Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
Assessment and Collection of Regulatory Fees for Fiscal Year 2014	MD Docket No. 14-92
Assessment and Collection of Regulatory Fees for Fiscal Year 2013	MD Docket No. 13-140
Procedures for Assessment and Collection of Regulatory Fees	MD Docket No. 12-201

FURTHER COMMENTS OF DIRECTV, LLC AND DISH NETWORK L.L.C.

Jeffrey Blum
Senior Vice-President and
Deputy General Counsel
Alison A. Minea
Director & Senior Counsel
Regulatory Affairs
Hadass Kogan
Associate Corporate Counsel
DISH NETWORK L.L.C.
1110 Vermont Avenue NW,
Suite 750
Washington, DC 20005
(202) 293-0981

Stacy R. Fuller
Vice President, Regulatory Affairs
DIRECTV, LLC
901 F Street,
Suite 600
Washington, DC 20004
(202) 383-6300

William M. Wiltshire
Michael Nilsson
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, NW
The Eighth Floor
Washington, DC 20036
(202) 730-1300

Counsel for DIRECTV, LLC

November 26, 2014

SUMMARY

This summer, the Commission proposed to increase Direct Broadcast Satellite ("DBS") fees by 1,100 percent in a single year by combining them with fees paid by cable operators. Now, the Commission proposes instead to create a new "DBS" fee to recover regulatory costs expended on DBS by the Media Bureau. While this proposal represents an improvement over prior ones, it still faces many of the same hurdles as its predecessors.

1. The Commission must point to a change in law or regulation. Congress created a regulatory fee schedule based primarily on which bureau licensed a particular category of payor. It permits the Commission to amend this schedule *only* if new laws or rulemakings change the "nature" of Commission regulation for which costs must be recovered. No such changes have occurred. Most of the laws and rules discussed in the *Notice* (and by cable) have existed essentially in their current form for years. A relative handful of new laws—TCPA, STELA, and the CALM Act—have appeared recently. None, however, changes DBS regulation in any meaningful way, much less its very "nature." (Moreover, STELA isn't new, as it is merely the fifth "extension" of the original Satellite Home Viewer Act of 1988.)

2. Any new DBS category must reflect the costs of regulating DBS. Regulatory fees must "recover the costs" of the Commission's regulatory activities. Thus, even if the Commission could identify changes in law or regulation that could justify creation of a new "DBS" category, that new category would have to reflect the costs of regulating DBS. The Commission has yet to explain, as it must, how its current proposal (in which DBS operators would pay one-tenth the fees of cable operators) does so. This figure does, however, seem

roughly consistent with one measure of the work done by the Media Bureau—pleadings, reports and other filings by the cable and DBS.

One thing remains certain: DBS generates nowhere near the regulatory costs of cable. Cable is subject to a variety of regulation that does not apply to DBS. Cable is the dominant (and growing) provider of broadband services and is thus subject to a panoply of regulation that does not apply to DBS. Cable remains the dominant provider of video and is thus subject to competition-based regulation that has never applied to DBS. And there are only two DBS operators nationwide, but thousands of cable operators—each of which is subject to pervasive regulation not applicable to DBS. In such circumstances, the Commission cannot lawfully require DBS operators to pay regulatory fees along the lines of those paid by cable.

3. The Commission must explain any departures from prior regulatory fee orders. Even if the Communications Act permitted the Commission to create a new DBS regulatory fee category, the Commission would also have to satisfy the Administrative Procedure Act to make such changes. The Commission rejected amending the classification of DBS—this exact proposal—in 2006, explicitly finding that the current arrangement properly calibrates DBS regulation with DBS regulatory fees. And, the Commission stated just last year that fee increases more than 7.5 percent would be unreasonable. Pursuant to the APA, the Commission must provide a reasoned explanation in order to change course on either issue, and it has yet to do so.

TABLE OF CONTENTS

I. The Commission May Only Create a new DBS Category in Response to Changes in Law and Regulation. 2

II. Any New DBS Category Must Reflect the Costs of Regulating DBS..... 10

III. The Commission Must Provide a Reasoned Explanation Under the Administrative Procedure Act for Changing its Position on DBS Fees. 15

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
Assessment and Collection of Regulatory Fees for Fiscal Year 2014	MD Docket No. 14-92
Assessment and Collection of Regulatory Fees for Fiscal Year 2013	MD Docket No. 13-140
Procedures for Assessment and Collection of Regulatory Fees	MD Docket No. 12-201

FURTHER COMMENTS OF DIRECTV, LLC AND DISH NETWORK L.L.C.

DIRECTV, LLC ("DIRECTV") and DISH Network L.L.C. ("DISH") hereby submit further comments on the Commission's recent proposal to create a new regulatory fee category specific to direct broadcast satellite ("DBS") providers.[1] While earlier versions of this proposal supported by cable operators over the years called for *combining* cable and DBS fees, this *Notice* calls for establishing a separate DBS fee to recover only those specific costs incurred by the Media Bureau to regulate DBS.[2] While an improvement over earlier iterations, this new effort continues to face substantial legal and policy hurdles, which the

---

[1] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd. 10767 ("*Notice*").

[2] *Notice*, ¶ 38 (proposing "to adopt a new fee category for DBS, based on the Media Bureau FTEs which perform work related to these regulatees").

satellite carriers described in more detail earlier this year and hereby incorporate into these Further Comments.[3]

I. THE COMMISSION MAY ONLY CREATE A NEW DBS CATEGORY IN RESPONSE TO CHANGES IN LAW AND REGULATION.

In 1993, Congress created a series of regulatory fees to "recover the costs" of four kinds of regulatory services provided by the Commission—"enforcement activities, policy and rulemaking activities, user information services, and international activities."[4] It created a fee schedule organized primarily around the licensing of particular categories of provider.[5] The schedule lists a series of "bureau[s]" that license particular services and a subset of "categories" so licensed. Thus, for example, radio and television stations are listed under the "mass media bureau" (which then licensed them), while geostationary space stations are listed under the "common carrier bureau" (which then licensed them). DBS has remained in the geostationary fee category since the Commission added it to that category in 1996.[6]

Congress also created a specific set of criteria for "permitted amendments" to its schedule. "In making such amendments," Congress specified, "the Commission shall add, delete, or reclassify services in the Schedule to reflect additions, deletions, or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law."[7] Thus, the Commission may amend the fees by which Congress intended the agency to

---

[3] Comments of DIRECTV, LLC and DISH Network L.L.C., MD Docket No. 14-92 *et al.* (filed July 7, 2014).

[4] 47 U.S.C. § 159(a). Congress included these provisions in the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, 6002(a), 107 Stat. 397 (approved Aug. 10, 1993).

[5] 47 U.S.C. § 159(g).

[6] *Assessment and Collection of Regulatory Fees for Fiscal Year 1996*, 11 FCC Rcd. 18774, ¶ 35 (1996).

[7] 47 U.S.C. § 159(b)(3).

"recover the costs" of its regulatory activities only in response to "changes in the *nature*" of those regulatory activities.

Given the congressionally established purpose of cost recovery, this rule makes sense. Unless the regulatory services provided by the Commission change fundamentally, the costs of providing those services—required by § 9(b)(a)(A) to be measured "by determining the full-time equivalent number of employees performing the [regulatory] activities"—should not change sufficiently to justify amendment of the Schedule of Fees, which Congress clearly sought to discourage by imposing strict conditions. Indeed, those conditions mandate that even if "the nature of" applicable regulation *does* change, the Commission may still engage in a permitted amendment *only* if the "change[] in the nature of its services" comes "as a consequence of" new rulemakings or changes in law.[8]

In sum, Section 9 establishes a precise purpose for the regulatory fees at issue here (to recover the costs of regulating). It prescribes a particular method for determining those costs (by determining full-time equivalent employees performing the relevant regulatory activities). And it limits the specific circumstances under which the fee schedule recovering those costs may be amended (to situations where the regulatory activities for which costs are to be recovered change fundamentally in response to a change of law or a rulemaking proceeding).

The *Notice* says that a new DBS fee category "may be appropriate" under Section 9.[9] It remains silent about the legal standard Congress specified for engaging in permitted amendments. It makes no effort to cite any changes in law or regulation, much less to explain

---

[8] *COMSAT Corp. v. FCC*, 114 F.3d 223, 225 (D.C. Cir. 1997) (quoting 47 U.S.C. § 159(b)(3)) (holding that Section 9(b)(3) authorizes an amendment to the fee regime only "in response to [a] 'rulemaking proceeding[] or change[] in law.'").

[9] *Notice*, ¶ 40.

how any such changes have changed the "nature" of the regulatory services provided by the Commission to DBS providers. Absent such a showing, the creation of a new DBS fee category would be "neither authorized nor justified" under the Communications Act, and could be held "unlawful" and "set aside" by a reviewing court.[10]

Cable operators have attempted to make the requisite showing over the years. Yet they have relied principally on factors extrinsic to the criteria set forth in Section 9, including:

- Factors having nothing to do with regulation of DBS, such as market changes in the broader telecommunications industry.[11]
- Factors having nothing to do with new rulemakings or law, such as DBS subscriber gains.[12] (Indeed, when it first placed DBS in the GSO category, the Commission found that regulatory costs are not "specifically related to the individual subscriber"[13] and that "the number of subscribers to a DBS service does not significantly affect the regulatory costs arising from DBS services."[14] This is just as true for newer rules as it is for older ones.[15])

---

[10] *COMSAT*, 114 F.3d at 228.

[11] Reply Comments of the American Cable Association, MD Docket No. 12-201 *et al.* at 8-9 ("2013 ACA Reply Comments"), citing Government Accountability Office, *Regulatory Fee Process Needs to be Updated*, GAO 12-686, p12 (Aug. 2012) ("GAO Report"), *available at* http://www.gao.gov/products/GAO-12-686 (citing "major changes that have occurred in the telecommunications industry over the past 14 years" as a reason to engage in more fundamental reform than proposed by ACA or NCTA).

[12] *See, e.g.*, Comments of the American Cable Association, MD Docket No. 14-92 *et al.* (filed July 7, 2014) ("ACA 2014 Comments) (arguing that DBS subscribership is in "no small part" due to the "regulatory benefits" provided by the Commission).

[13] *Assessment and Collection of Regulatory Fees for Fiscal Year 1996*, Notice of Proposed Rulemaking, 61 Fed. Reg. 16432, 16436 (1996) ("*1996 Regulatory Fee NPRM*").

[14] *1996 Regulatory Fee NPRM*, 61 Fed. Reg. 16436.

[15] To take one example, there is no obvious relation between the number of subscribers a DBS operator serves and the cost imposed on the Commission to promulgate rules regarding

- Regulation that has never applied to DBS, such as CableCARD requirements for navigation devices.[16]

The *Notice* cites regulations that unquestionably apply to DBS. These, however, are for the most part not new and do not change the "nature" of DBS regulation. Some have been in existence for more than two decades.[17] For example, the *Notice* cites program access regulation dating from the 1992 Act—regulation that existed well before Congress ever created regulatory fee categories or the FCC ever assigned DBS to the GSO category.[18] The *Notice* also cites the "good faith" provisions of retransmission consent regulation.[19] But this was first applied to DBS in 1999,[20] soon after DBS was assigned to the GSO category. Regulation in this area has remained constant over the years as the Commission has rejected attempts to impose a per-subscriber regime on DBS operators.

There have, of course, been genuinely new laws and regulations in the last few years, some of which are cited in the *Notice* and others of which the cable industry has previously cited. Even collectively, however, these cannot be said to have changed the "nature" of DBS regulation, or to have increased the costs of regulation by anything close to the magnitude by

---

significantly viewed broadcast signals. It would, for example, be absurd to suggest that the burden on Commission resources has decreased this year with decreases in DBS subscribership.

16 ACA 2013 Reply Comments at 11.

17 The cable industry argues that there is no "recency" requirement in the statute. Reply Comments of the National Cable and Telecommunications Association and the American Cable Association, MD Docket No. 14-92 *et al.* at 5 (filed July 21, 2014) ("Cable Industry 2014 Reply"). Timing is, however, relevant for purposes of determining whether "changes" have occurred to the "nature" of Commission regulation. For example, one simply cannot argue that the "nature" of retransmission consent or program access regulation has changed, since those regulations both existed when the Commission placed DBS in the GSO fee category.

18 *See Notice*, ¶ 39 (program access).

19 *See id.* (retransmission consent).

20 Satellite Home Viewer Improvement Act ("SHVIA"), Pub. L. No. 106-113 (1999).

which the Commission now proposes to increase DBS fees.[21] In 1996, the Commission was considering some of the most fundamental "rules of the road" for the DBS service, an undertaking that doubtless consumed many staff-hours.[22] The newer regulations cited in the *Notice* also consumed many staff hours, but it is almost certain that very few of those staff hours related to DBS.

For example, the *Notice* cites the Twenty-First Century Video Accessibility Act of 2010 ("CVAA").[23] The CVAA is certainly a significant piece of legislation, prescribing accessibility requirements for a wide array of communications technologies, including both services and equipment. Many of the proceedings initiated by the CVAA, however, are unrelated to DBS in any way. For example, NCTA commented in the Commission proceedings related to hearing aid compatibility and Advanced Communications Services, but DIRECTV, DISH, and the Satellite Industry Association did not participate.[24] Indeed, even the proceeding on IP closed captioning imposed obligations on video programming distributed outside Multichannel Video Programming Distributor ("MVPD") systems to mirror those that have long been placed on MVPDs and on equipment manufacturers not

---

[21] 47 U.S.C. § 159(b)(3); 47 U.S.C. § 159(b)(1)(A)) (describing regulatory costs in terms of "the full-time equivalent number of employees performing the [specific regulatory activities]").

[22] *See, e.g.*, *Revision of Rules and Policies for the Direct Broadcast Satellite Service*, 11 FCC Rcd. 9712 (1995) (hundred-page Order governing issues such as performance objectives, use of DBS capacity, DBS rivalry, spectrum aggregation, conduct rules, "headend in the sky" service, paired assignments, service to Alaska and Hawaii, and license term); *Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems*, 11 FCC Rcd. 2429 (1996) (permitting DBS operators to offer both domestic and international services); *Preemption of Local Zoning Regulation of Satellite Earth Stations*, 11 FCC Rcd. 19276 (1996) (adopting OTARD rules).

[23] *See Notice*, ¶ 39; Pub. L. 111-260, 124 Stat. 2751, § 202(b) (2010).

[24] *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, 26 FCC Rcd. 14557 (2011).

previously covered by the rules.[25] Similar captioning requirements have applied for years with respect to MVPD distribution. To the extent CVAA creates "new" regulation, it does so primarily for equipment manufacturers and cable programmers that do not pay regulatory fees in the first place.

The *Notice* also cites the Commercial Advertisement Loudness Mitigation ("CALM") Act.[26] Here again, while the item itself addresses an important topic, its impact on DBS is relatively minimal, as Congress directed the Commission to implement a technical standard already familiar to DIRECTV and DISH.[27]

The cable industry has also in the past cited the Satellite Television Extension and Localism Act of 2010 ("STELA")[28] as new legislation potentially relevant to regulatory fees. STELA was the reauthorization of the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA"), which itself was a reauthorization of the Satellite Home Viewer Improvement Act ("SHVIA"), which itself was a reauthorization of two versions of the Satellite Home Viewer Act ("SHVA"). While STELA accomplished the important objective of ensuring continued service to satellite subscribers, from a regulatory perspective it imposed minimal additional burdens on Commission resources. It produced two relatively modest Commission rulemakings (one in which the Commission decided not to materially change the

---

[25] *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, 27 FCC Rcd. 787 (2012).

[26] *Notice*, ¶ 39. Pub. L. No. 111-311, 124 Stat. 3294 (2010) (codified at 47 U.S.C. § 621).

[27] *See Implementation of the Commercial Advertisement, Loudness Migration (CALM) Act*, 26 FCC Rcd. 17222, ¶ 24 n.124 (2011) (citing *ex parte* letter from DIRECTV and DISH Network, in which the two parties described their implementation of the A/85 standard, which had predated the CALM Act, and made suggestions as to how the Commission's rules would not contravene those efforts).

[28] *Satellite Television Extension and Localism Act of* 2010, Pub. L. 111-175, 124 *Stat* 1218 (2010).

predictive model used for determining distant signal eligibility[29] and one implementing a straightforward statutory mandate related to significantly viewed stations[30]), a one-time report to Congress (in which the Commission analyzed a single issue—the ability of satellite subscribers to receive in-state local signals[31]), a one-time certification limited to a single operator that certified DISH as a "qualified carrier" under 17 U.S.C. §119(g),[32] and a requirement that DBS providers file an annual report on carriage of local broadcast stations.[33] By comparison, SHVERA and SHVIA each resulted in eight substantive proceedings, while SHVA produced four long-term, ongoing proceedings.[34]

Both individually and collectively, these new laws and regulations do not represent a meaningful increase in the regulation of DBS, much less a change in the "nature" of DBS regulation necessary to justify a permitted amendment. If anything, it is fair to say that overall DBS regulation—as measured by new proceedings affecting the core business—has *decreased* since 1996.

---

29 *Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations*, 25 FCC Rcd. 16426 (2010).

30 *Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA)*, 25 FCC Rcd. 16383 (2010).

31 *In-State Broadcast Programming: Report to Congress Pursuant To Section 304 of the Satellite Television Extension and Localism Act of 2010*, 26 FCC Rcd. 11919 (2011). The reporting requirement sunsets in 2014 and STELA did not require the Commission to do anything with the reports apart from collect them.

32 *Application of DISH Network, LLC for Qualified Carrier Certification*, 25 FCC Rcd. 12941 (2010).

33 *See* Satellite Television Extension and Localism Act, Pub. L. No. 111-175 § 305(a).

34 Appendix A contains a list of the proceedings generated by each of STELA's predecessors. Please note that this list includes two proceedings related to the Rural Local Broadcast Signal Act, which Congress passed in conjunction with SHVIA.

Nor can one assert—as the cable industry did last year—that the nature of the Commission's regulatory activities in connection with DBS has changed because DBS is increasingly regulated by the Media Bureau.[35] Regulation of DBS by the Media Bureau (and its predecessors) is not new and has not grown meaningfully over the years. In order to quantify this, counsel for DIRECTV attempted to identify every DBS order involving significant media-related staff-hours issued since 1996.[36] Counsel then compared the number of such orders for the first six years of DBS's placement in the geostationary satellite fee category (1996-2001) with a corresponding recent period (2008-2013). ***The Commission issued more such orders for the earlier period than the later***. Appendix B attached hereto contains a list of 67 such orders issued between the years 1996 and 2001. Appendix C contains a list of 60 such orders issued between the years 2008-2013.

In sum, the changes in law and regulation that have occurred since 1996 have not materially altered the nature of DBS regulation. Accordingly, the Commission does not have the legal basis to engage in a permitted amendment to the fee schedule for DBS.

---

[35] *See generally* ACA 2013 Reply Comments.

[36] Counsel ran several Westlaw search of the relevant FCC database with the terms "DIRECTV," "EchoStar," and "DISH Network," and then sorted through the results manually to find orders (or similar non-procedural, substantive documents) issued in proceedings in which one or both of the parties had participated (by filing comments or ex parte notices). Counsel determined that orders "involved significant media-related staff-hours" if they either were issued by the Media Bureau or if they were issued by a different bureau but appear to have concerned at least some issue typically in the Media Bureau's purview. An example of the latter is the Commission's consideration of the EchoStar-MCI transaction in 1999, which involved the acquisition of International Bureau licenses but also raised broader video competition issues of the sort generally addressed by the Media Bureau.

II. ANY NEW DBS CATEGORY MUST REFLECT THE COSTS OF REGULATING DBS

Section 9 created regulatory fees "recover the costs" of four kinds of regulatory services provided by the Commission—"enforcement activities, policy and rulemaking activities, user information services, and international activities."[37] It specified that regulatory fees must reflect "the full-time equivalent number of employees performing [the four listed activities] . . . , adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities."[38] Thus, *even if* the Commission could create a new "DBS Media Bureau" fee category, that category must "recover the costs" that the Media Bureau expends regulating DBS in terms of FTEs.

The Commission has suggested that DBS operators might pay a fee totaling one-tenth of that paid by cable operators.[39] The Media Bureau, however, has not provided in the record any internal accounting to justify this figure for interested parties to verify, question, or confirm it.

DIRECTV and DISH remain certain, however, that DBS and cable generate markedly different regulatory costs, even if (as the *Notice* suggests) "certain rules" apply to DBS and cable operators alike.[40] Thus, the Commission could not—even "over time"—simply

---

[37] 47 U.S.C. § 159(a).

[38] *Id.* (incorporating 47 U.S.C. § 159(b)(1)(A)). More generally, the regulatory fee schedule may only be amended by the Commission under the procedures established in Section 9. *See* 47 U.S.C. § 159(b)(1)(C).

[39] *Notice*, ¶ 41.

[40] *Id.*, ¶ 40.

combine DBS and cable regulatory fees unless and until DBS and cable generated similar regulatory costs.[41]

To begin with, the mere fact DBS and cable both provide multichannel video service[42] is not a reasonable or permissible basis to restructure and rearrange long-standing regulatory fee categories.[43] For a "parity" argument to have merit, it would need to show that DBS and cable are in a position of *regulatory* parity. In other words, a parity argument would have to show that DBS and cable occupy a comparable number of FTEs and so justify equivalent regulatory fees. This case has not and cannot be made.

First, ***cable operators are now the leaders in the residential broadband market.*** Cable operators present a number of complex and novel regulatory issues for consideration by the Commission, both in regulatory fora and the courts, by virtue of their status as among the country's preeminent broadband providers. Moreover, on the universal service front, cable operators participate in the Connect America Fund,[44] the E-Rate,[45] and the Contributions proceedings.[46] Each of these proceedings requires huge numbers of Commission staff-hours. Cable operators participate in all of them. DBS operators participate in none of them.

---

[41] *See id.*, ¶ 42 (seeking comment on whether a new DBS category "should increase over time" to rival or even equal cable regulatory fee payments).

[42] *Id.*, ¶ 38.

[43] *See* Joint Reply Comments of DIRECTV, Inc. and DISH Network, L.L.C., MD Docket No. 08-65 (Oct. 27, 2008); Joint Reply Comments of DIRECTV, Inc. and EchoStar Satellite L.L.C., MD Docket No. 06-68 (filed Apr. 21, 2006); *Assessment and Collection of Regulatory Fees for FY 1996*, 11 FCC Rcd. 18774, ¶¶ 55-56 (1996) (rejecting NCTA's request to lower cable regulatory fees to bring them more in line with wireless cable regulatory fees).

[44] *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663 (2011); *aff'd Direct Commc'ns Cedar Valley, LLC v. FCC*, No. 11-9581 (2014).

[45] *Modernizing the E-Rate Program for Sch. & Libraries*, 29 FCC Rcd. 482 (2014).

[46] *Universal Service Contribution Methodology*, 27 FCC Rcd. 5357 (2012).

Second, ***most cable operators remain dominant incumbents.*** Nearly every cable operator is the dominant video provider in its franchise area. As a result of such dominance, cable is subject to a variety of policies and rules that do not apply to DBS.[47] For example, Comcast and Time Warner Cable alone filed a total of 84 petitions for effective competition determinations last year.[48] Time Warner Cable served DIRECTV with 681 pages of filings so far this year. Many of these, in turn, generated oppositions, replies, and further filings. Likewise, the entire cable industry has long fought for relief from three requirements that do not apply to DBS—a requirement to encrypt the basic service tier,[49] the "viewability" requirements contained in Sections 614 and 615 of the Act,[50] and the requirement to include certain digital interfaces on high definition set-top boxes.[51]

---

[47] For example, cable operators are subject to rate regulation unless they face "effective competition," a determination made by the Commission. *See* 47 C.F.R. § 76.905 (elaborating on the definition of effective competition); 47 C.F.R. § 76.907 (describing petitions for determination of effective competition).

[48] *See* Electronic Comment Filing System, Search for Filings by Comcast Cable Communications, LLC as of June 30, 2014, http://apps.fcc.gov/ecfs/comment_search/execute?proceeding=&applicant=Comcast&lawfirm=&author=&disseminated.minDate=&disseminated.maxDate=&recieved.minDate=1%2F1%2F13&recieved.maxDate=12%2F31%2F13&dateCommentPeriod.minDate=&dateCommentPeriod.maxDate=&dateReplyComment.minDate=&dateReplyComment.maxDate=&address.city=&address.state.stateCd=&address.zip=&daNumber=&fileNumber=&bureauIdentificationNumber=&reportNumber=&submissionTypeId=121&__checkbox_exParte=true (last accessed June 3, 2014); Electronic Comment Filing System, Search for Filings by Time Warner Cable, Inc., http://apps.fcc.gov/ecfs/comment_search/execute?proceeding=&applicant=Time+Warner&lawfirm=&author=&disseminated.minDate=&disseminated.maxDate=&recieved.minDate=01%2F01%2F2013&recieved.maxDate=12%2F31%2F2013&dateCommentPeriod.minDate=&dateCommentPeriod.maxDate=&dateReplyComment.minDate=&dateReplyComment.maxDate=&address.city=&address.state.stateCd=&address.zip=&daNumber=&fileNumber=&bureauIdentificationNumber=&reportNumber=&submissionTypeId=121&__checkbox_exParte=true (last accessed June, 3, 2014).

[49] *Basic Service Tier Encryption*, 27 FCC Rcd. 12786 (2012).

[50] *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, 27 FCC Rcd. 6529 (2012).

[51] *See Implementation of Section 304 of the Telecommunications Act of 1996*, 13 FCC Rcd. 14775 (1998)*; Commercial Availability of Navigations Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment*, 25 FCC Rcd. 14657 (2010); Petition of TiVo Inc. for

Third, ***there are far more cable operators and cable systems than there are DBS operators***. Two DBS operators employ only twenty U.S.-licensed satellites. There are, by contrast, 845 cable operators and 4,932 cable systems in the United States.[52] Each cable system generates its own regulatory costs and imposes a regulatory burden on Commission resources. Even if all other things were equal (and they are not), the total scope of regulation would be much larger for cable than it is for satellite.

The paperwork reflects this disparity. Over the last three years, the cable industry has filed more than nineteen times the number of pages in docketed proceedings as DBS, in nearly six times the number of pleadings.[53] Moreover, cable operators have many recordkeeping requirements that do not apply to DBS, and generally must keep records for *each* of their systems. These include the following:

- Political File (47 C.F.R. § 76.1701)
- EEO File (47 C.F.R. § 76.1702)

Clarification or Waiver of 47 C.F.R. § 76.640(b)(4)(iii); CS Docket No. 97-80 (filed July 25, 2012); Reply Comments of DIRECTV, LLC, MB Docket No. 12-230, CS Docket No. 97-80 (filed Oct. 1, 2012) (pointing out that underlying requirement does not apply to DBS).

[52] See Television and Cable Factbook 2014 D-1235 to D-1283 (Paul L. Warren & Daniel Y. Warren, eds., 2014) ("Warren").

[53] Counsel for DIRECTV obtained this figure by reviewing filings submitted to the Commission's Electronic Comment Filing System ("ECFS") for calendar years 2102-14 from, on the one hand, DIRECTV, EchoStar, DISH Network and the Satellite Broadcasting and Communications Association, and on the other hand, NCTA, the American Cable Association and the cable operators among the top 25 MVPDs (Comcast, Time Warner Cable, Cox, Charter, Cablevision, Bright House, Suddenlink, Mediacom, WOW!, Cable One, RCN, Atlantic Broadband, Midcontinent, Armstrong, Service Electric, Metrocast Cablevision, Blue Ridge Communications, WaveDivision, GCI, Buckeye CableSystem, and Grande). By our count, the DBS industry totaled 4,870 pages in 401 pleadings. The cable industry totaled 93,673 pages in 2,217 pleadings. This count included obvious affiliates of the entities listed above (such as Time Warner Cable Northeast), except for entities that appeared specific to telephony services (such as Mediacom Telephony). The count excluded both evidently ministerial submissions (such as acknowledgements of confidentiality) and filings submitted under seal. It also excluded Verizon and AT&T, and thus likely understated the disparity in regulatory costs.

- "Kid Vid" File (47 C.F.R. § 76.1703)
- Proof-of-Performance Test Data File (47 C.F.R. § 76.1704)
- Signal Leakage Logs and Repair Records File (47 C.F.R. §76.1706)
- Aeronautical Notifications (47 C.F.R. § 76.1804)
- Leased Access File (47 C.F.R. § 76.1707)
- Principal Headend File (47 C.F.R. § 76.1708)
- Availability-of-Signals File (47 C.F.R. § 76.1709)
- Operator Interests in Video Programming File (47 C.F.R. § 76.1710)
- Emergency Alert System File (47 C.F.R. § 76.1711)
- Complaint Resolution File (47 C.F.R. § 76.1713)
- Regulatory File (47 C.F.R. § 76.1714)
- Sponsorship Identification File (47 C.F.R. § 76.1715).[54]

The collective volume of this paperwork, all of which is subject to Commission review, is overwhelming. Just one of these reports—signal leakage reports required under 47 C.F.R. § 76.611—generated more than 200,000 pages last year.[55] This is 225 times more than the volume of all filings made by both DIRECTV and DISH in docketed proceedings so far this year.[56]

---

[54] DBS operators keep political files, EEO files, "kid vid" files, and EAS files. As there are only two DBS operators, there are only two of each such file.

[55] Multiplying the six pages of each annual signal leakage report by the 33,462 cable communities that have to file such reports each year results in approximately 200,772 total pages.

[56] ECFS reflects that DIRECTV and DISH Network filed 890 pages across all dockets for the period beginning January 1, 2013 and ending December 31, 2013.

Again, the question here is not whether DBS operators compete with cable operators. They do, and they always have. The real question is whether there exists regulatory parity between cable and DBS that might justify Commission action if the statute permitted it (which it does not). The answer is clearly "no."

III. THE COMMISSION MUST PROVIDE A REASONED EXPLANATION UNDER THE ADMINISTRATIVE PROCEDURE ACT FOR CHANGING ITS POSITION ON DBS FEES.

Even if the Commission could engage in a permitted amendment under the Communications Act, it would have to also satisfy the APA, which prohibits agency action that is "arbitrary" or "capricious."[57] Under this standard, the Commission must provide a reasoned explanation for changing its policies.[58] In 2006, after reviewing extensive submissions on a cable industry proposal to change DBS regulatory fees, the Commission determined that cable "[had] not shown that the requirements of Section 9 would be better satisfied by the reclassification of DBS and the assessment of the DBS fee on a per subscriber basis."[59] To the contrary, the Commission found that "[t]he existing [per-satellite GSO] regulatory fee classification and related methodology has ensured that regulatory fees are reasonably related to the benefits provided by the Commission's activities."[60] Having made this determination in 2006, the Commission faces a high burden to explain what new laws and

---

[57] 5 U.S.C. § 706(2)(A).

[58] *See Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 41-42 (1983) (requiring an agency to adequately explain a departure from prior policy); *see also e.g., FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16 (2009) (holding that, while an "agency need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate," it must do so "when, for example, its new policy rests upon factual findings that contradict those which underlay its prior policy," and continuing that, in such cases "a reasoned explanation is needed for disregarding facts and circumstances that underlay or were engendered by the prior policy").

[59] *2006 Order*, ¶ 16.

[60] *Id.*

regulations have occurred *in the last eight years* that might change the "nature" of DBS regulation.

The APA would also require the Commission to explain the basis of any fee increases to DBS exceeding 7.5 percent, the cap it set last year.[61] In setting that cap, the Commission said the following:

- The purpose of the cap was "to avoid sudden and large changes in the amount of fees paid by various classes of regulatees."[62]
- "[T]he imposition of a cap on fee increases is not unprecedented," citing a 25 percent cap imposed in 1997 "to avoid the prospect of 'fee shock' resulting from large and unpredictable fluctuations in fees."[63]
- It rejected arguments that a cap was inappropriate because some payors had paid "too little" over the years, noting that "we cannot 'flash cut' to immediate, unadjusted use of the FY 2012 FTE data without engendering significant and unexpected fee increases for other categories of fee payors."[64]
- "[T]he cap we impose on fee increases for some licensees will unavoidably limit the fee reductions other licensees . . . would otherwise enjoy."[65]

---

[61] *Assessment and Collection of Regulatory Fees for Fiscal* Year2013, 28 FCC Rcd. 12351 (2013), ¶ 21 ("*2013 Order*"). The Commission did not impose a similar cap this year because, as it explained, it did not propose changes resulting in such large increases this year. *See Notice*, ¶ 35 ("As compared with FY 2013, very few fee categories will experience large fee rate increases in FY 2014, and these increases do not result from the reform measures that the Commission has adopted here.").

[62] *Id.*

[63] *2013 Order*, ¶ 23, *citing Assessment and Collection of Regulatory Fees for Fiscal Year 1997*, 12 FCC Rcd. 17161, ¶ 37 (1997). *See also id.*, n.58. ("The fee shock the Commission sought to avoid was caused by the use of employee time sheet entries to calculate direct and indirect FTEs, a methodology that was ultimately abandoned as unworkable.")

[64] *Id.*, ¶ 25.

[65] *Id.*

Even assuming the Commission could justify its new proposed DBS category both as the result of changes in law and regulation and as reflecting FTEs attributable to DBS regulation, it most implement any changes over time so as not to exceed 7.5 percent increases per year.

* * *

The Commission's proposal to create a new DBS fee category faces substantial legal and policy hurdles. It should consider carefully before creating a new DBS regulatory fee category.

Respectfully submitted,

/s/

Stacy R. Fuller
Vice President, Regulatory Affairs
DIRECTV, LLC
901 F Street,
Suite 600
Washington, DC 20004
(202) 383-6300

William M. Wiltshire
Michael Nilsson
HARRIS, WILTSHIRE & GRANNIS LLP
1919 M Street, NW
The Eighth Floor
Washington, DC 20036
(202) 730-1300

Counsel for DIRECTV, LLC

Jeffrey Blum
Senior Vice-President and
Deputy General Counsel
Alison A. Minea
Director & Senior Counsel
Regulatory Affairs
Hadass Kogan
Associate Corporate Counsel
DISH NETWORK L.L.C.
1110 Vermont Avenue NW,
Suite 750
Washington, DC 20005
(202) 293-0981

November 26, 2014

APPENDIX A
SHVA, SHVIA, and SHVERA Proceedings

SHVA

Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act, CS Docket No. 98-201

Inquiry into the Existence of Discrimination in the Provision of Superstation & Network Station Programming, Gen Docket No. 89-88

Nat'l Rural Telecommunications Coop. v. United Video, File Nos. E-91-44, E-91-45, E-91-46

Imposing Syndicated Exclusivity Requirements on Satellite Delivery of Television Broad. Signals to Home Satellite Earth Station Receivers, Gen Docket No. 89-89

SHVIA

Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues, CS Docket No. 99-363

Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Nonduplication, Syndicated Exclusivity, & Sports Blackout Rules to Satellite Retransmissions, CS Docket No. 00-2

Establishment of an Improved Model for Predicting the Broad. Television Field, ET Docket No. 00-11

Technical Standards for Determining Eligibility for Satellite-Delivered Network Signals Pursuant to Satellite Home Viewer Improvement Act, ET Docket No. 00-90

Implementation of Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues, CS Docket No. 00-96

Amendment of Parts 2, 25 of Comm'n's Rules, ET Docket No. 98-206 (related to Rural Local Broadcast Signal Act, passed in conjunction with SHVIA)

Report to Cong. Committees Pursuant to Rural Local Broad. Signal Act, FCC 00-454 (related to Rural Local Broadcast Signal Act, passed in conjunction with SHVIA)

Carriage of Digital Television Broadcast Signals Amendments to Part 76 of the Comm'n's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999, CS Docket No. 98-120 (combined with Dockets 00-96 and 00-2)

SHVERA

MB Docket No. 05-28

Implementation of Section 208 of the Satellite Home Viewer Extension & Reauthorization Act of 2004, MB Docket No. 05-28

Implementation of the Satellite Home Viewer Extension & Reauthorization Act of 2004 Implementation of Section 340 of the Commc'ns Act, MB Docket No. 05-49

Implementation of Section 207 of the Satellite Home Viewer Extension & Reauthorization Act of 2004, MB Docket No. 05-89

Implementation of the Satellite Home Viewer Extension & Reauthorization Act of 2004, FCC 05-81

Implementation of Section 210 of the Satellite Home Viewer Extension & Reauthorization Act of 2004 to Amend Section 338 of the Commc'ns Act, MB Docket No. 05-181

Technical Standards for Determining Eligibility for Satellite-Delivered Network Signals Pursuant to the Satellite Home Viewer Extension & Reauthorization Act, ET Docket No. 05-182

Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension & Reauthorization Act of 2004, MB Docket No. 05-317

Nat'l Ass'n of Broadcasters & Ass'n of Local Television Stations, DA 07-3726

APPENDIX B
DBS Media Orders 1996-2001

1996

Application of MCI Telecommunications Corporation For Authority To Construct, Launch and Operate a Direct Broadcast Satellite System at 110° W.L., 11 FCC Rcd. 16275 (1996)

Preemption of Local Zoning Regulation of Satellite Earth Stations, 11 FCC Rcd. 19276 (1996)

Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996 Video Programming Accessibility, 11 FCC Rcd. 19214 (1996)

Preemption of Local Zoning Regulation of Satellite Earth Stations, 11 FCC Rcd. 5809 (1996)

1997

Implementation of the Cable Television Consumer Protection and Competition Act of 1992, 12 FCC Rcd. 22840 (1997)

Telecommunications Services Inside Wiring, 13 FCC Rcd. 3659 (1997)

Closed Captioning and Video Description of Video Programming, 13 FCC Rcd. 3272 (1997)

Star Lambert and Satellite Broadcasting and Communications Association of America: Petition for Declaratory Ruling Under 47 C.F.R. § 1.4000, 12 FCC Rcd. 10455 (1997)

Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 12 FCC Rcd. 4358 (1997)

1998

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, 13 FCC Rcd. 24284 (1998)

Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, 13 FCC Rcd. 23254 (1998)

Implementation of Section 207 of the Telecommunications Act of 1996, 13 FCC Rcd. 23874 (1998)

EchoStar Communications Corporation v. Fox/Liberty Networks LLC, Fox Sports Net LLC, Fox Sports Direct, 13 FCC Rcd. 21841 (1998)

DIRECTV, Inc., Complainant v. Comcast Corporation, Comcast-Spectacor, LP, Comcast Sportsnet, Defendants, 13 FCC Rcd. 21822 (1998)

Implementation of Section 207 of the Telecommunications Act of 1996, 13 FCC Rcd. 18962 (1998)

EchoStar Communications Corporation, 13 FCC Rcd. 16350 (1998)

Applications of TCI Satellite Entertainment, Inc. and Primestar, Inc, 14 FCC Rcd. 2715 (1998)

Implementation of the Cable Television Consumer Protection and Competition Act of 1992, 13 FCC Rcd. 15822 (1998)

Implementation of Section 304 of the Telecommunications Act of 1996, 13 FCC Rcd. 14775 (1998)

EchoStar Communications Corporation v. Fox/Liberty Networks, LLC FX Networks, LLC, 13 FCC Rcd. 7394 (1998)

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, 13 FCC Rcd. 1034 (1998)

1999

EchoStar Communications Corporation v. Fox/Liberty Networks, LLC, Fox Sports Net, LLC, Fox Sports Direct, 14 FCC Rcd. 21470 (1999)

EchoStar Satellite Corporation v. Fox Liberty Networks, LLC, Fox Sports Net, LLC, Fox Sports Direct, 14 FCC Rcd. 21468 (1999)

Petition for Waiver of Direct Broadcast Satellite Public Interest Obligation Implementation Date EchoStar Satellite Corporation, 15 FCC Rcd. 1814 (1999)

American Distance Education Consortium Request for an Expedited Declaratory Ruling and Informal Complaint, 14 FCC Rcd. 19976 (1999)

Implementation of the Cable Television Consumer Protection and Competition Act of 1992, 14 FCC Rcd. 19014 (1999)

Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act: Part 73 Definition and Measurement of Signals of Grade B Intensity, 14 FCC Rcd. 17373 (1999)

1998 Biennial Regulatory Review—Part 76 – Cable Television Service Pleading and Complaint Rules, 1999 WL 766253 (1999)

EchoStar Communications Corporation v. Fox/Liberty Networks, LLC, Fox Sports Net, LLC, Fox Sports Direct, 14 FCC Rcd. 10480 (1999)

EchoStar Communications Corporation v. Speedvision Network, LLC, Outdoor Life Network, LLC, 14 FCC Rcd. 9327 (1999)

Application of MCI Telecommunications Corporation, Assignor and EchoStar 110 Corporation, Assignee, 16 FCC Rcd. 21608 (1999)

Application of MCI Telecommunication Corporation for Authority to Construct, Launch and Operate a Direct Broadcasting Satellite System at 110° W.L., 14 FCC Rcd. 11077 (1999)

Implementation of Section 304 of the Telecommunications Act of 1996, 14 FCC Rcd. 7596 (1999)

United States Satellite Broadcasting Co., Inc. Transferor and DIRECTV Enterprises, Inc. Transferee, 14 FCC Rcd. 4585 (1999)

EchoStar Communications Corporation v. Speedvision Network, LCC, Outdoor Life Network, LLC, 14 FCC Rcd. 3979 (1999)

Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Telecommunications, Inc., Transferor to AT&T Corp., Transferee, 14 FCC Rcd. 3160 (1999)

Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act, 14 FCC Rcd. 2654 (1999)

EchoStar Communications Corporation v. Speedvision Network, LCC, Outdoor Life Network, LCC, 14 FCC Rcd. 2178 (1999)

EchoStar Communications Corporation Complainant, v. Comcast Corporation, Comcast-Spectacor, LP, Philadelphia Sports Media, LP, Defendants, 14 FCC Rcd. 2089 (1999)

1998 Biennial Regulatory Review – Part 76 – Cable Television Service Pleading and Complaint Rules, 14 FCC Rcd. 418 (1999)

2000

Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues, 16 FCC Rcd. 1918 (2000)

Technical Standards for Determining Eligibility for Satellite-Delivered Network Signals Pursuant to the Satellite Home Viewer Improvement Act, 15 FCC Rcd. 24321 (2000)

DIRECTV, Inc., Complainant, v. Comcast Corporation, Comcast-Spectacor, LP, Comcast Sportsnet, Defendants, 15 FCC Rcd. 22802 (2000)

Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmissions of Broadcast Signals, 15 FCC Rcd. 21688 (2000)

Compatibility between Cable Systems and Consumer Electronics Equipment, 15 FCC Rcd. 17568 (2000)

American Distance Education Consortium Request for an Expedited Declaratory Ruling and Informal Complaint, 15 FCC Rcd. 15448 (2000)

Implementation of Video Description of Video Programming, 15 FCC Rcd. 15230 (2000)

Establishment of an Improved Model for Predicting the Broadcast Television Field Strength Received at Individual Locations, 15 FCC Rcd. 12118 (2000)

American Distance Education Consortium Request for an Expedited Declaratory Ruling and Informal Complaint, 15 FCC Rcd 13638 (2000)

Bell Atlantic Video Services Company. Petition for Declaratory Ruling Pursuant to 47 C.F.R. § 1.4000, 15 FCC Rcd. 7366 (2000)

Closed Captioning and Video Description of Video Programming: Implementation of Section 305 of the Telecommunications Act of 1996, Accessibility of Emergency Programming, 15 FCC Rcd. 6615 (2000)

Implementation of the Satellite Home Viewer Improvement Act of 1999, Retransmission Consent Issues: Good Faith Negotiation and Exclusivity, 15 FCC Rcd. 5445 (2000)

EchoStar Satellite Corporation, Complainant, v. Comedy Partners, Defendant, 15 FCC Rcd. 2798 (2000)

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, 15 FCC Rcd. 978 (2000)

2001

Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, 16 FCC Rcd. 6005 (2001)

EchoStar Satellite Corp. v. Young Broadcasting, Inc., 16 FCC Rcd. 15070 (2001)

Implementation of Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues, 16 FCC Rcd. 16544 (2001)

Implementation of Video Description of Video Programming, 16 FCC Rcd. 1251 (2001)

Report to Congressional Committees Pursuant to Rural Local Broadcast Signal Act, FCC Rcd. 578 (2001)

Implementation of Cable Television Consumer Protection and Competition Act of 1992, 16 FCC Rcd. 19074 (2001)

Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, 17 FCC Rcd. 6441 (2001)

EchoStar Communications Corp. v. Speedvision Network, L.L.C., 16 FCC Rcd. 4949 (2001)

Entravision Holdings, LLC v. EchoStar Communications Corp., 16 FCC Rcd. 22028 (2001)

Entravision Holdings, LLC v. DIRECTV, Inc., 16 FCC Rcd. 22034 (2001)

Entravision Holdings, LLC v. DIRECTV, Inc., 16 FCC Rcd. 21815 (2001)

KMVD Acquisition Corp. v. DIRECTV, Inc., 16 FCC Rcd. 22040 (2001)

Johnson Broadcasting, Inc. v. DIRECTV, Inc., 16 FCC Rcd. 21329 (2001)

APPENDIX C
DBS Media Orders 2008-2013

2008

Christian Television Corporation Telemundo Group University Broadcasting Lesea Broadcasting: Association of Public Television Stations Univision Communications WLNY-TV and Golden Orange Broadcasting Co. Applications for Review, 23 FCC Rcd. 633 (2008)

The Commission's Cable Horizontal and Vertical Ownership Limits, 23 FCC Rcd. 2134 (2008)

General Motors Corporation and Hughes Electronics Corporation, Transferors and the News Corporation Limited, Transferee, For Authority to Transfer Control, 23 FCC Rcd. 3131 (2008)

News Corporation and the DIRECTV Group, Inc., Transferors, and Liberty Media Corporation, Transferee, For Authority to Transfer Control, 23 FCC Rcd. 3265 (2008)

Johnson Broadcasting of Dallas, Inc. Johnson Broadcasting, Inc. Requests for Mandatory Carriage of Television Stations KLDT-TV, Lake Dallas, TX and KNWS-TV, Katy, TX Applications for Review, 23 FCC Rcd. 3263 (2008)

Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues, 23 FCC Rcd. 5351 (2008)

Closed Captioning of Video Programming: Closed Captioning Requirements for Digital Television Receivers, 23 FCC Rcd. 16674, (Erratum), 24 FCC Rcd. 8262 (Erratum) (2008)

2009

Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 24 FCC Rcd. 542 (2009)

Applications for Consent to the Assignment and/or Transfer of Control of Licenses Time Warner Inc., and its Subsidiaries, Assignor/Transferor to Time Warner Cable Inc., and its Subsidiaries, Assignee/Transferee, 24 FCC Rcd. 879 (2009)

Application for Authority to Transfer Control of Satellite Earth Station and Space Station Licenses from Liberty Media Corporation, Transferor to Liberty Entertainment Inc., Transferee, 24 FCC Rcd. 4110 (2009)

General Motors Corporation, Hughes Electronics Corp., Transferors and The News Corporation, Limited, Transferee, 24 FCC Rcd. 8674 (2009)

Channel 38 Christian Television KSCE (TV), El Paso, Texas v. DIRECTV, Inc. Signal Carriage Complaint, 24 FCC Rcd. 9419 (2009)

Richard Rhoad Petition for Declaratory Ruling under 47 C.F.R. § 1.4000, 24 FCC Rcd. 9527 (2009)

James S. Bannister Petition for Declaratory Ruling under 47 C.F.R. § 1.4000, 24 FCC Rcd. 9516 (2009)

Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming, 24 FCC Rcd. 11413 (2009)

Liberty Media Corporation, Transferor DIRECTV, Transferee, 24 FCC Rcd. 12221 (2009)

Constance M. Lane and Daniel F. Lane Petition for Declaratory Ruling under 47 C.F.R. § 1.4000, 24 FCC Rcd. 13219 (2009)

2010

Red Lion Broadcasting Company, Inc., Licensee of WGCB-TV, Red Lion, Pennsylvania v. DIRECTV, Inc., 25 FCC Rcd. 1272 (2010)

Closed Captioning of Video Programming, 25 FCC Rcd. 1370 (2010)

Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements, 25 FCC Rcd. 746, 25 FCC Rcd. 1738 (2010)

Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments, 25 FCC Rcd. 2460 (2010)

Connecting America: The National Broadband Plan, 2010 WL 972375 (2010)

Implementation of Section 304 of the Telecommunications Act of 1996, 25 FCC Rcd. 4303 (2010)

Video Device Competition: Implementation of Section 304 of the Telecommunications Act of 1996, 25 FCC Rcd. 4275 (2010)

Liberty Media Corporation, Transferor DIRECTV, Transferee, 25 FCC Rcd. 7502 (2010)

Application of DISH Network, LLC for Qualified Carrier Certification, 25 FCC Rcd. 12941 (2010)

Implementation of Section 304 of the Telecommunications Act of 1996, 25 FCC Rcd. 14657, 26 FCC Rcd. 9209 (2010)

Craig Wirth: Petition for Declaratory Ruling under 47 C.F.R. § 1.4000, 25 FCC Rcd. 15583 (2010)

Policarpio & Lourdes Medios: Petition for Waiver and Declaratory Ruling under 47 C.F.R. § 1.4000, 25 FCC Rcd. 15870 (2010)

Measurement Standards for Digital Television Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, 25 FCC Rcd. 16471 (2010)

Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations, 25 FCC Rcd. 16246 (2010)

Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA), 25 FCC Rcd. 16383 (2010)

2011

Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc., 26 FCC Rcd. 4238 (2011)

Adelphia Communications Corporation, Comcast Corporation, Time Warner Inc., 26 FCC Rcd. 2150 (2011)

DISH Network LLC, Petitioner, v. Comcast Corporation Comcast Sportsnet California, Inc., Respondents, 26 FCC Rcd. 2149 (2011)

DISH Network LLC, Complainant, v. Madison Square Garden Inc., Madison Square Garden, LP, and Cablevision Systems Corp., Defendants, 26 FCC Rcd. 6729 (2011)

Corridor Television, LLP v. DISH Network, LLC: Request for Mandatory Carriage of Television Station KCWX-DT Fredericksburg, Texas, 26 FCC Rcd. 7705 (2011)

Corey & Juanita Walker: Petition for Declaratory Ruling under 47 C.F.R. § 1.4000, 26 FCC Rcd. 10531 (2011)

Revision of the Commission's Program Carriage Rules: Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage, 26 FCC Rcd. 11494 (2011)

Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, 26 FCC Rcd. 11847, 26 FCC Rcd. 12662, 26 FCC Rcd. 14240 (2011)

In-State Broadcast Programming: Report to Congress Pursuant to Section 304 of the Satellite Television Extension and Localism Act of 2010, 26 FCC Rcd. 11919 (2011)

Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act, 26 FCC Rcd. 17222 (2011)

2012

Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc., 27 FCC Rcd. 15053 (2012)

TIVO Inc.'s Request for Clarification and Waiver of the Audiovisual Output Requirement of Section 76.640(B)(4)(III), 27 FCC Rcd. 14875 (2012)

Revision of the Commission's Program Access Rules, 27 FCC Rcd. 12605 (2012)

Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, 27 FCC Rcd. 10217 (2012)

Applications of Cellco Partnership D/B/A Verizon Wireless and Spectrumco LLC and Cox TMI, LLC for Consent to Assign AWS-1 Licenses, 27 FCC Rcd. 10698 (2012)

Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, 27 FCC Rcd. 9630 (2012)

Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF, 27 FCC Rcd. 4616 (2012)

Dish Network LLC, Complainant, v. The Madison Square Garden Company and MSG Holdings, LP, Defendants, 27 FCC Rcd. 298 (2012)

Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, 27 FCC Rcd. 787 (2012)

Review of the Emergency Alert System, 27 FCC Rcd. 642 (2012)

The Regional Sports Network Marketplace, 27 FCC Rcd. 154 (2012)

2013

Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 28 FCC Rcd. 10496 (2013)

Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-first Century Communications and Video Accessibility Act of 2010, 28 FCC Rcd. 4871 (2013)

Accessibility of User Interfaces, and Video Programming Guides and Menus, 28 FCC Rcd. 17330 (2013)

J. Stewart Bryan III and Media General Communications Holdings, LLC (Transferor), 28 FCC Rcd. 15509 (2013)

Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act, 28 FCC Rcd. 15258 (2013)

Applications for Consent to Transfer of Control from Shareholders of Belo Corp. to Gannett Co., Inc., 28 FCC Rcd. 16867 (2013)

Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-first Century Communications and Video Accessibility Act of 2010, 28 FCC Rcd. 8785 (2013)