

July 20, 2010

Re: MB Docket # 10-124
APPLICATION BY DISH NETWORK FOR CERTIFICATION AS A QUALIFIED
CARRIER PURSUANT TO THE SATELLITE TELEVISION EXTENSION AND
LOCALISM ACT OF 2010.

Comments from: Delmarva Broadcast Service, L.L.C.

I am a principal of Delmarva Broadcast Service, L.L.C. (“Delmarva”), the licensee of WMDT-TV, a full-power television station licensed to Salisbury, MD. WMDT’s digital signal broadcasts two services: WMDT channel 47.1 (which includes local news/information broadcasts and programming, as well programming from the ABC Television Network), and WMDT channel 47.2, (which includes local broadcasts and programming from the CW Television Network).

While Dish network may be claiming to be providing “local television packages available in all 210 markets for the first time,” it should be made clear that while as a technicality there may be some form of local service capability from Dish to the Salisbury market, as a practicality there is no availability of local commercial stations to Dish viewers there.

Neither of Delmarva’s full power broadcast services are being carried by Dish, and there is no retransmission agreement reached between Delmarva and Dish. It is our understanding that neither of the broadcast services of WBOC-TV, which provides local programming and CBS Network and Fox Network broadcast services, are being carried. In other words, Dish is failing to deliver any of the commercial full power broadcast services that provide local news and information, and emergency information, as well as Network programming of ABC, CBS, Fox, or CW to the Salisbury Market.

Delmarva was not even aware, until May 20, 2010, that Dish was intending to try to launch local service on June 3. There was some negotiation toward a retransmission agreement for carriage over the nine business days up to June 3, but no agreement was reached. Efforts since that time by Delmarva’s counsel, to foster further discussion toward an agreement, including as recently as last week, have not been responded to by Dish.

We believe claims that Dish is offering local service in all 210 markets are greatly confusing and misleading to viewers in Salisbury when Dish is not, in fact, carrying any of the most-watched local channels. This confusion is made worse when, in the days before and after June 3, Dish’s various promotional materials claimed it would have the local broadcasts of WMDT in its lineup. WMDT made specific requests that Dish cease offering such misleading information. Dish continues put out materials in the Salisbury market stating, “Dish Network now offers your local news, weather and sports”, when in fact it offers none of the local commercial television stations.

It is our opinion the Commission should not yet approve Dish's "Application for Certification", and should delay such approval until Dish indeed has made satisfactory efforts to provide local broadcast services of commercial stations in Salisbury, and any other markets where such service is not yet being provided.

Further, it should be made clear to Dish that in the event it is Certified without local commercial stations being carried, and since the Salisbury TV market has in-market broadcasters of the Network services cited above, that Dish is not permitted to import out-of-market network affiliates to the Salisbury market.

Thank you for consideration of these comments.

Berl Brechner
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