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^.....^Second, EchoStar's reliance on the burden of the carry one, carry all (see's must carry) requirement is misplaced. What possible difference could it make to a satellite carrier if a station submitted a carry one, carry all election to a satellite carrier on the last possible day or defaulted to must carry the day after? Is the 24 hour difference truly material to a satellite carrier's planning for compliance with its carry one, carry all obligations? Are satellite carriers truly that incapable of anticipating which stations will elect carry one, carry all or preparing plans to accommodate various alternative election scenarios? Indeed, a satellite carrier will know well in advance which stations it intends to carry (or already has been carrying) regardless of the station's election. It also will have sufficient savvy to figure out that most, if not all, of the remaining stations in a market will elect carry one, carry all. After all, these stations will have observed the satellite carrier's local into local lineups in other markets prior to the effective date of the carry one, carry all requirement. They will know that carry one, carry all is the only alternative which will assure carriage. In short, both the satellite carriers and local station licensees can anticipate with considerable accuracy which stations will elect retransmission consent and which stations will elect carry one, carry all. The election process, therefore, will function primarily to formally acknowledge their expectations. Furthermore, to put the matter more in perspective, only the status of the invariably few local stations which fail to make a timely election might remain unacknowledged. These very few instances hardly are likely to place an appreciable burden on satellite carriers' ability to anticipate and handle compliance with their carriage obligations.

^.....^Furthermore, EchoStar's proposal would open the door to all sorts of shenanigans. Satellite carriers would have an enormous incentive to misplace or mishandle local television stations' retransmission consent election notifications. By alleging a failure to receive a timely notification, a satellite carrier could attempt to usurp the election prerogative of the local television station. Enough instances of bone fide mistakes or actual failure of delivery will require Commission intervention without adding the burdensome prospect of satellite carrier antics designed to negate station elections and preserve satellite carriers' options. A predetermined default election would do much to prevent this sort of hijinx from compounding the Commission's enforcement burden.

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P•`•6Q•~•^^X^P#`ÑIII.Á^~~~~~ÁTHE COMMISSION SHOULD ADOPT EFFICIENT
NOTIFICATION AND ELECTION PROCEDURES THAT REFLECT THE DISTINCTIVE ELEMENTS OF
THE SATELLITE RULES.Ä

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^~~~~^This approach may be adapted easily to satellite carriers that have initiated or plan to initiate local@into@local service. First, 90 days prior to the first election deadline, satellite carriers which have commenced local@into@local service prior to the first election date should be required to submit to the Commission a brief notice, including the name of the satellite carrier, the name and title of the person designated to receive notifications, the address of the carrier (and the designated individual, if different), the market to be served, and the broadcast television signals the carrier plans to carry (subject to applicable rules). The notice should be sent to all local television stations in the market. The Commission also should give public notice of the submission. The public notice should provide all essential information (i.e., the name and title of the person designated to receive notifications, the address of the designated individual, the market to be served, and the broadcast television signals the carrier plans to carry). This procedure would assure that local television stations were aware that a satellite carrier was providing local@into@local service in their markets and would know to whom their elections should be sent. Local television stations then would have to submit their election notifications to the satellite carrier on or before the election date specified by the Commission. A station's failure to notify a satellite carrier of its election in a timely manner would trigger the default election. A station electing carry one, carry all, should be deemed to have requested carriage under the rule.

^~~~~^Second, a satellite carrier planning to commence local@into@local service in a market after the first election has been made should be required to submit the same notification to the Commission and to local television stations at least 90 days prior to commencement of service. # footnote

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P•`•6Q•~•`^^X^P#`ÑIV.Á^~::~~^ÃCONCLUSIONÄ

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Ä^^^^^^ÄIn view of the above, ALTV urges the Commission to adopt sensible procedures, while eschewing the dose of regulatory overkill desired by satellite carriers.Û~

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