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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the matter of )  
 )  
Application of Network Nonduplication, )  
Syndicated Exclusivity, and Sports Blackout )  
Blackout Rules to Satellite Retransmissions )

CS Docket No. 00-2

To: The Commission

**JOINT COMMENTS OF THE  
ABC, CBS, FOX, AND NBC  
TELEVISION NETWORK AFFILIATE ASSOCIATIONS**

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## Summary

Network Affiliates urge the Commission to apply sports blackout rules to satellite delivered network signals. SHVIA requires that the Commission apply sports blackout requirements to the satellite industry “to the extent technically feasible and not economically prohibitive.” It is clear from SHVIA’s legislative history, however, that the burden of showing technical or economic infeasibility is a “heavy” one requiring the Commission to find a “very serious economic threat” to the health of the satellite industry. No such showing has been made by any party filing comments in this proceeding. In fact, the unrefuted evidence presented in this proceeding demonstrates that the requisite technology is already in use by the satellite industry. Clearly the “heavy” burden that Congress required in order to avoid sports blackout of satellite delivered network signals has not been met.

Moreover, if the Commission fails to apply sports blackout requirements to satellite delivered network stations, local stations would be prohibited from airing sporting events to local viewers that satellite carriers could offer to those viewers by importing distant network signals. This result would be unfair to viewers, local stations, other MVPDs and sports leagues.

In addition to creating sports blackout rules for the satellite industry, the Commission should also extend application of its network nonduplication and syndicated exclusivity rules to satellite retransmission of both network stations and superstations in those markets where satellite carriers are providing “local-into-local” service. Although such an extension is not mandated by Congress, SHVIA merely sets forth the minimum, not the maximum, program exclusivity rules the

Commission may create for satellite carriers. Because network nondup and syndex rules were never statutorily mandated, the Commission does not need any specific directive from Congress to fashion program exclusivity rules for the satellite industry. Thus, the Commission has discretionary authority to fashion such rules in this proceeding. Creation of syndex and network nondup for the satellite industry would be consistent with the policy goals of SHVIA. It is patently unfair to local network stations to have their network and syndicated programming duplicated by satellite delivery of distant, out-of-market stations.

In fashioning program exclusivity rules for the satellite industry, the Commission should not weaken the protections provided to local stations under its current cable rules. Thus, the Commission should impose the same notification time periods and procedures as are required currently under the existing rules for cable operators. In order to avoid confusion and erroneous claims that proper notice was not given, the Commission should require notice to be provided only to "satellite carriers" (as that term is defined in SHVIA) and should direct EchoStar and DirecTV to designate by name, address, phone number and e-mail address the person to whom notice should be sent.

Nor should the Commission reduce the zones of protection provided to broadcast stations under the current rules applicable to cable. Accordingly, the geographic zones of protection for satellite retransmissions should be 35/55 miles for network nondup and 35 miles for syndex and sports blackout.

A satellite carrier cannot be sure that it is blacking out programming in a local station's protected zone unless it knows the physical location of each of its subscribers. Accordingly, satellite carriers should be barred from serving subscribers who provide only post office box addresses since

those addresses provide no information about a subscriber's physical location. Rural route addresses, however, generally are located close to the mail recipient's actual residence. Accordingly, if rural route addresses can be geocoded, satellite carriers should be permitted to use that geocoded location to determine whether a household is located within a station's protected zone.

To the extent that it is technically feasible, Network Affiliates support the position of the NCTA regarding importing the community unit concept into the new program exclusivity rules for satellite carriers. If possible, the Commission should require geocoding to determine which satellite subscribers live within a cable community unit subject to blackout restrictions and should require satellite carriers to black out signals to those homes. If geocoding of homes within existing cable community units is not possible, the Commission should require satellite carriers to black out signals to those subscribers residing within a zip code area that overlaps, in whole or in part, the local station's zone of protection.

The Commission should reject DirecTV's proposal to adopt an exception to the sports blackout rule for blackouts affecting fewer than five percent of television households in the relevant DMA. DirecTV's proposal is not analogous to the Commission's rule exempting cable systems with fewer than 1,000 subscribers from its program exclusivity requirements. Satellite carriers are among the largest television programming providers in the nation and should not be permitted to benefit from a rule designed to spare the small "Mom and Pop" cable television systems.

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
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Application of Network Nonduplication, Syndicated Exclusivity, and Sports Blackout Blackout Rules to Satellite Retransmissions	)	CS Docket No. 00-2

To: The Commission

**JOINT REPLY COMMENTS OF THE  
ABC, CBS, FOX, AND NBC  
TELEVISION NETWORK AFFILIATE ASSOCIATIONS**

The ABC, CBS, NBC and Fox Network Affiliate Associations (collectively, the “Network Affiliates”) hereby submit their Reply Comments on the *Notice of Proposed Rulemaking* (“*Notice*”) in the above-captioned proceeding.<sup>1</sup> This rulemaking was undertaken by the Commission in response to section 1008 of the Satellite Home Viewer Improvement Act of 1999 (“SHVIA”),<sup>2</sup> which instructs the Commission to implement rules governing network nonduplication (“network nondup”), syndicated program exclusivity (“syndex”) and sports blackout requirements for satellite carriers.

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<sup>1</sup> In the Matter of Implementation of the Satellite Home Viewer Improvement Act of 1999; Application of Network Nonduplication Syndicated Exclusivity and Sports Blackout Rules to Satellite Retransmissions, CS Docket No. 00-2, *Notice of Proposed Rulemaking*, FCC 00-4 (rel. Jan. 7, 2000) (“*Notice*”).

<sup>2</sup> Act of Nov. 29, 1999, P.L. 106-113, § 1000(9), 113 Stat. 1501 (enacting S.1948, including the Satellite Home Viewer Improvement Act of 1999) (“SHVIA”).

**I. The Commission Should Apply Sports Blackout Rules To Satellite Delivery Of Network Signals**

Network Affiliates urge the Commission to apply sports blackout rules to satellite delivered network stations. The Commission is mandated by Congress to apply these rules to satellite carriers unless a “very serious economic threat”<sup>3</sup> to the satellite industry is found, and no such showing has been made in this proceeding. Furthermore, failure to apply sports blackout rules to satellite delivered network stations would unfairly disadvantage local stations and threaten localism, contrary to the intent of Congress in passing SHVIA.

**A. Satellite Carriers Have Not Met The Requisite “Heavy” Burden Of Showing That Sports Blackout Of Network Signals Is Infeasible**

SHVIA requires that the Commission

- B) to the extent technically feasible and not economically prohibitive, apply sports blackout protection (47 C.F.R. § 76.67) to the retransmission of the signals of network stations by satellite carriers to subscribers.<sup>4</sup>

The Commission may consider whether it is “technically feasible” or “economically prohibitive” to apply the sports blackout rule to satellite retransmission of network stations. It is clear from SHVIA’s legislative history, however, that the burden of showing technical or economic infeasibility

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<sup>3</sup> *Joint Explanatory Statement of the Committee of Conference on H.R. 1554*, 106th Cong. (“Conference Report”).

<sup>4</sup> 47 U.S.C. § 339(b)(1)(B) (as enacted by § 1008 of SHVIA).

is very high. In the SHVIA Conference Report, Congress provided

These [new network station blackout] regulations under Subparagraph (B) are to be imposed “to the extent feasible and not economically prohibitive” with respect to the affected parties. **The burden of showing that conforming to rules similar to cable would be “economically prohibitive” is a heavy one. It would entail a very serious economic threat to the health of the carrier.** Without that showing, the rules should be as similar as possible to that applicable to cable service.<sup>5</sup>

Accordingly, in order to meet the burden of showing technical or economic infeasibility, the satellite carriers must show a “very serious economic threat” such as a realistic possibility that the requirement would put them out of business.

No such showing has been made by any party filing comments in this proceeding. In fact, the satellite carriers have made no showing that requiring blackout of satellite-delivered network signals would be either technically infeasible or economically prohibitive. DirecTV makes a general assertion in its comments that “[t]he onerous technical and logistical requirements of implementing sports blackout obligations on a daily basis across the country could impose a serious long-term economic threat to the health of DBS operators” but provides no evidence to support this claim.<sup>6</sup> EchoStar does not even specifically address the technical or economic burdens of sports blackout for network signals but rather makes only vague assertions about the technical infeasibility of applying any of the program exclusivity rules to satellite carriers.<sup>7</sup> No commenting party offers any explanation of why it would be infeasible to develop the technology to black out sports programming

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<sup>5</sup> Conference Report at 11.

<sup>6</sup> Comments of DirecTV, Inc. (“DirecTV”) at 18.

<sup>7</sup> Comments of EchoStar Satellite Corporation (“EchoStar”) at ii.

at specific households. Nor does any party submitting comments offer any cost figures to demonstrate that such technology would be cost prohibitive. Clearly the “heavy” burden that Congress required in order to avoid sports blackout of satellite delivered network signals has not been met.

In fact, the evidence presented in this proceeding demonstrates that not only is such technology feasible, it already exists. The NFL points out in its comments that “for six years” it has produced and distributed a satellite television package available to both C-band and Ku-band subscribers, which “has scrupulously observed the [NFL’s] blackout rule” and states that it has not encountered any technological barriers to blacking out satellite delivered sports programming.<sup>8</sup> In addition, the NFL notes that satellite carriers already are delivering local signals into local markets by transmitting the signal throughout the United States and then “blacking out” all areas except the authorized local area.<sup>9</sup> Similarly, the NBA states that “[t]he major satellite carriers already perform blackouts of sports programming pursuant to geographic restrictions agreed upon in their contracts with regional sports networks, sports leagues and other packagers of sports programming.”<sup>10</sup> None of the satellite carriers participating in this proceeding have offered any evidence to refute the NFL and NBA’s claims that the requisite technology already exists. Given the unrefuted evidence that satellite carriers are already performing targeted programming blackouts, their vague and unsubstantiated claims of technical and economic infeasibility cannot be taken seriously by the Commission.

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<sup>8</sup> Comments of the National Football League (“NFL”) at 8.

<sup>9</sup> Comments of the NFL at 8.

<sup>10</sup> Comments of the National Basketball Association (“NBA”) at 5.

**B. Failure To Apply Sports Blackout Rules To Satellite Delivered Network Signals Would Be Unfair To Viewers, Stations, Other MVPDs, And Sports Leagues**

If the Commission fails to apply sports blackout requirements to satellite delivered network stations, local stations would be prohibited from airing sporting events to local viewers that satellite carriers could offer to those viewers by importing distant network signals. As several commenters pointed out, this result undermines the purpose of the sports blackout rule.<sup>11</sup> Such a rule would be unfair to several parties. It would be unfair to local stations in that they would be prohibited from offering programs to local viewers for *free* that satellite carriers would be able to offer to the same local viewers on a *paid* basis. It would be unfair to viewers because those who could not afford to pay to see “home” games that are blacked out on free television would be deprived of access to those games. It also would be unfair to cable systems and other MVPDs who would be disadvantaged by not being able to offer “home” games that satellite carriers would be offering. Finally, it obviously would be unfair to sports leagues in that it would undermine the very purpose of the sports blackout rule.

**II. The Commission Can And Should Create Network Nondup And Syndex Rules For Satellite Delivered Network Signals Equivalent To Those Imposed On Cable, At Least In Markets Where Local Stations Are Delivered By Satellite**

The Commission erroneously states in the *Notice* that “Congress apparently chose not to extend application of the network nonduplication and syndicated exclusivity rules to retransmission of television broadcast stations other than nationally distributed superstations.”<sup>12</sup> We respectfully

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<sup>11</sup> See, e.g., Comments of the NFL at 7; Comments of the NBA at 4.

<sup>12</sup> *Notice* at ¶ 32; see also In the Matter of Amendment of Parts 73 and 76 of the Commission’s Rules Relating to Program Exclusivity In the Cable and Broadcast Industries, *Report*

disagree. Although the SHVIA statute directs the Commission to apply its program exclusivity rules to certain programming, it does not, in any way, limit the Commission's discretionary authority to fashion rules applying its program exclusivity rules more widely than statutorily mandated. Thus, SHVIA sets forth the minimum, not the maximum, program exclusivity rules the Commission may create for satellite carriers.

The Commission does not need any specific directive by Congress to fashion program exclusivity rules for the satellite industry. In fact, the existing cable network nondup and syndex rules were never statutorily mandated, but rather, were created by the Commission due to its realization that "protection of exclusive contractual rights is necessary both to protect local broadcasters from the importation of non-local stations by cable systems and to provide appropriate protection incentives to program producers and distributors to provide the programming desired by viewers."<sup>13</sup> The goals of protecting local broadcasters from distant signal importation and providing incentives for program producers and distributors to provide programming have not changed. Nor has the Commission lost its discretionary authority to fashion rules designed to achieve those goals. Accordingly, the Commission is authorized to create network nondup and syndex rules for satellite delivered network signals.

In 1991, the Commission considered whether to impose program exclusivity rules on the satellite industry.<sup>14</sup> Although, at that time, the Commission stated that it "continue[d] to believe in

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*and Order*, FCC 88-180, 64 Rad. Reg. 2d (P&F) 1818 (1988).

<sup>13</sup> *Notice* at ¶ 13.

<sup>14</sup> *See Imposing Syndicated Exclusivity Requirements on Satellite Delivery of Television Broadcast Signals to Home Satellite Earth Station Receivers, Report and Order*, FCC 90-431, 68 Rad. Reg. 2d (P&F) 1172, 1178 (1991).

the necessity and desirability of protecting the exhibition rights of local broadcast stations” it declined to extend the syndex rules to the then “nascent” satellite industry, noting that the industry was “still relatively small and rural” and that the equipment to implement exclusivity protection was “not currently available.”<sup>15</sup> Obviously, much has changed since 1991. The satellite industry is no longer “nascent” or “small and rural” but rather is made up of some of the country’s largest MVPDs. In addition, much of the equipment necessary for exclusivity protection is available and already in use by the satellite industry. Moreover, pursuant to the mandate set forth in SHVIA, satellite carriers already must comply with network nondup and syndex rules when delivering superstations. Accordingly, there can be no question as to whether exclusivity protection for network signals is feasible. As the NFL notes, “[i]f it is technically and economically feasible for carriers to apply certain of these rights as to certain stations, as the act demands, it can be no less feasible for carriers to apply these rights to all network stations.”<sup>16</sup>

The reasons the Commission gave in 1991 for considering the creation of program exclusivity rules for the satellite industry are still applicable today. In the Conference Report, Congress specifically stressed the “importance of protecting and fostering the system of television networks as they relate to the concept of localism.”<sup>17</sup> The Commission’s reasons for declining to create such rules, however, no longer apply.

Therefore, the Commission should impose network nondup and syndex rules equivalent to those for cable on satellite delivery of both network stations and superstations—at least in those

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<sup>15</sup> *Id.* at 729.

<sup>16</sup> Comments of the NFL at 12.

<sup>17</sup> Conference Report at 2.

markets where satellite carriers are providing “local-into-local” satellite delivery of local network station programming. The result would be that all viewers within the exclusive zone of protection (35/55 miles for network nondup and 35 miles for syndex and sports blackout) would be treated equally without regard to whether they receive service from cable or satellite. It would be patently unfair to local network stations to have their network and syndicated programming duplicated by satellite delivery of distant, out-of-market stations to “unserved homes” when the very same network and syndicated programming is readily available by satellite from one or more local stations. Congress clearly never intended such an unfair result. As the Commission has previously stated, “[t]he ability of broadcasters to compete at optimum levels, free of unfair competitive burdens, is a proper concern of this agency insofar as such policies are designed to improve communications services to the public.”<sup>18</sup>

### **III. The Syndex, Network Nondup And Sports Blackout Rules Created For The Satellite Industry Should Be Patterned After The Commission’s Existing Cable Rules**

Congress has mandated that the network nondup, syndex and sports blackout rules created for the satellite industry be “as similar as possible” to the rules applicable to cable operators.<sup>19</sup> Although it will not be possible for the Commission to replicate exactly its existing program exclusivity rules for the satellite industry, the Commission must strive to create rules that provide local stations with the same degree of protection they are already receiving in the cable context.

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<sup>18</sup> In the Matter of Amendment of Parts 73 and 76 of the Commission’s Rules Relating to Program Exclusivity In the Cable and Broadcast Industries, *Report and Order*, FCC 88-180, 64 Rad. Reg. 2d (P&F) 1818, 1855 (1988).

<sup>19</sup> *Notice* at ¶ 3.

**A. The Commission Should Not Create New, Burdensome Notification Processes And Procedures**

In fashioning network nondup, syndex and sports blackout rules for the satellite industry, the Commission should impose the same notification time periods and procedures as are currently required under the existing rules for cable operators.<sup>20</sup> Both EchoStar and DirecTV have proposed that the Commission require broadcast stations to comply with a more onerous notification process in the satellite context than is required under the Commission's cable rules.<sup>21</sup> The Commission should reject these proposals because requiring more notice for satellite retransmissions than for cable retransmissions is contrary to Congress' stated purpose of equalizing the regulatory regimes for both.<sup>22</sup>

While the notification periods and procedures should be essentially the same in the satellite and cable context, the Commission should clarify in its satellite rules to whom local stations are required to provide notice. Satellite services are sold and distributed by numerous parties making it difficult for local stations to determine which of these entities should be notified of its exclusivity rights. In order to avoid confusion and erroneous claims that proper notice was not given, the Commission should require notice to be provided only to "satellite carriers" (as that term is defined in SHVIA)<sup>23</sup> and further should require DirecTV and EchoStar to designate by name, address, phone

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<sup>20</sup> See 47 C.F.R. §§ 76.94, 76.155, 76.67(c).

<sup>21</sup> See Comments of EchoStar at 10, n.12; Comments of DirecTV at 15-17.

<sup>22</sup> See Conference Report at 11.

<sup>23</sup> See 17 U.S.C. § 119(d)(6).

number and e-mail address the person to whom notice should be sent.<sup>24</sup>

In addition, the Commission should clarify that local stations with existing program exclusivity contracts are entitled to enforce those contracts against any retransmissions by satellite carriers. The Commission should not require broadcasters to re-open and renegotiate existing exclusivity contracts.

**B. A Local Station's Geographic Zone Of Protection Should Be No Less For Satellite Retransmissions Than It Is For Cable**

In fashioning network nondup, syndex and sports blackout rules for the satellite industry, the Commission should not reduce the zones of protection provided to broadcast stations under the current rules applicable to cable. Accordingly, the zone of protection for network nondup should be 55 miles from a local station's reference point in its community of license in smaller markets and 35 miles from that reference point in other markets.<sup>25</sup> The zone of protection for syndicated exclusivity should be 35 miles surrounding a television station's city of license in a non-hyphenated market and 35 miles surrounding each city in a hyphenated market.<sup>26</sup> And the zone of protection for sports blackout should be the 35 mile geographic area surrounding the relevant broadcast station's community reference point.<sup>27</sup>

A satellite carrier cannot be sure that it is blacking out programming in a station's protected

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<sup>24</sup> See Comments of the Association of Local Television Stations, Inc. ("ALTV") at 8; Comments of the National Association of Broadcasters ("NAB") at 7.

<sup>25</sup> See 47 C.F.R. § 76.92.

<sup>26</sup> See 47 C.F.R. § 76.151, note (referring to "broadcast territorial exclusivity rights" as defined in 47 C.F.R. § 73.658(m)).

<sup>27</sup> See 47 C.F.R. § 76.5(e).

geographic zone unless it knows the physical location of each of its subscribers. Accordingly, satellite carriers should be barred from serving subscribers who provide only post office box addresses since those addresses provide no information about the subscriber's physical location.<sup>28</sup>

Satellite carriers already are required to ascertain the physical location of their subscribers for purposes of determining which households are "unserved," i.e., not predicted to receive an over the air signal of Grade B intensity from the local affiliate, and those same principles should be applied in this proceeding. Moreover, as the NAB points out in its comments, any other rule would encourage fraud because a subscriber located in a local station's protected zone could avoid programming blackouts by renting a post office box in a location where the blackout restrictions do not apply.<sup>29</sup> The Commission should not encourage such circumvention of the rules.

With respect to rural route addresses, however, the rules should be different. In general, rural route boxes are located close to the mail recipient's actual residence. Accordingly, if rural route addresses can be geocoded, the satellite carrier could use that geocoded location to determine whether a household is located within a station's protected zone.

The Commission also has inquired whether the community unit concept, which is currently used in the network nondup, syndex, and sports blackout rules applicable to the cable industry should be imported into the satellite context.<sup>30</sup> In its comments, the NCTA notes that under the cable rules, the area in which programming must be blacked out is often larger than the area in which a rights

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<sup>28</sup> See Comments of the NAB at 2-3.

<sup>29</sup> Comments of the NAB at 2-3.

<sup>30</sup> Notice at ¶ 29.

holder and a broadcaster may have contracted for territorial exclusivity.<sup>31</sup> A cable system generally is required to black out programming throughout a community unit if any portion of the broadcaster's area of exclusivity overlaps with any portion of the community unit.<sup>32</sup> In order to make the network nondup, syndex and sports blackout rules for satellite carriers "as similar as possible" to the cable rules, and to promote "parity" between satellite and cable, the NCTA supports requiring satellite carriers to black out programming on the same community unit basis that applies to cable operators.<sup>33</sup>

To the extent that it is technically feasible, Network Affiliates support the position of the NCTA regarding importing the community unit concept into the new rules for satellite carriers. Thus, if it is possible, the Commission should require geocoding to determine which satellite subscribers live within a cable community subject to blackout restrictions and should require satellite carriers to black out signals to those homes. This rule would make the blackout area for satellite service exactly the same as that for cable and, therefore, would minimize viewer confusion.

If geocoding of homes within the existing cable community units is not possible, Network Affiliates support a version of the zip code approach suggested by some commenters.<sup>34</sup> Specifically, the Commission should require satellite carriers to black out signals to those subscribers residing within a zip code area that overlaps, in whole or in part, the local station's zone of protection. This

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<sup>31</sup> Comments of the National Cable Television Association ("NCTA") at 3.

<sup>32</sup> 47 C.F.R. §§ 76.92(b)(1), 76.151, 76.67(a).

<sup>33</sup> Comments of the NCTA at 4.

<sup>34</sup> *See, e.g.*, Comments of the Motion Picture Association of America at 4-5; Comments of the Office of the Commissioner of Baseball at 13.

method may, in some instances, overstate the number of homes required to be blacked out. However, as a general rule, the larger zip code areas are not highly populated, so the total number of affected subscribers will not be high. Moreover, as shown by the current network nondup, syndex and sports blackout rules, the Commission is willing to accept some overstatement of the blackout zone in order to ensure that a local station's exclusivity rights are protected.<sup>35</sup>

**C. The 1,000 Subscriber Cable System Exception Is Not Applicable To Satellite Carriers**

In its comments, DirecTV argues that the Commission should “adopt an exception to the satellite sports blackout rule for blackouts affecting fewer than five percent of television households in the relevant Designated Market Area.”<sup>36</sup> DirecTV argues that such a rule would be analogous to exception in the cable context stating that the sports blackout rule does not apply to any cable system serving fewer than 1,000 subscribers.<sup>37</sup> As the Commission recognizes in its *Notice*, this exemption is based on the cost of the equipment needed to delete programming and the concern that small cable systems would not be able to afford the equipment necessary to comply with the rules. This concern is not present here. DirecTV, which is owned by General Motors—one of the world's largest corporations, has nearly eight million subscribers. EchoStar, whose equity value dwarfs all of the network stations whose signals it resells, has more than 3 million subscribers. Both carriers are among the largest television program providers in the nation. Clearly, satellite carriers should not be permitted to benefit from a rule designed to spare the small “Mom and Pop” cable television

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<sup>35</sup> See 47 C.F.R. §§ 76.92, 76.151, 76.67(a)..

<sup>36</sup> Comments of DirecTV at 4, 17.

<sup>37</sup> Comments of DirecTV at 17 (citing 47 C.F.R. § 76.67(f)).

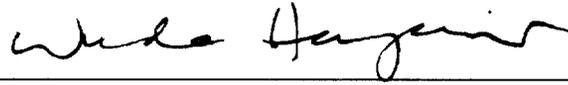
systems. The burden on the satellite industry of obtaining such equipment is in no way comparable to the burden on a small 1,000 subscriber cable system, and, accordingly, DirecTV's proposed rule should be rejected.

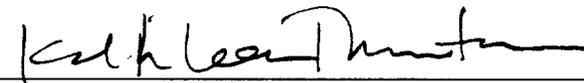
#### **IV. Conclusion**

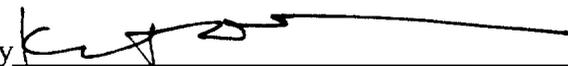
When Congress passed SHVIA, it mandated that the Commission impose network nondup, syndex and sports blackout rules on satellite delivered superstations and further mandated that, unless a "heavy" burden of proving technical or economic infeasibility is met, the Commission impose sports blackout rules on satellite delivered network signals. SHVIA, however, mandates the minimum, not the maximum, program exclusivity rules the Commission may create for satellite carriers. The Commission retains its discretionary authority to create network nondup and syndex rules for satellite delivered network stations, and it should create such rules in this proceeding. In

addition, in fashioning program exclusivity rules for satellite, the Commission cannot weaken the protections set forth in its cable rules, but rather must adhere as closely as possible to the rules it already has created for the cable industry. Congress intended that the two sets of rules be "as similar as possible" in order to protect local stations' exclusivity rights.

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