Jeffrey Blum
Senior Vice President and Deputy General Counsel
(202) 463-3703

July 14, 2016

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Board of County Commissioners
La Plata County
1101 E. 2nd Ave
Durango, CO 81301

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

To the La Plata County Board of County Commissioners:

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 certain Denver, Colorado local broadcast stations (including, but not limited to, KUSA/KTVD, KCNC, KDVR/KWGN, KMGH/KZCO, and KRMA) to DISH subscribers in La Plata County, Colorado.

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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[1] Letter from the La Plata County Board of County Commissioners to Alison Minea, DISH Network, June 14, 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/

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

cc: Joanne M. Spina, joanne.spina@co.laplata.co.us

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") Order[1] 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 La Plata County Board of County Commissioners requesting information regarding carriage of certain Denver, Colorado local broadcast stations (including, but not limited to, KUSA/KTVD, KCNC, KDVR/KWGN, KMGH/KZCO, and KRMA) (the "Stations") to DISH subscribers in La Plata County, Colorado (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. Based on DISH's current technical capabilities, any provision of the Stations to the County will be in **standard definition (SD) format only**.

5. To the extent that a Denver, Colorado 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 five Stations referenced in your Letter 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.

6. 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

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[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).

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 La Plata County who elect to receive any Denver local broadcast stations that DISH may be authorized to offer as a result of any market modification.

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.

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

Executed on July 14, 2016.