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February 25, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: DIRECTV – News Corp.
Written Ex Parte Communication of United Communications Corporation
MB Docket No. 07-18

Dear Ms. Dortch:

United Communications Corporation ("UCC"), licensee of WWNY-TV, Carthage, New York, Fac. ID 68851, by and through its counsel submits this letter in support of the National Association of Broadcasters,¹ the North Dakota Broadcasters,² and other broadcast trade associations comments objecting to the specious commitment made by DIRECTV on January 30, 2008 to offer a separate receiver package as a substitute for true local-in-local service in smaller Designated Market Areas ("DMAs"). The Commission should reject DIRECTV's proposal. Rather, the FCC should hold News Corp. to its promise to provide local-into-local service in every DMA in the country by the end of 2008 and make this promise a condition to the proposed transfer of control of DIRECTV to Liberty Media Corporation. DIRECTV currently does not provide local-into-local service in the Watertown, New York DMA (the "Watertown DMA"); WWNY-TV's home market. The Watertown DMA is ranked 178 out of all 210 DMAs.

¹ See Letter dated February 19, 2008, from Jane E. Mago, Sr. Vice President and General Counsel, Legal and Regulatory Affairs, National Association of Broadcasters, to Secretary Marlene H. Dortch, MB Docket No. 03-124.

² See Letter dated February 13, 2008, from George R. Borsari, Jr., Esq., on behalf of North Dakota Broadcasters, to Secretary Marlene H. Dortch, MB Docket No. 07-18 ("NDB Letter").

DIRECTV's proposal is dramatically different from News Corp.'s assertion in 2003 that it would offer "no later than 2008...a seamless, integrated local channel package in all 210 DMAs."³ The separate over-the-air receiver now proposed by DIRECTV is no replacement for true local-into-local service in every DMA. The difference between News Corp.'s 2003 assertion and DIRECTV's January 30, 2008 statement may be the difference between survival and failure for smaller stations like WWNY-TV. Simply put, an offer of an extra-cost means of receiving over-the-air signals does not equate to true local-into-local service.

Due to Industry Canada's plans for the digital transition, UCC has been informed that it may not be able to replicate WWNY-TV's analog service area until 2011, when Canada's digital transition is to take place. If UCC cannot replicate WWNY-TV's analog signal after its February 17, 2009 digital transition date, almost 75,000 people would be unable to receive WWNY-TV's digital signal. That represents more than 25% of the audience that presently receives WWNY-TV's analog signal. This is of critical significance in that WWNY-TV is the only substantial source of locally-produced television news and information.⁴

News Corp.'s 2003 promise that DIRECTV would provide true, satellite-based, local-into-local service in every DMA by the end of 2008 somewhat alleviated UCC's concerns that a significant portion of its audience would lose WWNY-TV's signal after February 17, 2009. If News Corp. followed through on that commitment, these viewers would have the option of subscribing to DIRECTV. Such subscribers would receive WWNY-TV's analog signal by the end of 2008, and WWNY-TV's digital signal after the transition deadline.

DIRECTV's new proposal dashes this hope: DIRECTV subscribers who could not receive WWNY-TV's digital signal over the air would be unable to view the station until 2011 when UCC could replicate WWNY-TV's analog service area. The separate over-the-air receiver that DIRECTV proposes to dole out to subscribers in markets that do not receive local-into-local service would not deliver WWNY-TV's digital signal in these areas, and therefore would be useless to DIRECTV's subscribers.

³ See Letter dated September 22, 2003, from William M. Wiltshire *et al.*, on behalf of News Corp., General Motors Corp. and Hughes Electronics Corp., to Secretary Marlene H. Dortch, MB Docket No. 03-124.

⁴ As noted below, another commercial station is licensed to Watertown, on Channel 50, but it does not produce a newscast in the market. The local public television station, likewise, does not air a regular local news program.

UCC does not suggest that DIRECTV or News Corp. should bear the burden of resolving broadcast stations' digital transition difficulties. However, these entities should be required to live up to commitments made to the Commission. Other stations face problems with border coordination and other transition issues similar to those that WWNY-TV is grappling with. If DIRECTV were to provide local-into-local service in all DMAs by the end of 2008, as News Corp. promised in 2003, the viewers of these stations would have an alternate means of receiving valuable local signals such as those of WWNY-TV.

This is of particular importance to WWNY-TV's viewers as there are few other over-the-air viewing options in the area, and none that offers effective local news coverage.⁵ Therefore, viewers naturally rely solely on WWNY-TV for emergency information and other local television news.

Numerous non-local viewing choices are available through satellite and other means, at a certain cost. However, large rural sections of WWNY-TV's sparsely-settled analog viewing area do not have access to cable television. Many inhabitants of these sections either cannot afford satellite or choose not to subscribe. DIRECTV's proposal to require subscribers to spend an estimated additional \$375⁶ to receive local signals over the air may prove to be too expensive for many of WWNY-TV's viewers and will certainly not encourage others for whom cost is an issue to subscribe to DIRECTV's service. For seniors and others on limited incomes, this is a substantial cost merely to replace what they now receive free of charge

The provision of local-into-local service will provide a much-needed lifeline to WWNY-TV's rural viewers as the Commission noted, it will further the Commission's goals of promoting localism in broadcasting and increasing competition among multiple video programming distributors.⁷

⁵ There is one other commercial station in the Watertown DMA. However, it has long been operates as a satellite of a Syracuse station, and has no regular locally-produced news program. Due to the small size of the Watertown DMA, WWNY-TV's sole competitor proved unable, simply as a matter of economics, to sustain a news operation in the market.

⁶ See NDB Letter.

⁷ See *General Motors Corporation, et al.*, Memorandum Opinion and Order, MB Docket No. 03-124, 19 FCC Rcd 473, para. 333 (2004).

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Accordingly, UCC urges the Commission to require DIRECTV to provide local-into-local service to every DMA by the end of 2008, as was promised in 2003, because this is essential to preservation of service in the public interest for all television viewers.

Sincerely,

/Nathaniel J. Hardy/

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