



**LONGSTANDING CONGRESSIONAL AND REGULATORY
APPROVAL
OF DBS USE OF COMPRESSION TO DELIVER BROADCAST
SIGNALS**

- 1. SHVERA explicitly references DBS use of compression in defining the term “equivalent bandwidth” – a term applicable to both analog and HD transmissions.**

“The terms ‘equivalent bandwidth’ and ‘entire bandwidth’ shall be defined by the Commission by regulation, *except that this paragraph shall not be construed . . . to prevent a satellite operator from using compression technology . . .*” 47 U.S.C. § 340(i)(4)(4).

- 2. The Rural Local Broadcast Signal Act also explicitly references DBS use of compression**

Rural local television signals. Act Nov. 29, 1999, P.L. 106-113, Div B, § 1000(a)(9), 113 Stat. 1536 (enacting into law Title II of S. 1948 (113 Stat. 1501A-544), as introduced on Nov. 17, 1999), provides:

“(a) In general. Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission (‘the Commission’) shall take all actions necessary to make a determination regarding licenses or other authorizations for facilities that will utilize, for delivering local broadcast television station signals to satellite television subscribers in unserved and underserved local television markets, spectrum otherwise allocated to commercial use.

(b)(3) Limitation on Commission. Except as provided in paragraphs (1) and (2), the Commission *may not restrict any entity granted a license or other authorization under subsection (a) from using any reasonable compression, reformatting, or other technology.*

3. **The Conference report accompanying SHVIA in 1999 recognized that satellite operators use compression to deliver local broadcast stations. The following description of this report is from the FCC’s SHVIA implementing order:**

“The Conference Report noted that because of unique technical challenges on satellite technology and constraints on the use of satellite spectrum, satellite carriers may initially be limited in their ability to deliver must carry signals into multiple markets. According to the Conference Report: “New compression technologies, such as video streaming, may help overcome these barriers, and if deployed, could enable satellite carriers to deliver must carry signals into many more markets than they could otherwise.” *The Commission is urged, pursuant to its obligations under Section 338, or in any other related proceedings, “to not prohibit satellite carriers from using reasonable compression, reformatting, or similar technologies to meet their carriage obligations, consistent with existing authority.” Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues; Retransmission Consent Issues, Report and Order, 16 FCC Rcd. 1918, 1966, ¶ 114 (2000).*

4. **Perhaps most importantly, the FCC specifically permits DBS operators to compress broadcast signals, so long as it gives must carry signals the same quality as those choosing retransmission consent.**

“Material degradation. Each local television station whose signal is carried under mandatory carriage shall, to the extent technically feasible and consistent with good engineering practice, be provided with the same quality of signal processing provided to television stations electing retransmission consent. *A satellite carrier is permitted to use reasonable digital compression techniques in the carriage of local television stations.*” 47 C.F.R. 76.66(k).