

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Monongalia County, W. Va. and Preston)	
County, W. Va.)	
)	
Petition for Special Relief for Modification)	MB Docket No. 17-274
of the Television Market of Station)	
WBOY-TV with Respect to DISH Network)	CSR-8941-A
and DIRECTV)	
)	
and)	
)	
Petition for Special Relief for Modification)	MB Docket No. 17-275
of the Television Market of Stations)	
WDTV and WVFX with Respect to DISH)	CSR-8942-A
Network and DIRECTV)	

DIRECTV, LLC RESPONSE TO PETITIONS FOR SPECIAL RELIEF

DIRECTV, LLC (“DIRECTV”) hereby responds to the petitions submitted by Monongalia County, West Virginia and Preston County, West Virginia (collectively, the “Counties”), which seek to modify the television market of WBOY-TV, WDTV, and WVFX (collectively, the “Stations”) to include the Counties.¹ DIRECTV has long been sympathetic to the concerns of “orphan counties” that lack access to in-state local broadcast stations. It supported legislation extending the cable market modification regime to satellite, as well as changes to the Commission’s rules to implement that legislation. DIRECTV therefore does not

¹ Monongalia County, W. Va. and Preston County, W. Va., Petition for Special Relief for Modification of the Television Market of Station WBOY-TV with Respect to DISH Network and DIRECTV, MB Docket No. 17-274, CSR-8941-A (dated September 25, 2017); Monongalia County, W. Va. and Preston County, W. Va., Petition for Special Relief for Modification of the Television Market of Stations WDTV and WVFX with Respect to DISH Network and DIRECTV, MB Docket No. 17-275, CSR-8942-A (dated September 25, 2017) (collectively, the “Petitions”).

oppose the Petitions as they pertain to DIRECTV. DIRECTV submits the instant response to clarify the nature of its spot beam coverage of the Counties and to request implementation relief, to the extent necessary, in the event the Commission grants the Petitions and DIRECTV ultimately carries any or all of the Stations in the Counties.

DIRECTV carries the Stations on its Clarksburg-Weston, WV spot beam, which covers all of the current ZIP codes in each of the Counties.² However, the Clarksburg-Weston, WV spot beam is a high-definition (“HD”) spot beam,³ while the Pittsburgh, PA spot beam currently serving the Counties is a standard-definition (“SD”) spot beam. DIRECTV has identified a small number of customers in the Counties who rely on SD set-top boxes (and, in some cases, other equipment) to receive local-into-local broadcast service. Such customers would first need to obtain HD equipment before they could receive the Stations that are the subject of the Petitions.

DIRECTV does not take the position that carriage of the Stations in the Counties is technically or economically infeasible in these unique circumstances. On the contrary, DIRECTV currently serves many customers within the Counties who, in the event the Stations’ markets are modified, already have the equipment necessary to receive the Stations. As to these customers, DIRECTV would implement any market modification in a manner consistent with the Commission’s rules.⁴ But for customers with SD equipment, implementing the proposed market modification would impose significant cost and administrative burdens—on DIRECTV and its customers, alike. In particular, DIRECTV would need to coordinate outreach to customers with SD equipment to facilitate upgrades. In addition, in many cases, a customer’s request to upgrade

² See Petitions at Exhibit A.

³ See *id.*

⁴ See 47 C.F.R. § 76.66(d)(6).

to HD equipment would require a service appointment and a truck roll, an often unwelcome inconvenience for customers and a significant expense for DIRECTV.

While DIRECTV will take every reasonable step to ensure that its customers in the Counties receive the local broadcast stations to which they are entitled,⁵ DIRECTV submits that the circumstances at issue in this proceeding require consideration. DIRECTV therefore requests, in the event the Commission grants the Petitions and DIRECTV ultimately carries any of the Stations in the Counties, that DIRECTV be permitted to “roll out service at a more measured, non-dilatory pace” for customers with SD equipment, in keeping with Commission satellite market modification precedent.⁶

Respectfully submitted,

/s/ Amanda E. Potter

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⁵ Indeed, following receipt of the Petitions, DIRECTV has begun to plan for the potential need for customer equipment upgrades. That planning necessarily remains in the nascent stages while the Petitions remain pending, because the outcome of the instant proceedings (*i.e.*, if the Petitions are not granted) could negate the need for other, more costly and burdensome planning and implementation measures.

⁶ *Gray Television Licensee, LLC For Modification of the Satellite Television Market For WSAW-TV, Wausau, Wisconsin*, Memorandum Opinion and Order, 32 FCC Rcd 668 ¶ 20 (MB 2017).

CERTIFICATE OF SERVICE

I, Lacreteria Hill, hereby certify that on this Second day of November, 2017, a true and correct copy of the foregoing DIRECTV, LLC Response to Petition for Special Relief was served, via first-class mail, upon the following:

Edward Hawkins
Monongalia County Commission
243 High Street, Room 202
Morgantown, WV 26505

Craig Jennings
Preston County Commission
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Kingwood, WV 26537

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Clarksburg, WV 26301

WDTV
Attn: Tim DeFazio, General Manager
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WVFX
Attn: Tim DeFazio, General Manager
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/s/ Lacreteria Hill
Lacreteria Hill