Director & Senior Counsel, Regulatory Affairs
(202) 463-3709
Alison.Minea@dish.com

July 11, 2019

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Mr. Tom Boron
Washburn County Clerk
P.O. Box 639
10 4th Ave
Shell Lake, WI 54871
infotech@co.washburn.wi.us

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

Dear Mr. Boron:

DISH Network L.L.C. (“DISH”) is in receipt of your second pre-filing coordination letter (“Letter”),¹ 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 2014.² The Letter requests information regarding carriage of certain local broadcast stations from the La Crosse, Wisconsin Designated Market Area into Washburn County, Wisconsin. The attached Feasibility Certification pursuant to 47 C.F.R. § 76.59(e) reflects DISH’s response to the Letter. Please contact me if you have any questions.

Sincerely,

Alison Minea

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

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

¹ Letter from Tom Boron, Washburn County, to Alison A. Minea, DISH, March 22, 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)).

STELAR 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”) Order¹ governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).²
2. This Feasibility Certification responds to the letter (“Letter”) dated March 22, 2019 from Tom Boron, Washburn County, Wisconsin requesting information regarding carriage of certain local broadcast stations from the La Crosse, Wisconsin Designated Market Area (“La Crosse DMA”) into Washburn County, Wisconsin (the “County”). Specifically, the Letter asks for a feasibility analysis for DISH carriage of the following two La Crosse DMA stations: WLAX and WXOW (the “Stations”).
3. DISH transmits the Stations on spot beams located on two different satellites: from the 110° W.L. orbital slot (in standard definition or “SD”) and from the 119° W.L. orbital slot (in high definition or “HD”).
4. For DISH subscribers in the County, DISH must determine whether the particular spot beam on each of our two satellites that transmit the Stations provides adequate spot beam coverage. In determining whether a given spot beam covers the County, 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. In so doing, 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.”³ The calculation methodology takes into account the following principal parameters: (i) the uplink and downlink portions of the end-to-end satellite signal, (ii) 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.
5. **Spot Beam Coverage – 110° W.L. orbital slot:** The spot beam at the 110° W.L. orbital slot that transmits the Stations in SD is predicted to provide adequate coverage to the County. DISH customers in the County already have in-home equipment to allow them to receive DISH service in SD from the 110° W.L. orbital slot.

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) (“*Market Modification Order*”).

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 *Market Modification Order* ¶ 41.

6. **Spot Beam Coverage – 119° W.L. orbital slot:** The spot beam at the 119° W.L. orbital slot that transmits the **HD** feeds of the Stations is predicted to provide poor coverage of the County -- at best about one-third of the geographic area.
7. **Feasibility Determination:** Given the poor spot beam coverage, DISH has determined that it would be both technically and economically *infeasible* within the meaning of 47 C.F.R. §76.59(e) to provide the **HD** Stations to the County. However, it would be feasible within the meaning of 47 C.F.R. §76.59(e) for DISH to provide the Stations in **SD only** to DISH subscribers in the County.
8. 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(s) being brought into service for the area that includes the County which has different coverage capabilities than the satellites currently being used.
9. 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 either of the Stations if DISH is authorized to offer them as a result of any market modification.
10. 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.

/s/
Alison Minea
DISH Network L.L.C.

Executed on July 11, 2019

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