



March 3, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: DISH Network's Refusal to Carry HD Signals of Local Public Television Stations;
MB Docket No. 00-96

The Association of Public Television Stations ("APTS") and Public Broadcasting Service ("PBS") file this written *ex parte* presentation to highlight the failure of the DISH Network/EchoStar Satellite LLC ("DISH") to carry the HD signals of America's public television stations in markets where it offers a local HD package. Nearly all of DISH's local HD subscribers are deprived of the children's, educational, news, documentary, public affairs and other compelling content that public television stations broadcast every day in HD.

Public Television has been a pioneer in bringing digital television, including HD content, to the American people. PBS first distributed HD programming in 1998, and seven public television stations were among the first few dozen stations to begin digital broadcasts in November of that year. Today, well over 95 percent of public television stations are delivering digital programming and services to their communities. In addition to HD programming, stations are offering compelling multicast content, including new digital channels like *PBS World* and *Create*. Simply put, Public Television has invested heavily to ensure the success of the digital transition.

APTS and PBS have reached landmark agreements with DIRECTV, National Cable & Telecommunications Association, American Cable Association, and Verizon so that their digital subscribers can benefit from Public Television's digital services. Yet even after the announcement of Public Television's voluntary agreement with DIRECTV, DISH has refused to negotiate in good faith for carriage of local public television signals in HD.

DISH carries HD local signals solely of stations affiliated with the Big Four commercial networks. Only DISH subscribers in Alaska and Hawaii — pursuant to Congressional action — are able to receive the local HD signals of their public television stations.¹ In the 31 other

¹ See 47 U.S.C. § 338(a)(4).

markets where DISH currently offers a local HD package, local public television programming is left out.

Last week, DISH announced that it will offer local HD packages in an additional 65 markets by the end of 2008. To the knowledge of APTS and PBS, DISH will also leave public television HD programming out of those “local” offerings.²

With the DTV transition less than one year away, APTS and PBS file this letter to ensure that the Commission is aware of DISH’s refusal to provide its local HD subscribers with access to the HD signals of their local public television stations.

Sincerely,

ASSOCIATION OF PUBLIC TELEVISION
STATIONS

PUBLIC BROADCASTING SERVICE

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² See, e.g., Linda Moss, *Dish’s Ergen Expects 100 HD Nets, 100 Local HD Markets*, Multichannel News, Feb. 26, 2008, at <http://www.multichannel.com/article/CA6535643.html>.