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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the Satellite Home)
Viewer Improvement Act of 1999)
)
Broadcast Signal Carriage Issues)

CS Docket No. 00-96

To: The Commission

**COMMENTS OF AFRICAN-AMERICAN BROADCASTING COMPANY
OF BELLEVUE, INC. IN SUPPORT OF EMERGENCY PETITION**

1. African-American Broadcasting Company of Bellevue, Inc. ("African-American"), licensee of Station KWOG(TV), Bellevue, Washington, hereby submits its Comments in support of the "Emergency Petition" ("Petition") filed jointly by the National Association of Broadcasters and the Association of Local Television Stations (collectively, "NAB/ALTS"). In the Petition the NAB/ALTS seek relief from the unquestionably unlawful conduct of EchoStar Communications Corporation ("EchoStar").

2. In enacting the Satellite Home Viewer Improvement Act of 1999 ("SHVIA"), Congress specifically sought to prohibit the discriminatory practice of placing some local broadcast signals on one satellite and some on another, as NAB/ALTS conclusively show in the Petition. In implementing Congress's direction, the Commission also made unmistakably clear that satellite carriers "should [not] be permitted to require subscribers to use two separate dishes to receive the full package of local channels." *In re Implementation of the Satellite Home Viewer Improvement Act of 1999*, 16 FCC Rcd 16544, 16566 (2001). In particular, the Commission

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believed it necessary to prevent satellite carriers from “structur[ing] local station packages and [requiring] separate dish[es] . . . to discourage consumers from subscribing to certain local stations, including local noncommercial stations.” *Id.*

3. So the law is clear that a “separate dish required” carriage arrangement for some, but not all, broadcast stations in a given market is simply not permitted.

4. And yet, that is just what EchoStar is providing. EchoStar’s unlawful discrimination must be stopped.

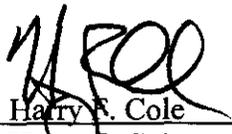
5. African-American strongly supports the NAB/ALTS effort to put an immediate end to the blatantly discriminatory carriage arrangement which EchoStar is foisting on broadcasters and the public. African-American is itself a victim of that unlawful arrangement. As expressly demonstrated in Attachment A hereto (a print-out of information from EchoStar’s website at <http://www.dishnetwork.com/content/programming/locals/package/index.asp?viewby=2&packid=89&sortby=1>), in order to receive Station KWOG(TV) on EchoStar’s service, a “second dish [is] required.”

6. The practical problems with the separate dish requirement are manifest. Assuming that a consumer has the space for a separate dish and the determination to inform himself or herself of the availability of the television signals through the second dish, the consumer must still make the necessary arrangements for installation of the second dish, a process which alone is so daunting as to discourage even the most committed consumer. NAB/ALTS graphically illustrate these difficulties in the Petition.

7. As a relatively new station in a very competitive market, Station KWOG(TV) can ill-afford to suffer the second-class citizenship to which EchoStar has relegated it. As noted above, Congress and the Commission have already recognized the unacceptability of imposing

such competitive disadvantage. EchoStar's two-satellite approach brazenly flouts that unequivocal determination. As a result, immediate and forceful agency action is both appropriate and necessary. African-American urges the Commission to act as quickly as possible to force EchoStar into compliance with *SHVIA*, and to provide appropriate reparations for those licensees, such as African-American, which have been forced to suffer the ill-effects of EchoStar's discrimination.

Respectfully submitted,


/s/ Harry F. Cole
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January 23, 2002

ATTACHMENT A



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DISH NETS DMA SEATTLE

Monthly Price: \$ 5.99



Annual Price: \$ N/A

[Click Here](#) to view this package with network names and logos.

Local TV channels are offered only in specified areas and may be provided through an outdoor antenna or a local dish antenna. Off-air broadcast picture quality may vary based upon location. Local Broadcast Networks by satellite are only available to customers who reside in the specified local Designated Market Area (DMA).

For specific channel information, click on channel logo below. Hit the 'Back' button on your browser to return:

NETWORK	CHNL NAME	CHNL No.	SAT CATEGORY	NETWORK	CHNL NAME	CHNL No.	SAT CATEGORY
Available On DISH 500							
SEATTLE ABC-KOMO, Ch.4	KOMO	8610	110 BROADCAST	SEATTLE CBS-KIRO, Ch.7	KIRO	8611	110 BROADCAST
SEATTLE FOX-KCPQ, Ch.13	KCPQ	8613	110 BROADCAST	SEATTLE IND-KONG, Ch.16	KONG	8617	110 BROADCAST
SEATTLE NBC-KING, Ch.5	KING	8612	110 BROADCAST	SEATTLE PBS-KCTS, Ch.9	KCTS	8616	110 BROADCAST
SEATTLE UPN-KSTW, Ch.11	KSTW	8615	110 BROADCAST	SEATTLE WB-KTWB, Ch.22	KTWB	8614	110 BROADCAST
Second Dish Required							
SEATTLE IND-KWDK, Ch.56	KWDK	8622	148 BROADCAST	SEATTLE IND-KWOG, Ch.51	KWOG	8624	148 BROADCAST
Seattle Independent, Ch.24	KBCB	8621	148 BROADCAST	SEATTLE PBS-KBTC, Ch.28	KBTC	8620	148 BROADCAST

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CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that on this 23rd day of January, 2002, I caused copies of the foregoing "Comments of African-American Broadcasting Company of Bellevue, inc. in Support of Emergency Petition" to be placed in the United States mail, first class postage prepaid, addressed to the following individuals:

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