



Alison A. Minea
Director & Senior Counsel, Regulatory Affairs
(202) 463-3709
Alison.Minea@dish.com

June 10, 2016

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Jim Grant
General Manager/Associate Minister
Victory Television Network, Inc.
KVTJ-DT Jonesboro/Memphis
P.O. Box 26207
Little Rock, AR 72221-6207

Re: STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter for KVTJ-DT, MB Docket No. 15-71

Dear Mr. Grant:

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

The Letter requests information regarding carriage of KVTJ-DT, Jonesboro, Arkansas into eight counties (Cross County, Arkansas; St. Francis County, Arkansas; Woodruff County, Arkansas; Crittenden County, Arkansas; Poinsett County, Arkansas; Mississippi County, Arkansas; Pemiscot County, Missouri; and Dunklin County, Missouri) (together, the “Counties”). 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.

¹ Letter from Jim Grant to Alison A. Minea, March 31, 2016.

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)).

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)

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 March 31, 2016 from Jim Grant requesting information regarding carriage of KVTJ-DT, Jonesboro, Arkansas into eight counties (Cross County, Arkansas; St. Francis County, Arkansas; Woodruff County, Arkansas; Crittenden County, Arkansas; Poinsett County, Arkansas; Mississippi County, Arkansas; Pemiscot County, Missouri; and Dunklin County, Missouri) (together, the “Counties”).
3. DISH carries KVTJ-DT on spot beams on two different satellites, one located at the 129° W.L. orbital slot (which is in the “Western Arc”) and the other at the 61.5° W.L. orbital slot (which is in the “Eastern Arc”). DISH also provides service from several other orbital slots.
4. The ability of an individual DISH subscriber in each of the Counties to receive KVTJ-DT depends on, among other things, how the subscriber’s individual satellite antenna was originally installed and pointed, and whether that subscriber is predicted to have adequate spot beam coverage from one of our two satellites that carries KVTJ-DT.
5. 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.
6. In addition, DISH subscribers who have satellite dishes pointed to receive service from the Western Arc may have either (i) an older set-top box compatible with MPEG-2 format satellite signals, or (ii) a newer set-top box compatible with MPEG-4 format satellite signals. On the other hand, DISH subscribers who have satellite dishes pointed to receive service from the Eastern Arc exclusively have MPEG-4 set-top boxes. A DISH subscriber who was originally installed with an MPEG-2 set-top box and whose satellite dish was pointed to receive service from the Western Arc could not be converted to service from the Eastern Arc until, among other possible changes, her satellite dish was repointed or replaced and her set-top box(es) were changed to MPEG-4 compatible versions.

¹ 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*”).

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)).

7. For DISH subscribers in each of the Counties, DISH must first determine whether the particular spot beam on each of our two satellites that carry KVTJ-DT provides adequate spot beam coverage. In determining whether a given spot beam covers each of the Counties, 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.
8. As an initial matter, in each of the Counties, there is a subset of subscribers who have satellite dishes that are not pointed to receive satellite signals from any satellite that currently transmits KVTJ-DT. For example, there are DISH subscribers in each of the Counties who receive service *only* from the 110° and 119° W.L. orbital slots, and not either 129° W.L. or 61.5° W.L. Therefore, it would be both "technically infeasible" and "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for such subscribers to receive KVTJ-DT from DISH, because DISH would need to send a truck and a technician to each such subscriber's home to re-point or replace the satellite antenna, and might also need to provide a different set-top box.
9. Other DISH subscribers may be able to receive KVTJ-DT from one of our two satellites that carries it. Each of the Counties is more or less different with respect to spot beam coverage from the Western Arc and Eastern Arc satellites that carry KVTJ-DT. One of the Counties has no coverage from either the Eastern or Western Arc satellite spot beams that carries KVTJ-DT, others have coverage from one satellite spot beam but not both, and others still have only partial coverage from one or both satellite spot beams.
 - a. **Cross County:** Apart from the DISH subscribers described in paragraph 8, some DISH subscribers in Cross County have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, while others are pointed to receive from Western Arc satellites. The Eastern Arc satellite spot beam that currently carries KVTJ-DT probably has sufficient coverage of Cross County, but Cross County is outside the coverage area for the spot beam on the Western Arc satellite that currently carries KVTJ-DT. If a DISH subscriber in this county wanted to switch from the Western Arc to the Eastern Arc, that subscriber would likely require both (i) a satellite dish re-pointing or a different satellite dish and (ii) a different set-top

³ *Market Modification Order* ¶ 41.

box (or multiple different set-top boxes if the subscriber has multiple TVs) if the customer did not already have MPEG-4 compatible equipment.

- b. **St. Francis County** is outside the coverage area for the spot beams on both the Eastern Arc and the Western Arc satellites that currently carry KVTJ-DT.
- c. **Woodruff County:** Apart from the DISH subscribers described in paragraph 8, some DISH subscribers in Woodruff County, Arkansas have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, while others are pointed to receive from Western Arc satellites. The Eastern Arc satellite spot beam that currently carries KVTJ-DT probably has sufficient coverage of Woodruff County, but Woodruff County is outside the coverage area for the spot beam on the Western Arc satellite that currently carries KVTJ-DT. If a DISH subscriber in this county wanted to switch from the Western Arc to the Eastern Arc, that subscriber would likely require both (i) a satellite dish re-pointing or a different satellite dish and (ii) a different set-top box (or multiple different set-top boxes if the subscriber has multiple TVs) if the customer did not already have MPEG-4 compatible equipment.
- d. **Crittenden County:** Apart from the DISH subscribers described in paragraph 8, some DISH subscribers in Crittenden County have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, while others are pointed to receive from Western Arc satellites. The Eastern Arc satellite spot beam that currently carries KVTJ-DT is predicted to achieve only partial coverage of Crittenden County, and Crittenden County is outside the coverage area for the spot beam on the Western Arc satellite that currently carries KVTJ-DT. If a DISH subscriber in this county wanted to switch from the Western Arc to the Eastern Arc, and assuming the subscriber was inside the partial coverage area for the Eastern Arc spot beam, that subscriber would likely require both (i) a satellite dish re-pointing or a different satellite dish and (ii) a different set-top box (or multiple different set-top boxes if the subscriber has multiple TVs) if the customer did not already have MPEG-4 compatible equipment.
- e. **Poinsett County:** Apart from the DISH subscribers described in paragraph 8, some DISH subscribers in Poinsett County have a satellite dish that is pointed to receive from satellites located in the Eastern Arc, while others are pointed to receive from Western Arc satellites. The Eastern Arc satellite spot beam that currently carries KVTJ-DT probably has sufficient coverage of Poinsett County, while the Western Arc satellite spot beam that currently carries KVTJ-DT is predicted to achieve only partial coverage of Poinsett County. If a DISH subscriber in this county wanted to switch from the Western Arc to the Eastern Arc, that subscriber would likely require both (i) a satellite dish re-pointing or a different satellite dish and (ii) a different set-top box (or multiple different set-top boxes if the subscriber has multiple TVs) if the customer did not already have MPEG-4 compatible equipment.

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.



Alison Minea
DISH Network L.L.C.

Executed on June 10, 2016