

12/14/98

RECEIVED

Fred Beck
9009 Heckscher Drive
Jacksonville, FL 32226
(904) 251-3408

DEC 22 1998

FCC MAIL ROOM

Federal Communications Commission
Office of the Secretary
1919 M St., NW, Room 222
Washington, DC 20554
ATTN: RM-9335

To whom it may concern;

I live in Jacksonville Florida, Duval County, where the city is the area of the entire county which is 842 square miles. I live in the Ft. George area, below Amelia Island, Florida. I am located in the far north east section of the city and cannot receive the local ABC station, ABC TV 25 in Jacksonville.

I requested my satellite carrier, Primestar, allow me subscription to ABC-East on my satellite dish so I could watch the FSU-Tennessee football game on January 4th, 1999. I was told by Primestar to apply for a wavier from ABC channel 25 in Jacksonville, Primestar stated they would let me subscribe to ABC-East if Channel 25 approved the wavier. I applied with ABC TV Channel 25 in Jacksonville and was denied by Mr. Bill Biggitt at the station. Mr. Biggitt stated I was in a grade B area and should be able to receive their transmission. I told Mr. Biggitt I had an outside antenna 20 feet tall, and I receive all the other TV stations on this antenna. He told me to rotate my antenna or replace it with a more expensive one. I invited him or anyone to come to my house and see that I cannot receive their signal.

While their station is located on the Southside of Jacksonville on J. Turner Butler Blvd. their transmitter is in Middleburg, Florida, the county below Jacksonville, Clay County. I am a long way from their transmitter and the picture I am getting is extremely fuzzy. Consequently, I will have to go somewhere January 4th to watch the game, instead of being in the comfort of my own home.

I feel since my request for a wavier from Channel 25 in Jacksonville was denied and I cannot receive their transmission, that I have been treated unfairly and arbitrarily denied access to ABC-East with Primestar which would allow me to view the National Championship game in my home.

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I would appreciate any information or assistance in this matter and would appreciate hearing from you about this as I think that there is more at issue here than my problem.

Thank you for your time. The reason I bring this to your attention is that I feel I have been denied my right to pay for another station on my satellite dish.

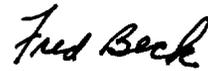
The following phone numbers I have called:

ABC TV Channel 25- (904) 332-2550 (Mr. Bill Biggitt)

Primestar - 1-800-774-6378-7817

1-800-Primestar

Sincerely,

A handwritten signature in cursive script that reads "Fred Beck".

Fred Beck

HELENA BECK
9009 Heckscher Drive
Jacksonville, Florida 32226
PHONE: 904-251-3408
FAX : 904-764-0002

December 10, 1998

Channel 25 - ABC
7025 A.C. Skinner Parkway
Jacksonville, Florida
PHONE: 904-332-2525
FAX : 904-332-2527

RE: Sattelite Carrier - PRIMESTAR / WAIVER LETTER

TO WHOM IT MAY CONCERN:

I request a waiver from Channel 25 ABC, Jacksonville, FL., to receive ABC-EAST on my Primestar Sattelite as I cannot receive the local ABC station. I live in the Ft. George Island area below Amelia Island, FL.

Thank You,


Helena Beck



National Call Center

Phone Number: 1-888-225-5322

Fax Number: 1-717-338-2684

Total Pages : 4

Please Deliver to:

Name:	HELENA BECK
FaxNo:	9,1-904-764-0002
Company:	
Phone Number:	904-251-3408

Message:

This fax is being sent in response to
request number: 00958762. Sent by TSR23

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

July 20, 1998

Retransmission of Network Television Stations
and the Satellite Home Viewer Act

The Satellite Home Viewer Act of 1988, 17 U.S.C. 119, is part of the Copyright Act. It was enacted by Congress to allow satellite carriers to transmit superstation and network station broadcast signals to their subscribers. Because networks and network programmers own the rights to these broadcasts, retransmission of these broadcasts without permission or compensation could be a copyright violation. To address this problem, the 1988 Act provides that satellite carriers must pay royalties to the networks for the programs they carry and limits the areas in which they may retransmit network broadcasts.

Prior to the Act, satellite carriers were unable to carry any network signals without negotiating private agreements whereby they agreed to pay for the right to use each program transmitted. The Act prescribes a single system for payment of royalties. This system gives viewers the ability to receive all video programming from a single source, provided that certain conditions are met.

Although satellite carriers retain the right to deal with the networks outside the provisions of the Act by negotiating private agreements, the practical ease allowed by the Act has made such agreements less attractive.

- * Satellite carriers choosing to operate under the Act are, however, subject to its limitations, including the limitation on retransmitting network signals to subscribers who could otherwise receive those signals over the air or who subscribe to cable services carrying network stations.
- * Under the Act, satellite carriers may retransmit network broadcasts only to "unserved households" that cannot receive broadcast transmissions over the air. "Unserved households" are households that "cannot receive, through the use of a conventional outdoor rooftop antenna, an over-the-air signal of Grade B intensity." Previously, under the law, a satellite carrier was required to conduct tests of signal strength for subscribers to determine if they were unserved households. However, the signal testing provisions of the Act expired on December 31, 1996. Nevertheless, in some cases, signal testing has continued. The Act also provides that households that subscribed to cable services carrying local network channels in the last 90 days are not eligible to receive satellite-delivered network service.

On February 6, 1997, the Congress requested the Copyright Office to conduct a review of the Satellite Home Viewer Act, especially the unserved household provision. The ensuing report contained a number of recommended revisions to the Act including elimination of the Grade B standard in favor of a geographic method for determining eligibility and elimination of the 90 day waiting period. In order for these changes to occur, however, Congress will have to amend the Copyright Act.

You may be interested to know that the National Rural Telecommunications Cooperative and EchoStar Communications have filed emergency petitions with the Commission urging that it change the definition of "Grade B intensity." These proposals would allow some households that are now considered "served" to be considered "unserved." Consequently, additional viewers would be able to obtain or re-obtain broadcast network signals from satellite carriers. If you would like to comment on the proposals, please write to:

Federal Communications Commission
Office of the Secretary
1919 M St, N.W., Room 222
Washington, D.C. 20554
ATTN: RM-9335

Comments will be accepted until September 11, 1998.

This fact sheet provides general answers to questions that may arise about reception of network signals. Because this law is part of the Copyright Act, the FCC does not have enforcement jurisdiction.

Q: What is "Grade B intensity"?

A: "Grade B" intensity is one term used by the Act as a measure of the strength of the television signal you receive at your home. A "Grade B" signal will not guarantee a perfectly clear image. Congress has determined that Grade B signals provide an adequate picture for home viewing.

Q: How do I know if I am an "unserved household"?

A: The Act provides that your satellite carrier submit your name and address to all networks that own affiliates in your area. If the network believes that you are receiving retransmissions in violation of the Act it must file a challenge with your satellite carrier. Your satellite carrier then must prove within 60 days that your household is an unserved household as defined by the Act.

Q: What happens if my signal is Grade B or better?

A: Your satellite carrier must discontinue network retransmission of those signals to your household within 60 days.

Q: Will I be fined if my satellite carrier has retransmitted these broadcasts to me in violation of the Act?

A: No. Only your satellite carrier may be penalized for repeated violations of this Act.

Q: If I do not receive a clear picture with my rooftop antenna, what should I do?

A: Make sure that your antenna is properly installed at a height even with your roof. The antenna should face, to the extent possible, the affiliate's broadcast tower. In other words, make every effort to receive a good transmission over the air. Remember that the law does not guarantee you a perfect image. If, after attempting to

retransmissions. Remember that under the Act "inadequate signal" means a signal of less than Grade B intensity.

Q: If I do receive an adequate picture with my rooftop antenna but prefer not to use two systems, can I receive satellite retransmission of network broadcasts?

A: No. The law permits satellite retransmissions only if you do not receive a Grade B signal or better. The law also provides that you may not subscribe to satellite delivered network signals, even if you have less than a Grade B signal, if you have subscribed to cable services carrying those networks within the last 90 days.

Q: Must I contact my local network affiliate before subscribing to a satellite service?

A: The Act does not require you to contact your affiliate before considering getting home satellite service. It is probably a good idea to ask the local satellite carrier and the affiliate if they know whether your area is generally eligible for receiving satellite retransmissions of network broadcast signals. The affiliate may want to test your signal themselves -- you must allow them access to do so. If you subscribe in good faith to a satellite carrier you cannot be penalized. The satellite carrier bears the responsibility for any violations.

Q: Where can I get more information about the Satellite Home Viewer Act?

A: You may call the Copyright Office at (202) 707-5932 or contact them by mail at the following address:

Licensing Division
Copyright Office
Library of Congress
Washington, D.C. 20557