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August 4, 2000

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Via HAND DELIVERY

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Federal Communications Commission
The Portals – TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

AUG 4 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

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

Dear Ms. Salas:

On behalf of EchoStar Satellite Corporation (“EchoStar”), enclosed please find for filing an original and nine copies of the Reply Comments of EchoStar Satellite Corporation in the above-referenced matter.

Also enclosed is an additional copy of EchoStar’s Reply Comments which we ask you to date-stamp and return with our messenger.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Rhonda M. Rivens
Counsel for EchoStar
Satellite Corporation

Enclosures

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

In the Matter of:)

Implementation of the Satellite Home)
Viewer Improvement Act of 1999)

Broadcast Signal Issues)
_____)

CS Docket No. 00-96

To: The Commission

REPLY COMMENTS OF ECHOSTAR SATELLITE CORPORATION

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Dated: August 4, 2000

SUMMARY

Despite the explicit declaration of both Congress and the Commission of the intention “to provide satellite subscribers with local television service in as many markets as possible” through the enactment of the Satellite Home Viewer Improvement Act of 1999 (“SHVIA”),¹ the must carry provisions of the statute inherently frustrate that intention: the more stations a satellite carrier has to carry in a given city, the fewer cities it will be able to serve with local network signals. On the other hand, no commenter disputes that the Commission’s hands are relatively tied; the statute leaves the Commission essentially no leeway to waive the basic must carry obligation of the statute or mitigate the burdens that inhere in it.

EchoStar moreover believes that the must carry requirements are facially unconstitutional, in many respects and for many reasons. At the same time, the Commission is not the appropriate forum for inquiring into the law’s unconstitutionality. Here too, no commenter seriously suggests either that the Commission can do anything to salvage the law from unconstitutionality or that the Commission may appropriately undertake such a determination. Notably, while the National Association of Broadcasters (“NAB”) tries to whitewash must carry by re-christening it as “carry-one, carry-all,” this unhappy euphemism appears to be an attempt to lay the groundwork for its advocacy position in a more appropriate

¹ Notice of Proposed Rulemaking, *In the Matter of Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues*, CS Docket No. 00-96 (rel. June 9, 2000) at ¶ 2 (hereinafter, “*NPRM*”). The must carry provision of SHVIA requires satellite carriers, by January 1, 2002, to carry upon request the signals of all local broadcast stations located in local markets in which the satellite carriers carry at least one broadcast station signal. Act of Nov. 29, 1999, Pub. L. No. 106-113, § 1008, 113 Stat. 1501, Appendix I (1999) (to be codified at 47 U.S.C. § 338).

forum rather than to convince the Commission. Indeed, the NAB cannot help walking away from its own “New-Speak” and elsewhere refers to must carry as “carriage obligations.”

Some commenters do attempt to justify the infringement upon satellite carriers’ constitutional rights by equating the position of satellite carriers to that of cable operators in the market for the delivery of video programming.² Even these parties, however, do not seriously appear to argue that the Commission can alter the unconstitutional effects inherent in the SHVIA must carry requirements.³ In any event, while this is not the place to argue over the appropriate standard of First Amendment protection for satellite carriers, the claim that satellite carriers are somehow similarly situated to cable operators and therefore can constitutionally be subject to the must carry burdens is baseless on the facts. As the Commission has repeatedly found, satellite carriers simply do not possess market power in the MVPD market and cable operators do.

This fact is not altered by EchoStar’s position in pending litigation that DIRECTV possesses market power in the submarket for Direct Broadcast Satellite (“DBS”) services. The market power of one of the two satellite carriers in the DBS submarket simply has no effect on the viability of broadcast stations if they were not to be carried by a satellite company. And Congress, in enacting the SHVIA must carry requirement, has not looked at any evidence that would document such an effect. The relevant question that both Congress and the Supreme Court evaluated in imposing cable must carry and upholding it as constitutional was whether cable systems possess market power or act as a bottleneck in the MVPD market. The answer to

² See, e.g., Comments of Association of Local Television Stations at 4-5.

³ See *Califano v. Sanders*, 430 U.S. 99, 109 (1997).

that question here, assuming that it were relevant, is that no satellite carrier has market power in the MVPD market.

Many commenters, on the other hand, would pile on the statutory burdens by asking the Commission to impose even *greater* burdens upon satellite carriers than those imposed by the statute. The Commission should resist these invitations. Rather, in the few cases where Congress affords the Commission any discretion, the Commission should try to effectuate the SHVIA objective of extensive local-into-local service and avoid imposing even greater carriage requirements on satellite carriers. For example, EchoStar agrees with DIRECTV that the carriage obligation extends to the part of the Designated Market Area (“DMA”) that falls within the Grade B signal reach of the station requesting carriage, as predicted by the Individual Location Longley-Rice (“ILLR”) model endorsed by the Commission, not to the entire DMA.

Also, the Commission should summarily dismiss the restrictions requested by the NAB on how satellite carriers are to market local stations to consumers and price them. As the Commission recognized in the NPRM, one of the crucial differences between cable and satellite carriers is that the latter do not have obligations as to the tier in which local signals are to be offered. The must carry provision cannot be used as a lever to impose such obligations on satellite carriers.

Moreover, the must carry provision cannot by any stretch be read to import into the DBS area a regime of rate reasonableness and anti-discrimination such as that applicable to common carriers under Title II of the Communications Act. In an era of systematic deregulation, even where rate reasonableness and anti-discrimination requirements applied in the past, it would be irrational to impose such requirements anew on DBS without so much as a statutory hint in that direction. Where Congress wanted to restrict satellite carriers, it said so, by imposing the

requirement of offering broadcast stations to subscribers on contiguous channels and giving broadcasters non-discriminatory access to any program guide. Indeed, one of the obligations advocated by the NAB – that the local stations be available from the same orbital location – is tantamount to a provision that had been included in draft legislation prior to the passage of SHVIA. The provision would have barred satellite carriers from transmitting local stations in a manner that would require additional reception equipment. This provision was pointedly dropped from SHVIA, however, after the Commission staff commented that it would unduly inhibit the flexibility of satellite carriers to offer local signals from more than one orbital slot. The NAB should not be allowed to resuscitate this provision in light of the deliberate decision of Congress not to impose it.

Generally, the Commission should avoid any ambiguity in its rules that might allow the broadcast interests to argue that they have rights beyond those given by the statute – for example that they are entitled to carriage beyond the local area or that they are entitled to carriage on terms other than those required by the statute.⁴

Nor should the Commission heed the National Cable Television Association’s (“NCTA”) plea for mechanical parity between cable and satellite must carry. As the NPRM recognizes, the fashioning of truly comparable rules requires a recognition of the differences between the two modes of delivery. In addition to the enormous difference in market power between cable and satellite carriers, local signal carriage is exponentially more burdensome for

⁴ With respect to the prohibition on compensation for carriage that is required by the statute, EchoStar only cautions the Commission not to do anything that would open the door to requests for uncompensated carriage going beyond the statutory requirements (for example, preferred positioning beyond what the law requires, or retransmission of a signal beyond the relevant local area).

satellite carriers than for cable systems, because the satellite carrier needs to devote bandwidth beyond the local market to carry a local station.

Notably, even the NAB and other broadcast interests taking extreme positions on many issues appear to make certain significant concessions. Perhaps most important, on the question of digital signal carriage raised in the NPRM, the NAB asks the Commission to defer the question and not decide it in this rulemaking. By this request, the NAB concedes in effect that SHVIA does *not* impose a digital must carry obligation – if it did, the Commission would have to promulgate rules implementing digital carriage requirement within one year.⁵

⁵ 47 U.S.C. § 338(g).

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

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In the Matter of:)	
)	
Implementation of the Satellite Home)	CS Docket No. 00-96
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)	
Broadcast Signal Issues)	
_____)	

To: The Commission

REPLY COMMENTS OF ECHOSTAR SATELLITE CORPORATION

EchoStar Satellite Corporation (“EchoStar”) hereby submits its reply comments on the Commission’s development of rules to implement the must carry provision of the Satellite Home Viewer Improvement Act of 1999 (“SHVIA”).¹ Many commenters urge the Commission to pile even greater burdens upon satellite carriers than those imposed by SHVIA. The Commission should resist these invitations. In the few cases where Congress affords the Commission any discretion, the Commission should try to effectuate the SHVIA objective of extensive local-into-local service and refrain from imposing even greater carriage requirements on satellite carriers.

¹ The must carry provision of SHVIA requires satellite carriers, by January 1, 2002, to carry upon request the signals of all local broadcast stations located in local markets in which the satellite carriers carry at least one broadcast station signal. Act of Nov. 29, 1999, Pub. L. No. 106-113, § 1008, 113 Stat. 1501, Appendix I (1999) (to be codified at 47 U.S.C. § 338).

A. Carriage Obligations and Definitions

1. Neither SHVIA Nor Commission Precedent Supports a Requirement that Satellite Carriers Notify Television Broadcast Stations of Mandatory Carriage Rights

Section 338(a)(1) places an affirmative burden on television broadcast stations to “request” carriage on the satellite carrier’s system. Thus, the plain language of the statute does not support placing the obligation on satellite carriers to notify broadcasters regarding mandatory carriage rights.² Neither would such an obligation be justified as “comparable” to the rules for cable as claimed by some commenters.³ As explained in the comments of DIRECTV, even for cable systems, there never was in fact an affirmative obligation of *existing* cable operators to notify stations of must carry rights – only new cable systems have to bear that burden. Accordingly, there is no precedent for imposition of a similar burden upon existing satellite carriers.

2. “Television Broadcast Station” Must Be Defined Narrowly to Effectuate the Purpose of SHVIA

Section 338(h)(7) of SHVIA defines “television broadcast station” as having the meaning given the term in Section 325(b)(7) of the Communications Act. Section 325(b)(7) defines the term as “an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of Part 73 of title 47, Code of Federal Regulations,

² The affirmative obligation to “request” carriage also precludes application of what the NCTA described as the “default election” rule, requiring carriage even if the television station failed to provide any election at all. *See* NCTA Comments at 4. In addition to being contrary to the statute, this “rule” fails to account for the possibility that stations that do not make an election have done so by choice.

³ *See* NAB Comments at 2; NCTA Comments at 3.

except that such term does not include a low-power or translator television station.” The Commission sought comment regarding whether satellite carriers must carry signals of satellite television stations as cable operators must,⁴ and certain commenters urge the Commission to impose such an obligation.⁵

In the cable must carry proceeding, the Commission found that satellite stations were entitled to must carry rights because the definition of “local commercial television station” in Section 614 did not specifically exclude such stations.⁶ In contrast, SHVIA specifically proscribes mandatory carriage of “any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted in the market.”⁷ The Commission’s regulations, in turn, define satellite television stations as stations that replicate substantially all of the television programming of another full power station in a market and also broadcast a minimal amount of original programming.”⁸ Since satellite stations substantially duplicate the programming of other full power stations in a market, the SHVIA’s anti-duplication provision precludes on its face a

⁴ NPRM at 8.

⁵ See e.g., Comments of Local TV on Satellite at 11.

⁶ *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992 Broadcast Signal Carriage Issues*, 8 FCC Rcd. 2965 at ¶ 30 (1993).

⁷ 47 U.S.C. § 338(c)(1).

⁸ See NPRM at 8 n. 46 (citing 47 C.F.R. § 73.3555 at note 5)). Significantly, the Commission’s multiple ownership rules do not apply to satellite television stations. See 47 C.F.R. § 73.3555 at note 5. The large degree of programming duplication by such stations appears to give the Commission little cause for concern regarding common ownership of non-satellite as well as satellite television stations.

regulatory requirement that satellite television stations be accorded must carry rights.⁹ In addition to the unequivocal statutory language, the statutory goal of extensive local-into-local service militates itself for an interpretation that does not saddle satellite carriers with carrying duplicate local programming at the expense of being able to serve additional local markets.

B. Market Definitions Must Be Crafted to Discourage Abuse of the Must Carry Rules

The Commission correctly acknowledges that there are statutory differences in the market definition mechanisms that Congress devised for cable and satellite.¹⁰ EchoStar agrees with the comments of DIRECTV that these textual differences are significant and cannot be ignored by the Commission for the sake of simple “harmonization” of cable and satellite carriage obligations.¹¹

Importantly, a key element of market definition, the scope of carriage rights within a local market, is not addressed by the NPRM. Consequently, there is serious potential for abuse of must carry rights. For example, a broadcaster licensed in a large DMA could demand carriage throughout the DMA even though its service contour does not encompass the entire DMA. This would result in windfall benefits to the broadcaster, “enriching” it by making its signal available beyond the area it would reach over-the-air and going far beyond the preservation of the status quo (making sure that stations do not become worse off by not being carried) that lies at the heart of all must carry provisions. Accordingly, the Commission should expressly permit satellite carriers, at their discretion, to limit the must carry coverage area to the

⁹ 47 U.S.C. § 338(c).

¹⁰ NPRM at ¶16.

¹¹ See DIRECTV Comments at 16-17.

broadcaster's predicted Grade B service contour (based on the ILLR model) within the DMA in which the broadcaster is licensed.

EchoStar also shares the concern expressed by BellSouth that the potential exists for abuse of the must carry rules by television broadcast stations that may attempt to change their community of license to gain entry into another DMA for the purpose of obtaining must carry rights.¹² EchoStar therefore supports BellSouth's proposal that the Commission adopt procedures to condition a change in community of license so that either (i) carriage of the station is at the satellite carrier's option; or (ii) the station is deemed to have elected retransmission consent for the balance of the applicable election period.¹³

C. The Commission Should Not Alter the Obligation Congress Placed on Broadcasters to Deliver a Good Quality Signal to Designated Receive Facilities

SHVIA requires broadcasters asserting must carry rights to bear the costs of delivering a good quality signal to the carrier's designated local receive facilities or to another facility acceptable to the majority of relevant stations.¹⁴ Any request for relief from that requirement, as effectively made by broadcast interests, is facially inconsistent with the statute.¹⁵

In addition, as EchoStar argued in its Comments, stations electing must carry should provide signal quality at least as good as that provided by stations electing retransmission

¹² BellSouth Comments at 14.

¹³ *Id.* at 15.

¹⁴ 47 U.S.C. § 338(b)(1).

¹⁵ See Joint Comments of the ABC, CBS, Fox and NBC Television Network Affiliate Associations at 10-11 (urging the Commission to require satellite carriers, not broadcast stations, to bear the cost of sending each station's signal to regional receive facilities even though the majority of relevant stations have agreed to the location of the regional receive facility).

consent. EchoStar also concurs with DIRECTV that the Commission should acknowledge that satellite compression technologies require delivery of signal better in quality than that required by cable.¹⁶

Regarding the selection of a signal receive facility, the statute clearly gives satellite carriers discretion in selecting the location of the facility, including, as the Commission has acknowledged, the selection of a regional receive facility upon the agreement of “50% of the relevant broadcasters” as to the location.¹⁷ EchoStar agrees with the Commission’s interpretation of this provision. A majority of broadcasters in a relevant region should be permitted to reach agreement upon the location of the regional receive facility. It would impose an even greater burden upon satellite carriers to seek the agreement of a majority of stations in *each locality* if the majority of stations in the region overall agree as to the location. Indeed, the potential for unfairness that so greatly concerns the NAB would more likely occur if the decision of a majority of stations in a region could be held hostage by a minority of stations in one locality, as would be the case under the NAB’s interpretation.¹⁸

Additionally, the NAB advocates allowing must carry stations to use the same local receive facility as that designated for use by retransmission consent stations, but would deny retransmission consent stations a vote for purposes of determining whether a majority of stations have agreed to a non-local receive facility. This too seems unfair and invites abuse. Under the NAB’s formulation, notwithstanding that retransmission consent stations have already

¹⁶ DIRECTV Comments at 31-33.

¹⁷ NPRM at ¶ 19.

¹⁸ NAB Comments at 11.

agreed upon a non-local receive location, must carry stations can come in and demand a different facility if the existing facility is not to their liking. If must carry stations outnumber retransmission consent stations (which is quite possible in certain markets) and retransmission consent stations have no vote, satellite carriers would be forced to accede to the demands of must carry stations and build a new local facility. Due to the cost and burden of maintaining multiple receive facilities for one region, many retransmission consent stations might be forced to use the receive facility demanded by must carry stations. This turns the receive facility framework on its head.

The statute is unequivocal that must carry stations are obligated to bear the costs of delivering signals to the carrier's designated receive facility.¹⁹ If a market is already served by a carrier, the pre-existing receive facilities already used by retransmission consent stations in the market should be the "designated local receive" facilities (unless the satellite carrier decides otherwise) and must carry stations should be required to bear the cost of delivering a good quality signal to that facility. Must carry stations should not be allowed to demand the construction of yet another receive facility or force the satellite carrier to abandon the facility put into place for use by retransmission consent stations.

D. Duplicating Signals

1. To Effectuate the Purpose of SHVIA, the Commission Must Limit Satellite Carriers' Obligation to Carry Duplicative Signals

EchoStar agrees with comments urging the Commission to account for the unique characteristics of satellite carriage in defining "substantial duplication."²⁰ For example, while

¹⁹ 47 U.S.C. § 338(b)(1).

²⁰ See e.g., DIRECTV Comments at 34-37; BellSouth Comments at 20-21.

“substantial duplication” should be defined in terms of identical programming as it is in the cable context, *simultaneous* broadcasting of identical programming should not be required. Since satellite carriers typically serve larger geographical areas than cable systems (and will do so even with spot beam technology) there is an increased likelihood that satellite carriers will serve one local market covering adjacent time zones. Under the Commission’s definition for cable, two stations transmitting in different time zones could air identical programming 100% of the time, but would not be regarded as substantially duplicative because they do not air the programming simultaneously. To require carriage of both stations would be an absurd result, not to mention a waste of scarce satellite capacity.²¹

2. The Commission Must Limit Carriage of Multiple Noncommercial Educational Stations

As EchoStar noted in its Comments in this proceeding, Congress has given the Commission discretion to limit mandatory carriage of multiple local noncommercial television broadcast stations (NCEs). Indeed, the Commission must do so to accomplish the goal of Congress and the Commission to expand satellite service to more local markets. Commenters that urge the Commission to require carriage of all NCEs in a local market completely disregard or inadequately consider both the capacity constraints of satellite carriers and the desire of Congress and the Commission to expand local service.²² As commenters such as the National

²¹ EchoStar supports the definition of “substantial duplication” proposed by DIRECTV. See DIRECTV Comments at 35.

²² See, e.g., Comments of Association of America’s Public Television Stations, PBS, and the Corporation for Public Broadcasting (collectively, “PBS”); Comments of Local TV on Satellite at 20-22. Indeed, PBS would impose a burden upon satellite carriers much greater than that imposed by SHVIA, by suggesting that the satellite carriers should be obligated to carry NCEs even if the satellite carrier does not avail itself of the compulsory copyright license. Of

(Continued ...)

Rural Telecommunications Cooperative observed, must carry requirements imposed with no regard for scarce capacity will practically ensure that certain localities, particularly rural ones, will not be able to obtain local service.²³ The perpetuation by the Commission in this proceeding of a divide between telecommunication “haves and have-nots” directly conflicts with the Commission’s efforts to ensure that there is no technology divide between rural and urban America.²⁴

Moreover, the speculation offered by PBS regarding the additional channels that satellite carriers could access ignores numerous factors that in fact severely restrict the amount of additional capacity that might become available. These factors include:

- co-primary spectrum allocations and adjacent satellite assignments that hinder full use of the Ku and Ka-band spectrum;
- the need to devote part of that spectrum to broadband interactive services that will be indispensable in the efforts of satellite carriers to compete with cable; and
- the multi-billion dollar investment implied in PBS’s casual speculation.

E. The Commission Should Not Impose Channel Positioning Requirements Beyond Those Imposed by the Statute

A number of commenters advocate a host of channel positioning rules that go beyond the only positioning requirements imposed by the statute. For example, NAB would

course, such a requirement would be contrary to the plain language of the statute. *See* 47 U.S.C. § 338 (a).

²³ *See* Comments of the National Rural Telecommunications Cooperative at 5 (“For rural America, ‘must carry’ will mean ‘no carry.’”)

²⁴ Numerous initiatives to extend advanced and improved telecommunication services to rural areas are listed on the Federal Communications Commission’s Rural Initiative Home Page, <<http://www.fcc.gov/rural>>.

have the Commission dictate the type of program offerings made by satellite carriers to subscribers.²⁵ Under the guise of must carry implementation, NAB also suggests that the Commission engage in price regulation of satellite carriers' local station offerings.²⁶ NAB would further require that the Commission dictate which satellites are used to deliver local channels to subscribers. Finally, the NAB proposes regulation, in excruciating detail, of the manner in which local stations are displayed and accessed by subscribers.²⁷

The Commission should summarily dismiss the restrictions requested by the NAB and other commenters. The must carry rule cannot by any stretch be read to import into the DBS area a regime of rate reasonableness and anti-discrimination such as that applicable to common carriers under Title II of the Communications Act. Even where rate reasonableness and anti-discrimination requirements applied in the past, in an era of systematic deregulation it would be irrational to impose requirements anew on DBS without so much as a statutory hint in that direction. Where Congress wanted to restrict satellite carriers, it said so, by imposing the requirement to offer broadcast stations to subscribers on contiguous channels and giving broadcasters non-discriminatory access to any program guide. Indeed, one of the obligations advocated by the NAB – that local stations be available from the same orbital location – is tantamount to a provision that had been included in draft legislation prior to the enactment of SHVIA. The provision would have barred satellite carriers from transmitting local stations in a

²⁵ NAB Comments at 16.

²⁶ *Id.*

²⁷ *Id.* at 17 (requesting that, for example, the Commission “bar satellite carriers from using a smaller or harder-to-read typeface or otherwise presenting certain local stations in a different manner than other channels.”).

manner that would require additional reception equipment. This provision was pointedly dropped from SHVIA after the Commission staff commented that it would unduly inhibit the flexibility of satellite carriers to offer local signals from more than one orbital slot. Each satellite carrier should have flexibility to position channels in accordance with its technical capabilities and limitations. Indeed, Congress explicitly declared that, except for the contiguous channel, nondiscriminatory price and manner requirements, satellite carriers would *not* be required to provide local signals in any particular order.²⁸ Accordingly, there is no basis for the myriad channel positioning restrictions advocated by broadcast interests and the Commission should avoid the imposition of additional burdens on satellite carriers by creating unnecessary channel positioning rules.

F. SHVIA Does Not Require Mandatory Carriage of Digital Signals

Significantly, a diverse cross-section of commenting parties agree on one thing: the Commission should not impose digital carriage obligations in this proceeding, and consequently, it should not impose a *dual* carriage obligation.²⁹ As several commenters have explained, SHVIA does not impose a carriage obligation for digital broadcast signals.³⁰ Interestingly, by asking the Commission to “postpone action on the satellite digital signal issues at this time, and plan to address it a year from now,”³¹ even broadcasters concede that SHVIA

²⁸ 47 U.S.C. § 338(d) (emphasis added).

²⁹ See *e.g.*, NAB Comments at 22 (suggesting that the Commission postpone action on digital signals for satellite); NCTA Comments at 8; DIRECTV Comments at 45-48; Home Box Office Comments at 4.

³⁰ See EchoStar Comments at 8-11; DIRECTV Comments at 45-48; Home Box Office Comments at 4.

³¹ NAB Comments at 22.

does not mandate carriage of digital signals. For if SHVIA contained such an obligation, the Commission would be required to issue regulations implementing it within one year of SHVIA's enactment (that is, by November 29, 2000); the Commission would be unable to ignore the direction of Congress. EchoStar agrees that the Commission should not impose any carriage obligation for digital signals, nor should it impose dual carriage obligations.

CONCLUSION

In conclusion, EchoStar reiterates its belief that SHVIA must carry is unconstitutional, and that the unconstitutionality of these carriage obligations is beyond the Commission's control to change or ameliorate in this rulemaking. At the same time, EchoStar urges the Commission to decline any invitation to create further burdens for satellite carriers through its implementation of must carry.

Respectfully submitted,

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Dated: August 4, 2000

CERTIFICATE OF SERVICE

I, Rhonda M. Rivens, hereby declare that copies of the foregoing Reply Comments of EchoStar Satellite Corporation were sent this 4th day of August 2000 by messenger (indicated by *) and first-class mail, postage prepaid to the following:

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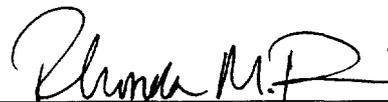
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