



*Alison Minea  
Director and Senior Counsel, Regulatory Affairs  
(202) 463-3709*

August 28, 2019

***VIA ECFS, EMAIL, AND FIRST CLASS MAIL***

Mr. Robert J. Folliard, III  
Gray Television Licensee, LLC  
4370 Peachtree Road NE  
Atlanta, GA 30219

*Re: STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter  
for KEYC-TV, Mankato MN, 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 rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).<sup>2</sup> Due to the complexity of this request, DISH’s response time exceeded the typical 45-day window for responding.

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.

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)

<sup>1</sup> Letter from Mr. Robert J. Folliard, III, Gray Television Licensee, LLC, to Alison Minea, DISH Network, May 10, 2019.

<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)).

**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<sup>1</sup> governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).<sup>2</sup>
2. This certification responds to the letter (“Letter”) from Mr. Robert J. Folliard, III seeking information regarding carriage of KEYC-TV of Mankato, Minnesota for DISH subscribers in several counties in Minnesota and Iowa. For Minnesota, the counties are Renville, McLeod, Sibley, Nicollet, Le Sueur, Rice, Waseca, Steele, Fairbault, Freeborn, Jackson, Nobles, Murray, Cottonwood, Redwood and Lyon. For Iowa, the counties are Dickinson, Emmet, Clay, Palo Alto, Kossuth, Winnebago and Hancock (collectively as the “Counties”).
3. DISH has evaluated the Letter in light of its current satellites and spot beam configurations, and has determined that, at this time, apart from one exception, DISH is unaware of any factors that render carriage of KEYC-TV into the Counties to be “technically infeasible” pursuant to 47 C.F.R. § 76.59(e). The one exception is Hancock County, Iowa. For that county, due to spot beam coverage issues, DISH is unable to provide KEYC-TV in high definition (HD) format; only standard definition carriage is feasible.
4. 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 being brought into service for the area that includes the Counties which has different coverage capabilities than the satellite(s) currently being used.
5. As DISH noted in its comments during the development of the market modification rules,<sup>3</sup> 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 Counties. 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 Counties who may elect to receive KEYC-TV.
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

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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).

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

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 and Senior Counsel,  
Regulatory Affairs  
DISH Network L.L.C.

Executed on August 28, 2019