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VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Lolita Olson
Washburn County Clerk
P.O. Box 639
10 4th Ave
Shell Lake, WI 54871
lolson@co.washburn.wi.us

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

Dear Ms. Olson:

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 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 Lolita Olson, Washburn County Clerk, to Alison A. Minea, DISH, June 26, 2018.

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 June 26, 2018 from Lolita Jones, County Clerk, 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 six La Crosse DMA stations: WQOW-ABC (Eau-Claire, WI); WEAU-NBC (Eau Claire, WI); WKBT-CBS (La Crosse, WI); WEUX-FOX (Eau Claire, WI); WHWC-PBS (Menomonie, WI); and WLEF-PBS (Superior, WI).
3. As an initial matter, DISH responds that carriage of WHWC-PBS (Menomonie, WI) and WLEF-PBS (Superior, WI) into the County is *per se* infeasible pursuant to 47 C.F.R. §76.59(e), because DISH does not carry those two stations in *any* market at this time. *See* Gray Television Licensee, LLC, Modification of the Television Market For WYMT-TV, Hazard, Kentucky, *Memorandum Opinion and Order*, DA 18-500, MB Docket No. 18-8, ¶ 16 (May 16, 2018) (finding that carriage of a station seeking a market modification was “*per se* not technically and economically feasible because it would require the satellite carriers to add a new station to their spot beams as opposed to simply expanding the reach of a currently carried station.”)
4. With respect to the remaining four stations in the La Crosse DMA, which DISH does carry today (the “Carried Stations”), DISH responds as follows:
5. DISH transmits the Carried Stations on spot beams located on three different satellites: from the 110° W.L. orbital slot (in standard definition or “SD”) and from the 119° and 129° W.L. orbital slots (in high definition or “HD”). Specifically, WEAU-NBC, WKBT-CBS, and WEUX-FOX are transmitted from a spot beam on a satellite located at 119° W.L. And WQOW-ABC is transmitted from a spot beam on a satellite located at 129° W.L.
6. The ability of an individual DISH subscriber in the County to receive local broadcast stations from a given orbital slot depends on, among other things, how the subscriber’s individual satellite antenna was originally installed and pointed, and whether that

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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)).

subscriber is predicted to have adequate spot beam coverage from the satellites that transmit the Carried Stations.

7. 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.
8. For DISH subscribers in the County, DISH must first determine whether the particular spot beam on each of our three satellites that transmit the Carried 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.
9. **Spot Beam Coverage – 110° W.L. orbital slot:** The spot beams at the 110° W.L. orbital slot that transmit the Carried Station in **SD** are 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 from the 110° W.L. orbital slot.
10. **Spot Beam Coverage – 119° and 129° W.L.:** The spot beam at the 119° W.L. orbital slot that transmits the **HD** feeds of WEAU-NBC, WKBT-CBS, and WEUX-FOX is predicted to provide poor coverage of the County -- at most 30 percent of the geographic area. The spot beam at the 119° W.L. orbital slot that transmits the **HD** feed of WQOW-ABC does not cover the County at all.
11. In addition, for the customers who happen to be located within the small footprint of the spot beam that carries WEAU-NBC, WKBT-CBS, and WEUX-FOX, at least half lack satellite antennas and in-home equipment that would allow them to receive service from the 119° W.L. orbital slot. DISH therefore would need to schedule a service visit for each such subscriber in the County, which would impose a very substantial cost burden on DISH in addition to being an inconvenience to customers.

³ *Market Modification Order* ¶ 41.

12. **Feasibility Determination:** Given the poor spot beam coverage and lack of necessary customer at-home equipment and installation for many subscribers, 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** Carried 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 Carried Stations in **SD only** to DISH subscribers in the County.
13. 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.
14. In addition, to the extent that one of the Carried Stations 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 an impacted station were to deny DISH the right to retransmit its signal into the County, it may be either technically or economically infeasible,⁴ or both, for DISH to launch a customer offering with only the remaining stations that did grant retransmission consent.
15. As DISH noted in its comments during the development of the market modification rules,⁵ 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 of the Carried Stations that DISH may be authorized to offer as a result of any market modification.
16. 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.

⁴ See 47 C.F.R. § 76.59(e).

⁵ Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

DISH Network L.L.C.

/s/

Alison Minea
DISH Network L.L.C.

Executed on July 16, 2018