



# PUBLIC NOTICE

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**Procedures for Filing Oppositions and Responses Regarding Requests for Digital Testing Waivers Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004  
MB Docket No. 05-317**

The Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”) amended Section 339 of the Communications Act to provide for stations to request a waiver that would prohibit satellite subscribers from receiving or conducting a digital signal strength test.<sup>1</sup> Local network stations in the top 100 television markets that had received a tentative channel designation on their allotted digital channel or had lost interference protection were permitted to request that the Commission grant a waiver to prohibit such testing if they met the criteria set forth in Section 339(a)(2)(D)(viii) of the Act.<sup>2</sup> Forty-six network stations within the top 100 television markets filed timely waiver requests, and by Order released April 28, 2006, the Media Bureau granted six-month digital testing waivers for 23 of these stations.<sup>3</sup> These waivers expire on October 31, 2006.

Fifteen station licensees and permittees have requested an extension of their waiver of satellite subscriber digital signal testing. Waiver extension requests are available for public review on the ECFS under Docket 05-317. In order to ensure action before the statutory expiration date of these waivers, a party affected by an extension request may file an Opposition no later than October 5, 2006. Stations requesting a waiver may file a Response to an Opposition no later than October 13, 2006. Such Oppositions and Responses should be filed electronically using the ECFS and reference MB Docket No. 05-317 and the call sign of the station requesting the waiver, and should be served on the affected parties. See 47 C.F.R. ¶ 1.47.

<sup>1</sup> See 47 U.S.C. § 339(a)(2)(D)(viii) as amended by Section 204 of the SHVERA.

<sup>2</sup> See *TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007*, Public Notice (DA 05-2979, Nov. 17, 2005). Other stations are not subject to digital signal testing until July 15, 2007 and may request a waiver no later than February 15, 2007. *Id.* See also 47 U.S.C. § 339(a)(2)(D)(viii).

<sup>3</sup> *In the Matter of Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Authorization Act of 2004*, 21 FCC Rcd 4813 (2006). We also returned waiver requests for 12 stations that are not subject to digital testing until July 15, 2007 and thus, were not required to file by the April deadline. *Id.* at 4826-4828.

For additional information, contact Joyce Bernstein of the Video Division, Media Bureau, at (202) 418-1600 or [joyce.bernstein@fcc.gov](mailto:joyce.bernstein@fcc.gov), or Eloise Gore of the Policy Division, Media Bureau, at 202-418-7200 or [eloise.gore@fcc.gov](mailto:eloise.gore@fcc.gov). TTY: (202) 418-7172.

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