



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

September 2, 2016

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

Mr. Dennis Bell  
Chairman  
Stephens County Board of Commissioners  
37 W. Tugalo Street  
Toccoa, Georgia 30577

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

To the Stephens County Board of Commissioners:

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 (“FCC”) rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).<sup>2</sup>

The Letter requests information regarding carriage of the following stations in the Atlanta, Georgia market into Stephens County, Georgia: WSB (ABC); WAGA (FOX); WGCL (CBS); and WXIA (NBC).

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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<sup>1</sup> Letter from the Mr. Dennis Bell, Chairman, Stephens County Board of Commissioners, to Alison Minea, DISH Network, June 29, 2016.

<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)).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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

cc: Beth Rider, brider@stephenscountyga.com

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<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 the Stephens County Board of Commissioners requesting information regarding carriage of certain Atlanta, Georgia local broadcast stations (WSB (ABC); WAGA (FOX); WGCL (CBS); and WXIA (NBC) (the “Stations”) to DISH subscribers in Stephens County, Georgia (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. This certification is limited to the Stations listed in paragraph 2, above.
4. To the extent that an Atlanta, Georgia 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 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,<sup>3</sup> 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,<sup>4</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 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

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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> See 47 C.F.R. § 76.59(e).

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

receive any Atlanta, Georgia local broadcast stations that DISH may be authorized to offer as a result of any market modification.

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.



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

Executed on September 2, 2016.