



BRUCE WHITEHEAD
SENATE DISTRICT 6

STATE CAPITOL BUILDING
200 E. COLFAX AVENUE
DENVER, COLORADO 80203
CAPITOL: 303-866-4884
CAPITOL FAX: 303-866-4543
HOME: 970-588-2280
EMAIL:

BRUCE.WHITEHEAD.SENATE@STATE.CO.US

Senate Chamber
State of Colorado
Denver

COMMITTEES:

Chair: Agriculture and Natural Resources
Member: Transportation

Member of:

WATER RESOURCES REVIEW
UMTRA OVERSIGHT (CHAIR)

August 20, 2010

Federal Communications Commission
445 12th Street, SW
Washington DC, 20554

Re: Ex Parte Comments on MB Docket 10-148 Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010

Dear Commissioners:

I'd like to start out by thanking your staff members, Eloise Gore and Evan Baranoff, for making themselves available for the ex parte conversation which took place on the morning of August 19th. All of us who participated in the meeting are appreciative of the time they spent listening to our concerns and clarifying some of the issues involved and for your consideration of our comments during this rulemaking.

As the State Senator for the 8 counties of Southwest Colorado the issue of access to Colorado Television is one of the items I receive a lot of constituent communication regarding. The lack of access to Colorado news, as you are aware, impacts the counties of La Plata and Montezuma. My concern is that my constituents in these two counties do not have access to television communication of Colorado and local news, weather or emergency information. This issue has been worked on by representatives of the citizens of southwest Colorado, and citizen groups, for at least 15 years, and I am hopeful that this rulemaking process you are currently working on will significantly advance our efforts.

While La Plata does have a licensed local television station, KREZ, that station only serves as a satellite station for KRQE Albuquerque, inserting local advertisements, but providing no coverage of Colorado or local Durango news. I understand that this station was originally a satellite of KREX Grand Junction from 1963 to 1995, at which point it became associated with KRQE Albuquerque.

My goal in participating in these discussions and the comment process is to ensure that La Plata and Montezuma county residents have the choice of receiving Colorado television by whatever method is available to them – satellite, cable or over the air.

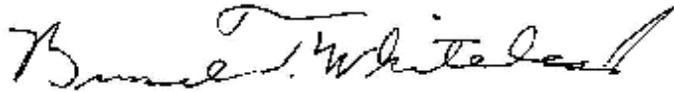
To that end, I support comments of Dish Network to amend the Commission's retransmission rules. Their suggested change would place the stations in the neighboring in state DMA onto the significantly viewed list within orphan counties, making these in state stations available for retransmission within the orphan counties to subscribers who receive "local-into-local" programming. This suggested change has

my full support as it would make significantly advance efforts for these two counties to receive Denver television.

Another possible solution suggested during this meeting was to institute a waiver for orphaned counties, like La Plata and Montezuma, to allow the significantly viewed market percentages to be measured based upon all viewership of the channel in question including satellite and cable, not just “over the air” viewing. The current rule restricting significantly viewed status to over the air viewership of channels, negatively impacts counties such as Montezuma and La Plata, where geography prevents the reception of the over the air broadcast of Colorado television (again note that KREZ does not broadcast “local” news though they are considered Durango’s local station). If the Commission were to choose not to accept Dish Network’s proposal to list the neighboring in state DMA channels as significantly viewed within the orphaned counties, this proposal would receive my full support as it again would significantly advance the effort to get Denver TV to these counties. I also ask that the FCC consider allowing local governments in orphaned counties to directly petition the Commission to have stations placed on the significantly viewed list based upon public safety and health concerns.

I thank you very much for your time and consideration of our comments on the rulemaking.

Sincerely

A handwritten signature in black ink that reads "Bruce Whitehead". The signature is written in a cursive style with a large, stylized initial "B".

Bruce Whitehead
Colorado State Senator, District 6