

108TH CONGRESS  
2D SESSION

# H. R. 4501

To extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2004

Mr. UPTON (for himself, Mr. MARKEY, Mr. BARTON of Texas, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Satellite Home Viewer Extension and Reauthorization  
6 Act of 2004”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

## TITLE II—FEDERAL COMMUNICATIONS COMMISSION OPERATIONS

Sec. 201. Extension of retransmission consent exemption.

Sec. 202. Cable/satellite comparability.

Sec. 203. Carriage of local stations on a single dish.

Sec. 204. Replacement of distant signals with local signals.

Sec. 205. Additional notices to subscribers, networks, and stations concerning signal carriage.

Sec. 206. Privacy rights of satellite subscribers.

Sec. 207. Reciprocal bargaining obligations.

Sec. 208. Unserved digital customers.

Sec. 209. Reduction of required tests.

Sec. 210. Carriage of certain additional stations.

1 **TITLE II—FEDERAL COMMU-**  
 2 **NICATIONS COMMISSION OP-**  
 3 **ERATIONS**

4 **SEC. 201. EXTENSION OF RETRANSMISSION CONSENT EX-**  
 5 **EMPTION.**

6 Section 325(b)(2)(C) of the Communications Act of  
 7 1934 (47 U.S.C. 325(b)(2)(C)) is amended by striking  
 8 “December 31, 2004” and inserting “December 31,  
 9 2009”.

10 **SEC. 202. CABLE/SATELLITE COMPARABILITY.**

11 (a) AMENDMENT.—Part I of title III of the Commu-  
 12 nications Act of 1934 is amended by inserting after sec-  
 13 tion 339 (47 U.S.C. 339) the following new section:

14 **“SEC. 340. SIGNIFICANTLY VIEWED SIGNALS PERMITTED**  
 15 **TO BE CARRIED.**

16 “(a) SIGNIFICANTLY VIEWED STATIONS.—In addi-  
 17 tion to the broadcast signals that subscribers may receive  
 18 under section 338 and 339, a satellite carrier is also au-  
 19 thorized to retransmit to subscribers located in a commu-

1 nity the signal of any station that a cable system in the  
2 same community is authorized to retransmit pursuant to  
3 section 111 of title 17, United States Code, if such station  
4 is treated as significantly viewed in the county within  
5 which such community is located in accordance with the  
6 rules, regulations, and authorizations of the Commission.

7 “(b) LIMITATIONS.—

8 “(1) ANALOG SERVICE LIMITED TO SUB-  
9 SCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—

10 With respect to a signal that originates as an analog  
11 signal of a television broadcast station, this section  
12 shall apply only to retransmissions to subscribers  
13 who receive retransmissions from a satellite carrier  
14 pursuant to the statutory license under section 122  
15 of title 17, United States Code.

16 “(2) DIGITAL SERVICE LIMITATIONS.—With re-  
17 spect to a signal that originates as a digital signal  
18 of a network station, this section shall apply only  
19 if—

20 “(A) the subscriber receives from the sat-  
21 ellite carrier pursuant to the statutory license  
22 under section 122 of title 17, United States  
23 Code, the retransmission of the digital signal of  
24 a network station in the subscriber’s local mar-

1 ket that is affiliated with the same television  
2 network; and

3 “(B) either—

4 “(i) the retransmission of the local  
5 network station occupies at least the equiv-  
6 alent bandwidth as the digital signal re-  
7 transmitted pursuant to this section; or

8 “(ii) the retransmission of the local  
9 network station carries the entire band-  
10 width of the digital signal broadcast by  
11 such local network station.

12 “(3) LIMITATION NOT APPLICABLE WHERE NO  
13 NETWORK AFFILIATES.—The limitations in para-  
14 graphs (1) and (2) shall not prohibit a retrans-  
15 mission under this section to a subscriber located in  
16 a local market in which there are no network sta-  
17 tions affiliated with the same television network as  
18 the station whose signal is being retransmitted pur-  
19 suant to this section.

20 “(4) AUTHORITY TO GRANT STATION-SPECIFIC  
21 WAIVERS.—Notwithstanding paragraphs (1) and (2),  
22 a satellite carrier may provide to subscribers the re-  
23 transmission of a network station that is determined  
24 to be significantly viewed under this section, if and  
25 to the extent that the network station in the local

1 market in which the subscriber is located, and that  
2 is affiliated with the same television network, has  
3 granted a waiver from the requirements of para-  
4 graph (1) and (2) to such satellite carrier with re-  
5 spect to such significantly viewed station.

6 “(c) MODIFICATIONS OF LIST.—

7 “(1) PETITIONS FROM SATELLITE CARRIERS.—

8 In addition to cable operators and television broad-  
9 cast station licensees, the Commission shall permit a  
10 satellite carrier to petition for decisions and or-  
11 ders—

12 “(A) by which stations and communities  
13 may be added to those that are eligible for re-  
14 transmission under subsection (a); and

15 “(B) by which stations and communities  
16 may be determined to be eligible for retrans-  
17 mission under paragraph (2) of this subsection.

18 “(2) APPLICATION OF CRITERIA TO COMMU-  
19 NITIES WITHOUT CABLE SERVICE.—In addition to  
20 the stations and communities that are eligible for re-  
21 transmission under subsection (a), in a community  
22 that is not served by a cable system, a satellite car-  
23 rier is also authorized to retransmit to subscribers  
24 located in such community the signal of any station  
25 that a cable system in that community would be au-

1       thorized to retransmit pursuant to section 111 of  
2       title 17, United States Code, if such signal would be  
3       treated as significantly viewed in the county within  
4       which such community is located in accordance with  
5       the rules, regulations, and authorizations of the  
6       Commission.

7       “(d) EFFECT ON OTHER OBLIGATIONS AND  
8 RIGHTS.—

9               “(1) NO EFFECT ON CARRIAGE OBLIGATIONS.—  
10       Carriage of a signal under this section is not manda-  
11       tory, and any right of a station licensee to have the  
12       signal of such station carried under section 338 is  
13       not affected by the eligibility of such station to be  
14       carried under this section.

15              “(2) RETRANSMISSION CONSENT RIGHTS NOT  
16       AFFECTED.—The eligibility of the signal of a station  
17       to be carried under this section does not affect the  
18       right of the licensee of such station to grant (or  
19       withhold) retransmission consent under section  
20       325(b)(1).

21       “(e) NETWORK NONDUPLICATION AND SYNDICATED  
22 EXCLUSIVITY.—

23              “(1) NOT APPLICABLE EXCEPT AS PROVIDED  
24       BY COMMISSION REGULATIONS.—Signals eligible to  
25       be carried under this section are not subject to the

1 Commission's regulations concerning network non-  
2 duplication or syndicated exclusivity unless, pursu-  
3 ant to regulations adopted by the Commission, the  
4 Commission determines to permit network non-  
5 duplication or syndicated exclusivity to apply within  
6 the appropriate zone of protection.

7       “(2) LIMITATION.—Nothing in this subsection  
8 or Commission regulations shall permit the applica-  
9 tion of network nonduplication or syndicated exclu-  
10 sivity regulations to the retransmission of distant  
11 signals of network stations that are carried by a sat-  
12 ellite carrier pursuant to a statutory license under  
13 section 119(a)(2)(A) or (B), with respect to persons  
14 who reside in unserved households, under  
15 119(a)(4)(A), or under section 119(a)(12).

16       “(f) ENFORCEMENT PROCEEDINGS.—

17       “(1) NOTICE BY TELEVISION BROADCAST STA-  
18 TIONS.—If a television broadcast station believes  
19 that a satellite carrier has retransmitted to any sub-  
20 scriber in the local market of such station the signal  
21 of another television broadcast station affiliated with  
22 the same television network in violation of this sec-  
23 tion, the station may provide the satellite carrier  
24 with written notice of such violation. Such notice  
25 shall be provided via overnight delivery, addressed to

1 the chief executive officer of the satellite carrier at  
2 its principal place of business and marked ‘UR-  
3 GENT LITIGATION MATTER’ on the outer pack-  
4 aging. Such notification shall set forth—

5 “(A) the name, address, and call letters of  
6 the station that is claimed to have been unlaw-  
7 fully retransmitted (for purposes of this sub-  
8 section, the ‘imported station’);

9 “(B) the name and address of the satellite  
10 carrier;

11 “(C) the dates on which the alleged re-  
12 transmission occurred;

13 “(D) the street address of at least one per-  
14 son to whom the alleged retransmission was  
15 made;

16 “(E) a statement that the retransmission  
17 was not permitted because—

18 “(i) the Commission had not deter-  
19 mined that the imported station is signifi-  
20 cantly viewed in the relevant community;

21 “(ii) the subscriber is not eligible for  
22 the retransmission of the signal because of  
23 the limitation in subsection (b) (1) or (2);



1                   “(iii) the satellite carrier had not pro-  
2                   vided the notification required by sub-  
3                   section (h)(3); or

4                   “(iv) two or more of the above; and

5                   “(F) the name and address of counsel for  
6                   the station.

7                   “(2) COMPLAINTS BY TELEVISION BROADCAST  
8                   STATIONS.—If, within 30 days of providing to the  
9                   satellite carrier a notice pursuant to paragraph (1),  
10                  the satellite carrier has not cured the alleged re-  
11                  transmission in violation of this section, or if the  
12                  satellite carrier cures the alleged violation after no-  
13                  tice and then renews such violation within the next  
14                  two years, the station may file a complaint with the  
15                  Commission. Such complaint shall set forth the in-  
16                  formation provided in a notice under paragraph (1).

17                  “(3) SERVICE OF COMPLAINTS ON SATELLITE  
18                  CARRIERS.—For purposes of any proceeding under  
19                  this subsection, any satellite carrier that retransmits  
20                  the signal of any broadcast station shall be deemed  
21                  to designate the Secretary of the Commission as its  
22                  agent for service of process. A television broadcast  
23                  station may serve a satellite carrier with a complaint  
24                  concerning an alleged violation of this section  
25                  through retransmission of a station within the local

1 market of such station by filing the original and two  
2 copies of the complaint with the Secretary of the  
3 Commission and serving a copy of the complaint on  
4 the satellite carrier by means of two commonly used  
5 overnight delivery services, each addressed to the  
6 chief executive officer of the satellite carrier at its  
7 principal place of business, and each marked ‘UR-  
8 GENT LITIGATION MATTER’ on the outer pack-  
9 aging. Service shall be deemed complete one business  
10 day after a copy of the complaint is provided to the  
11 delivery services for overnight delivery. On receipt of  
12 a complaint filed by a television broadcast station  
13 under this subsection, the Secretary of the Commis-  
14 sion shall send the original complaint by United  
15 States mail, postage prepaid, receipt requested, ad-  
16 dressed to the chief executive officer of the satellite  
17 carrier at its principal place of business.

18 “(4) ANSWERS BY SATELLITE CARRIERS.—  
19 Within 20 business days after the date of service,  
20 the satellite carrier shall file an answer with the  
21 Commission and shall serve the answer by a com-  
22 monly used overnight delivery service and by United  
23 States mail, on the counsel designated in the com-  
24 plaint at the address listed for such counsel in the  
25 complaint. The answer shall include, as a schedule,

1 a complete and accurate list of all subscribers to  
2 which the satellite carrier retransmitted the im-  
3 ported station into the community in question pursu-  
4 ant to this section for each month during the rel-  
5 evant time period. Such subscriber information sub-  
6 mitted by a satellite carrier may be used only for  
7 purposes of determining compliance by the satellite  
8 carrier with this section.

9 “(5) DEFENSES.—

10 “(A) EXCLUSIVE DEFENSES.—The de-  
11 fenses under this paragraph are the exclusive  
12 defenses available to a satellite carrier against  
13 which a complaint under this subsection is filed.

14 “(B) DEFENSES.—The defenses referred  
15 to under subparagraph (A) are the defenses—

16 “(i) that the satellite carrier did not  
17 retransmit the imported station to any per-  
18 son in the complaining station’s local mar-  
19 ket pursuant to this section during the  
20 time period specified in the complaint;

21 “(ii) if the complaining station has al-  
22 leged that the retransmission was unlawful  
23 because the Commission had not deter-  
24 mined that the station is significantly  
25 viewed in the relevant community, that the

1 Commission had in fact made that deter-  
2 mination;

3 “(iii) with respect to particular sub-  
4 scribers referenced in the complaint, that  
5 those subscribers reside in communities in  
6 which the Commission has determined the  
7 station to be significantly viewed;

8 “(iv) if the complaining station has al-  
9 leged that the retransmission is unlawful  
10 because the subscriber is ineligible for the  
11 retransmission because of the limitation in  
12 subsection (b) (1) or (2), that such limita-  
13 tion is inapplicable; and

14 “(v) if the complaining station has al-  
15 leged that the retransmission was unlawful  
16 because the satellite carrier had not pro-  
17 vided the notification required by sub-  
18 section (h)(3), that the satellite carrier had  
19 in fact provided that notification.

20 “(6) COUNTING OF VIOLATIONS.—The unlawful  
21 retransmission of a particular television broadcast  
22 station on a particular day subsequent to the notice  
23 and opportunity to cure described in paragraphs (1)  
24 and (2) of this subsection to a single subscriber pur-

1 suant to this section shall be considered a separate  
2 violation of this section.

3 “(7) PROCEDURES.—

4 “(A) REGULATIONS.—Within 60 days  
5 after the date of enactment, the Commission  
6 shall issue procedural regulations implementing  
7 this subsection which shall supersede proce-  
8 dures under section 312.

9 “(B) DETERMINATIONS.—

10 “(i) IN GENERAL.—Within 45 days  
11 after the filing of a complaint, the Com-  
12 mission shall issue a final determination in  
13 any proceeding brought under this sub-  
14 section, unless the Commission issues an  
15 interim determination in writing that there  
16 has been a genuine, reasonable, good faith  
17 dispute about the applicability of one of  
18 the defenses set forth in paragraph (5), in  
19 which case the Commission shall have 135  
20 additional days to issue a final determina-  
21 tion. The Commission shall hear witnesses  
22 only if it clearly appears, based on written  
23 filings by the parties, that there is a gen-  
24 uine dispute about material facts. Except  
25 as provided in the preceding sentence, the

1 Commission may issue a final ruling based  
2 on written filings by the parties.

3 “(ii) DISCOVERY.—The Commission  
4 may direct the parties to exchange perti-  
5 nent documents, and if necessary to take  
6 prehearing depositions, on such schedule as  
7 the Commission may approve, but only if  
8 the Commission first determines that such  
9 discovery is necessary to resolve a genuine  
10 dispute about material facts, consistent  
11 with the obligation to make a final deter-  
12 mination within 45 days (or 180 days, as  
13 appropriate).

14 “(8) RELIEF.—If the Commission determines  
15 that a satellite carrier has retransmitted the im-  
16 ported stations to at least one person in the com-  
17 plaining station’s local market based on this section  
18 and has failed to meet its burden of proving one of  
19 the defenses under paragraph (5) with respect to  
20 such retransmission, the Commission shall be re-  
21 quired to—

22 “(A) make a finding that the satellite car-  
23 rier violated this section with respect to that  
24 station; and

25 “(B) issue an order containing—

1           “(i) a cease-and-desist order directing  
2           the satellite carrier immediately to stop  
3           making any further retransmissions in vio-  
4           lation of this section;

5           “(ii) a monetary penalty of \$50 per  
6           violation, which may be waived by the  
7           Commission only if the Commission deter-  
8           mines that there was a genuine, reason-  
9           able, good faith dispute about the applica-  
10          bility of one of the defenses set forth in  
11          paragraph (5); and

12          “(C) an award to the complainant of the  
13          complainant’s costs and reasonable attorney’s  
14          fees.

15          “(9) COURT PROCEEDINGS ON ENFORCEMENT  
16          OF COMMISSION ORDER.—

17                 “(A) IN GENERAL.—On entry by the Com-  
18                 mission of a final order granting relief under  
19                 this subsection—

20                 “(i) a television broadcast station may  
21                 apply within 30 days after such entry to  
22                 the United States District Court for the  
23                 District of Columbia for a final judgment  
24                 enforcing all relief granted by the Commis-  
25                 sion; and

1           “(ii) the satellite carrier may apply  
2           within 30 days after such entry to the  
3           United States District Court for the Dis-  
4           trict of Columbia for a judgment reversing  
5           the Commission’s order.

6           “(B) APPEAL.—

7           “(i) For cases in which the Commis-  
8           sion has not determined that there has  
9           been a genuine, reasonable, good faith dis-  
10          pute about the applicability of one of the  
11          defenses set forth in paragraph (5), the  
12          procedure for an appeal under this sub-  
13          paragraph by the satellite carrier shall su-  
14          persede any other appeal rights under Fed-  
15          eral or State law. The United States Dis-  
16          trict Court for the District of Columbia  
17          may find personal jurisdiction based on the  
18          satellite carrier’s ownership of licenses  
19          issued by the Commission. An application  
20          by a television broadcast station for an  
21          order enforcing any cease-and-desist relief  
22          granted by the Commission shall be re-  
23          solved on a highly expedited schedule. No  
24          discovery may be conducted by the parties  
25          in any such proceeding. The district court



1 shall enforce the Commission order unless  
2 the Commission record reflects manifest  
3 error and an abuse of discretion by the  
4 Commission.

5 “(ii) For cases in which the Commis-  
6 sion has determined that there has been  
7 genuine, reasonable, good faith dispute  
8 about the applicability of one of the de-  
9 fenses set forth in paragraph (5), the ap-  
10 peals process set forth in section 402 shall  
11 apply, with the following caveats:

12 “(I) If the Commission has found  
13 the retransmissions in question to be  
14 in violation of this section, the sat-  
15 ellite carrier must cease such retrans-  
16 missions during the pendency of any  
17 appeal. Any such retransmissions  
18 after the date of the Commission’s  
19 order but prior to any order over-  
20 turning the Commission on appeal  
21 shall be considered violations under  
22 paragraph (6).

23 “(II) If the Commission has  
24 found the retransmissions in question  
25 to be not in violation of this section,

1 the satellite carrier may continue such  
2 retransmissions during the pendency  
3 of the appeal. Any such retrans-  
4 missions after the date of the Com-  
5 mission's order but prior to any order  
6 overturning the Commission on appeal  
7 shall not be considered violations  
8 under paragraph (6).

9 “(g) RULEMAKING.—

10 “(1) REQUIREMENTS.—The Commission  
11 shall—

12 “(A) commence a rulemaking proceeding  
13 to implement this section by publication of a  
14 notice of proposed rulemaking within 180 days  
15 after the date of enactment of the Satellite  
16 Home Viewer Extension and Reauthorization  
17 Act of 2004;

18 “(B) include in such notice a list of the  
19 stations or communities eligible for carriage  
20 under subsection (a); and

21 “(C) adopt rules pursuant to such rule-  
22 making within one year after such date of en-  
23 actment.

24 “(2) INTERIM ELIGIBILITY.—Stations and com-  
25 munities listed as eligible for carriage in the notice

1 of proposed rulemaking issued by the Commission  
2 under paragraph (1) may be treated as eligible for  
3 carriage under this section on an interim basis pend-  
4 ing adoption of such rules and publication of the list  
5 of eligible stations and communities under such  
6 rules.

7 “(h) ADDITIONAL CORRESPONDING CHANGES IN  
8 REGULATIONS.—

9 “(1) COMMUNITY-BY-COMMUNITY ELEC-  
10 TIONS.—The Commission shall, no later than April  
11 30, 2005, revise section 76.66 of its regulations (47  
12 CFR 76.66), concerning satellite broadcast signal  
13 carriage, to permit (at the next cycle of elections  
14 under section 325) a television broadcast station  
15 that is located in a local market into which a sat-  
16 ellite carrier retransmits a television broadcast sta-  
17 tion on the basis of a statutory license under section  
18 122 of title 17, United States Code, to elect, with  
19 respect to such satellite carrier, between retrans-  
20 mission consent pursuant to such section 325 and  
21 mandatory carriage pursuant to section 338 sepa-  
22 rately for each county within such station’s local  
23 market, if—

24 “(A) the satellite carrier has notified the  
25 station, pursuant to paragraph (3), that it in-

1 tends to carry another affiliate of the same net-  
2 work pursuant to this section during the rel-  
3 evant election period in the station's local mar-  
4 ket; or

5 “(B) on the date notification under para-  
6 graph (3) was due, the satellite carrier was re-  
7 transmitting into the station's local market pur-  
8 suant to this section an affiliate of the same tel-  
9 evision network.

10 “(2) SINGLE NEGOTIATIONS.—In revising its  
11 regulations as required by paragraph (1), the Com-  
12 mission shall provide that any such station shall con-  
13 duct a single negotiation for the entire portion of its  
14 local market for which retransmission consent is  
15 elected.

16 “(3) ADDITIONAL PROVISIONS.—The Commis-  
17 sion shall, no later than April 30, 2005, revise its  
18 regulations to provide the following:

19 “(A) NOTIFICATIONS BY SATELLITE CAR-  
20 RIER.—A satellite carrier's retransmission of  
21 television broadcast stations pursuant to this  
22 section shall be subject to the following limita-  
23 tions:

24 “(i) In any local market in which the  
25 satellite carrier provides service on the

1 basis of a statutory license under section  
2 122 of title 17, United States Code, on the  
3 date of enactment of the Satellite Home  
4 Viewer Extension and Reauthorization Act  
5 of 2004, the carrier may notify a television  
6 broadcast station in that market, at least  
7 60 days prior to any date on which the  
8 station must thereafter make an election  
9 under section 76.66 of the Commission’s  
10 regulations (47 CFR 76.66), of—

11 “(I) each affiliate of the same  
12 television network that the carrier re-  
13 serves the right to retransmit into  
14 that station’s local market pursuant  
15 to this section during the next election  
16 cycle under such section of such regu-  
17 lations; and

18 “(II) for each such affiliate, the  
19 communities into which the satellite  
20 carrier reserves the right to make  
21 such retransmissions.

22 “(ii) In any local market in which the  
23 satellite carrier commences service on the  
24 basis of a statutory license under section  
25 122 of title 17, United States Code, after

1 the date of enactment of the Satellite  
2 Home Viewer Extension and Reauthoriza-  
3 tion Act of 2004, the carrier may notify a  
4 station in that market, at least 60 days  
5 prior to the introduction of such service in  
6 that market, and thereafter at least 60  
7 days prior to any date on which the station  
8 must thereafter make an election under  
9 section 76.66 of the Commission’s regula-  
10 tions (47 CFR 76.66), of each affiliate of  
11 the same television network that the car-  
12 rier reserves the right to retransmit into  
13 that station’s local market during the next  
14 election cycle under such section of such  
15 regulations.

16 “(iii) Beginning with the 2005 elec-  
17 tion cycle, a satellite carrier may only re-  
18 transmit pursuant to this section during  
19 the pertinent election period a signal—

20 “(I) as to which it has provided  
21 the notifications set forth in clauses  
22 (i) and (ii); or

23 “(II) that it was retransmitting  
24 into the local market under this sec-

1                   tion as of the date such notifications  
2                   were due.

3                   “(B) HARMONIZATION OF ELECTIONS AND  
4                   RETRANSMISSION CONSENT AGREEMENTS.—If a  
5                   satellite carrier notifies a television broadcast  
6                   station that it reserves the right to retransmit  
7                   an affiliate of the same television network dur-  
8                   ing the next election cycle pursuant to this sec-  
9                   tion, the station may choose between retrans-  
10                  mission consent and mandatory carriage for  
11                  any portion of the 3-year election cycle that is  
12                  not covered by an existing retransmission con-  
13                  sent agreement.

14                  “(i) DEFINITIONS.—As used in this section:

15                  “(1) LOCAL MARKET; SATELLITE CARRIER;  
16                  SUBSCRIBER; TELEVISION BROADCAST STATION.—  
17                  The terms ‘local market’, ‘satellite carrier’, ‘sub-  
18                  scriber’, and ‘television broadcast station’ have the  
19                  meanings given such terms in section 338(k).

20                  “(2) NETWORK STATION; TELEVISION NET-  
21                  WORK.—The terms ‘network station’ and ‘television  
22                  network’ have the meanings given such terms in sec-  
23                  tion 339(d).

1           “(3) BANDWIDTH.—The terms ‘equivalent  
2           bandwidth’ and ‘entire bandwidth’ shall be defined  
3           by the Commission by regulation.”.

4 **SEC. 203. CARRIAGE OF LOCAL STATIONS ON A SINGLE**  
5 **DISH.**

6           Section 338 of the Communications Act of 1934 (47  
7 U.S.C. 338(d)) is amended—

8           (1) by redesignating subsections (g) and (h) as  
9           subsection (j) and (k), respectively;

10           (2) by inserting after subsection (f) the fol-  
11           lowing new subsection:

12           “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE  
13 DISH.—

14           “(1) SINGLE DISH.—Each satellite carrier that  
15           retransmits the signals of local television broadcast  
16           stations in a local market shall retransmit the sig-  
17           nals of all local television broadcast stations retrans-  
18           mitted by that carrier to subscribers in such market  
19           by means of a single reception antenna and associ-  
20           ated equipment.

21           “(2) EXCEPTION.—Notwithstanding paragraph  
22           (1), if the carrier retransmits signals in the digital  
23           television service, the carrier shall retransmit the  
24           digital television service signals of all the local tele-  
25           vision broadcast stations retransmitted by that car-



1 rier to subscribers in such market by means of a sin-  
2 gular reception antenna and associated equipment, but  
3 such antenna and associated equipment may be sep-  
4 arate from the single reception antenna and associ-  
5 ated equipment used for signals that are not in the  
6 digital television service.

7 “(3) EFFECTIVE DATE.—The requirements of  
8 paragraphs (1) and (2) of this subsection shall apply  
9 on and after one year after the date of enactment  
10 of the Satellite Home Viewer Extension and Reau-  
11 thorization Act of 2004.

12 “(4) NOTICE OF DISRUPTIONS.—A carrier that  
13 is providing signals of a local television broadcast  
14 station in a local market under this section on the  
15 date of enactment of the Satellite Home Viewer Ex-  
16 tension and Reauthorization Act of 2004 shall, not  
17 later than 270 days after such date of enactment,  
18 provide to the licensees for such stations and the  
19 carrier’s subscribers in such local market a notice  
20 that displays prominently and conspicuously a clear  
21 statement of—

22 “(A) any reallocation of signals between  
23 different reception antennas and associated  
24 equipment that the carrier intends to make in

1 order to comply with the requirements of this  
2 subsection;

3 “(B) the need, if any, for subscribers to  
4 obtain an additional reception antenna and as-  
5 sociated equipment to receive such signals; and

6 “(C) any cessation of carriage or other ma-  
7 terial change in the carriage of signals as a con-  
8 sequence of the requirements of this paragraph.

9 “(5) ENFORCEMENT.—Notwithstanding any  
10 other provision of this section, the Commission may  
11 enforce this section and any regulation thereunder in  
12 accordance with titles IV and V of this Act.”.

13 **SEC. 204. REPLACEMENT OF DISTANT SIGNALS WITH**  
14 **LOCAL SIGNALS.**

15 Section 339(a) of the Communications Act of 1934  
16 (47 U.S.C. 339(a)) is amended—

17 (1) by redesignating paragraph (2) as para-  
18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-  
20 lowing new paragraph:

21 “(2) REPLACEMENT OF DISTANT SIGNALS WITH  
22 LOCAL SIGNALS.—Notwithstanding any other provi-  
23 sion of paragraph (1), the following rules shall apply  
24 after the date of enactment of the Satellite Home  
25 Viewer Extension and Reauthorization Act of 2004:

1           “(A) RULES FOR GRANDFATHERED SUB-  
2           SCRIBERS.—In the case of a subscriber of a sat-  
3           ellite carrier who is eligible to receive the signal  
4           of a network station solely by reason of section  
5           119(e) of title 17, United States Code (in this  
6           subparagraph referred to as a ‘distant signal’),  
7           the following shall apply:

8                   “(i) In a case in which the signal of  
9                   a local network station affiliated with the  
10                  same television network is made available  
11                  pursuant to the statutory license under  
12                  section 122 by that satellite carrier to the  
13                  subscriber, the carrier may only provide  
14                  the secondary transmissions of the distant  
15                  signal of such network station to that sub-  
16                  scriber—

17                   “(I) if, within 60 days after re-  
18                   ceiving the notice of the satellite car-  
19                   rier under section 338(h)(1) of the  
20                   Communications Act of 1934, the  
21                   subscriber elects to retain the distant  
22                   signal; but

23                   “(II) only until such time as the  
24                   subscriber elects to receive such local  
25                   signal.

1           “(ii) Notwithstanding clause (i), the  
2           carrier may not retransmit the distant sig-  
3           nal to any subscriber who is eligible to re-  
4           ceive the signal of a network station solely  
5           by reason of section 119(e) of title 17,  
6           United States Code, unless such carrier,  
7           within 60 days after the date of the enact-  
8           ment of the Satellite Home Viewer Exten-  
9           sion and Reauthorization Act of 2004, sub-  
10          mits to that television network the list and  
11          statement required by section 338(h)(2).

12          “(B) RULES FOR OTHER SUBSCRIBERS.—

13          In the case of a subscriber of a satellite carrier  
14          who is eligible to receive the signal of a network  
15          station under the statutory license under sec-  
16          tion 119(a)(2) of title 17, United States Code  
17          (in this subparagraph referred to as a ‘distant  
18          signal’), other than subscribers to whom sub-  
19          paragraph (A) applies, the following shall apply:

20                 “(i) In a case in which the signal of  
21                 a local network station affiliated with the  
22                 same television network is made available  
23                 pursuant to the statutory license under  
24                 section 122 by that satellite carrier to the  
25                 subscriber on the date of the enactment of

1 the Satellite Home Viewer Extension and  
2 Reauthorization Act of 2004, the carrier  
3 may only provide the secondary trans-  
4 missions of the distant signal of such net-  
5 work station to that subscriber—

6 “(I)(aa) if, on such date of enact-  
7 ment, the subscriber is receiving such  
8 distant signal and is also receiving  
9 such local signal, and

10 “(bb) the subscriber’s satellite  
11 carrier, within 60 days after the date  
12 of the enactment of the Satellite  
13 Home Viewer Extension and Reau-  
14 thorization Act of 2004, submits to  
15 that television network the list and  
16 statement required by section  
17 338(h)(2); or

18 “(II)(aa) if, on such date of en-  
19 actment, the subscriber is receiving  
20 such distant signal and is not receiv-  
21 ing such local signal; but

22 “(bb) only until such time as the  
23 subscriber elects to receive such local  
24 signal.

1           “(ii) In a case in which the signal of  
2           a local network station affiliated with the  
3           same television network is not made avail-  
4           able pursuant to the statutory license  
5           under section 122 by that satellite carrier  
6           to a subscriber on the date of the enact-  
7           ment of the Satellite Home Viewer Exten-  
8           sion and Reauthorization Act of 2004, the  
9           carrier may only provide the secondary  
10          transmissions of the distant signal of such  
11          network station to that subscriber—

12                       “(I) who is a subscriber of that  
13                       satellite carrier on such date of enact-  
14                       ment, or

15                       “(II) who becomes a subscriber  
16                       of that satellite carrier after such date  
17                       but before the local signal is made  
18                       available by the carrier,

19                       but only until such time as the subscriber  
20                       elects to receive the local signal from that  
21                       satellite carrier.

22                       “(C) FUTURE APPLICABILITY.—A satellite  
23                       carrier may not provide a distant signal (within  
24                       the meaning of subparagraph (A) or (B)) to  
25                       any person in a location to which the signal of

1 a local network station affiliated with the same  
2 television network was made available by that  
3 carrier pursuant to the statutory license under  
4 section 122 of title 17, United States Code, be-  
5 fore the person becomes a subscriber to that  
6 carrier.

7 “(D) AUTHORITY TO GRANT STATION-SPE-  
8 CIFIC WAIVERS.—Notwithstanding the provi-  
9 sions of this paragraph, a satellite carrier may  
10 provide the distant signal (within the meaning  
11 of subparagraph (A) or (B)) of any distant net-  
12 work station to any person to whom the signal  
13 of a local network station is available pursuant  
14 to the statutory license under section 122 of  
15 title 17, United States Code, if and to the ex-  
16 tent that such local network station has granted  
17 a waiver from the requirements of this para-  
18 graph to such satellite carrier with respect to  
19 such distant network station.

20 “(E) OTHER PROVISIONS NOT AF-  
21 FECTED.—This paragraph shall not affect the  
22 eligibility of a subscriber to receive secondary  
23 transmissions under section 119(a)(3) of title  
24 17, United States Code, or as an unserved

1 household included under section 119(a)(12) of  
2 such title.”.

3 **SEC. 205. ADDITIONAL NOTICES TO SUBSCRIBERS, NET-**  
4 **WORKS, AND STATIONS CONCERNING SIGNAL**  
5 **CARRIAGE.**

6 Section 338 of the Communications Act of 1934 (47  
7 U.S.C. 338) is further amended by inserting after sub-  
8 section (g) (as added by section 203) the following new  
9 subsection:

10 “(h) ADDITIONAL NOTICES TO SUBSCRIBERS, NET-  
11 WORKS, AND STATIONS CONCERNING SIGNAL CAR-  
12 RRIAGE.—

13 “(1) NOTICES TO AND ELECTIONS BY SUB-  
14 SCRIBERS CONCERNING GRANDFATHERED SIG-  
15 NALS.—Any carrier that provides a distant signal of  
16 a network station to a subscriber pursuant to a stat-  
17 utory license under section 119(a)(4)(A) of title 17,  
18 United States Code, shall—

19 “(A) within 60 days after the local signal  
20 of a network station of the same television net-  
21 work is available pursuant to a statutory license  
22 under section 122, or within 60 days after the  
23 date of enactment of the Satellite Home Viewer  
24 Extension and Reauthorization Act of 2004,



1           whichever is later, send a notice to the sub-  
2           scriber—

3                   “(i) offering to substitute the local  
4                   network signal for the duplicating distant  
5                   network signal; and

6                   “(ii) informing the subscriber that, if  
7                   the subscriber fails to respond in 60 days,  
8                   the subscriber will lose the distant network  
9                   signal but will be permitted to subscribe to  
10                  the local network signal; and

11                  “(B) if the subscriber—

12                          “(i) elects to substitute such local net-  
13                          work signal within such 60 days, switch  
14                          such subscriber to such local network sig-  
15                          nal within 10 days after the end of such  
16                          60-day period; or

17                          “(ii) fails to respond within such 60  
18                          days, terminate the distant network signal  
19                          within 10 days after the end of such 60-  
20                          day period.

21                  “(2) NOTICES TO NETWORKS OF DISTANT SIG-  
22                  NAL SUBSCRIBERS.—Within 60 days after the date  
23                  of enactment of the Satellite Home Viewer Exten-  
24                  sion and Reauthorization Act of 2004, each satellite  
25                  carrier that provides a distant signal of a network

1 station to a subscriber pursuant to a statutory li-  
2 cense under section 119(a)(4)(A) or 119(a)(4)(B)(i)  
3 of title 17, United States Code, shall submit to each  
4 network—

5 “(A) a list, aggregated by designated mar-  
6 ket area, identifying each subscriber provided  
7 such a signal by—

8 “(i) name;

9 “(ii) address (street or RFD number,  
10 city, state, and zip code); and

11 “(iii) the distant network signal or  
12 signals received; and

13 “(B) a statement that, to the best of the  
14 carrier’s knowledge and belief after having  
15 made diligent and good faith inquiries, the sub-  
16 scriber is qualified under the existing law to re-  
17 ceive the distant network signal or signals pur-  
18 suant to a statutory license under section  
19 119(a)(4)(A) or 119(a)(4)(B)(i) of title 17,  
20 United States Code.

21 “(3) NOTICE TO STATION LICENSEES OF COM-  
22 MENCEMENT OF LOCAL-INTO-LOCAL SERVICE.—

23 “(A) NOTICE REQUIRED.—Within 180  
24 days after the date of enactment of the Satellite  
25 Home Viewer Extension and Reauthorization

1 Act of 2004, the Commission shall revise the  
2 regulations under this section relating to notice  
3 to broadcast station licensees to comply with  
4 the requirements of this paragraph.

5 “(B) CONTENTS OF COMMENCEMENT NO-  
6 TICE.—The notice required by such regulations  
7 shall inform each television broadcast station li-  
8 censee within any local market in which a sat-  
9 ellite carrier proposes to commence carriage of  
10 signals of stations from that market, not later  
11 than 60 days prior to the commencement of  
12 such carriage—

13 “(i) of the carrier’s intention to  
14 launch local-into-local service under this  
15 section in a local market, the identity of  
16 that local market, and the location of the  
17 carrier’s proposed local receive facility for  
18 that local market;

19 “(ii) of the right of such licensee to  
20 elect carriage under this section or grant  
21 retransmission consent under section  
22 325(b);

23 “(iii) that such licensee has 30 days  
24 from the date of the receipt of such notice  
25 to make such election; and

1           “(iv) that failure to make such elec-  
2           tion will result in the loss of the right to  
3           demand carriage under this section for the  
4           remainder of the 3-year cycle of carriage  
5           under section 325.

6           “(C) TRANSMISSION OF NOTICES.—Such  
7           regulations shall require that each satellite car-  
8           rier shall transmit the notices required by such  
9           regulation via certified mail to the address for  
10          such television station licensee listed in the con-  
11          solidated database system maintained by the  
12          Commission.

13          “(4) NOTICES CONCERNING SIGNIFICANTLY  
14          VIEWED STATIONS.—Each satellite carrier that pro-  
15          poses to commence the retransmission of a station  
16          pursuant to section 340 in any local market shall—

17                 “(A) not less than 60 days before com-  
18                 mencing such retransmission, provide a written  
19                 notice to any television broadcast station in  
20                 such local market of a such proposal; and

21                 “(B) designate on such carrier’s website all  
22                 significantly viewed signals carried pursuant to  
23                 section 340 and the communities in which the  
24                 signals are carried.”.

1 **SEC. 206. PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.**

2 (a) AMENDMENT.—Section 338 of the Communica-  
3 tions Act of 1934 (47 U.S.C. 338) is further amended by  
4 inserting after subsection (h) (as added by section 205)  
5 the following new subsection:

6 “(i) PRIVACY RIGHTS OF SATELLITE SUB-  
7 SCRIBERS.—

8 “(1) NOTICE.—At the time of entering into an  
9 agreement to provide any satellite service or other  
10 service to a subscriber and at least once a year  
11 thereafter, a satellite carrier shall provide notice in  
12 the form of a separate, written statement to such  
13 subscriber which clearly and conspicuously informs  
14 the subscriber of—

15 “(A) the nature of personally identifiable  
16 information collected or to be collected with re-  
17 spect to the subscriber and the nature of the  
18 use of such information;

19 “(B) the nature, frequency, and purpose of  
20 any disclosure which may be made of such in-  
21 formation, including an identification of the  
22 types of persons to whom the disclosure may be  
23 made;

24 “(C) the period during which such infor-  
25 mation will be maintained by the satellite car-  
26 rier;

1           “(D) the times and place at which the sub-  
2           scriber may have access to such information in  
3           accordance with paragraph (5); and

4           “(E) the limitations provided by this sec-  
5           tion with respect to the collection and disclosure  
6           of information by a satellite carrier and the  
7           right of the subscriber under paragraphs (7)  
8           and (9) to enforce such limitations.

9           In the case of subscribers who have entered into  
10          such an agreement before the effective date of this  
11          subsection, such notice shall be provided within 180  
12          days of such date and at least once a year there-  
13          after.

14          “(2) DEFINITIONS.—For purposes of this sub-  
15          section, other than paragraph (9)—

16                 “(A) the term ‘personally identifiable infor-  
17                 mation’ does not include any record of aggre-  
18                 gate data which does not identify particular  
19                 persons;

20                 “(B) the term ‘other service’ includes any  
21                 wire or radio communications service provided  
22                 using any of the facilities of a satellite carrier  
23                 that are used in the provision of satellite serv-  
24                 ice; and

1           “(C) the term ‘satellite carrier’ includes, in  
2 addition to persons within the definition of sat-  
3 ellite carrier, any person who—

4                   “(i) is owned or controlled by, or  
5 under common ownership or control with,  
6 a satellite carrier; and

7                   “(ii) provides any wire or radio com-  
8 munications service.

9           “(3) PROHIBITIONS.—

10                   “(A) CONSENT TO COLLECTION.—Except  
11 as provided in subparagraph (B), a satellite  
12 carrier shall not use any facilities used by the  
13 satellite carrier to collect programming selection  
14 or subscription information from such a sub-  
15 scriber to collect personally identifiable informa-  
16 tion concerning any subscriber without the prior  
17 written or electronic consent of the subscriber  
18 concerned.

19                   “(B) EXCEPTIONS.—A satellite carrier  
20 may use such facilities to collect such informa-  
21 tion in order to—

22                   “(i) obtain information necessary to  
23 render a satellite service or other service  
24 provided by the satellite carrier to the sub-  
25 scriber; or

1                   “(ii) detect unauthorized reception of  
2                   satellite communications.

3                   “(4) DISCLOSURE.—

4                   “(A) CONSENT TO DISCLOSURE.—Except  
5                   as provided in subparagraph (B), a satellite  
6                   carrier shall not disclose personally identifiable  
7                   information concerning any subscriber without  
8                   the prior written or electronic consent of the  
9                   subscriber concerned and shall take such ac-  
10                  tions as are necessary to prevent unauthorized  
11                  access to such information by a person other  
12                  than the subscriber or satellite carrier.

13                  “(B) EXCEPTIONS.—A satellite carrier  
14                  may disclose such information if the disclosure  
15                  is—

16                         “(i) necessary to render, or conduct a  
17                         legitimate business activity related to, a  
18                         satellite service or other service provided  
19                         by the satellite carrier to the subscriber;

20                         “(ii) subject to paragraph (9), made  
21                         pursuant to a court order authorizing such  
22                         disclosure, if the subscriber is notified of  
23                         such order by the person to whom the  
24                         order is directed;



1           “(iii) a disclosure of the names and  
2 addresses of subscribers to any satellite  
3 service or other service, if—

4           “(I) the satellite carrier has pro-  
5 vided the subscriber the opportunity  
6 to prohibit or limit such disclosure;  
7 and

8           “(II) the disclosure does not re-  
9 veal, directly or indirectly, the—

10           “(aa) extent of any viewing  
11 or other use by the subscriber of  
12 a satellite service or other service  
13 provided by the satellite carrier;  
14 or

15           “(bb) the nature of any  
16 transaction made by the sub-  
17 scriber over any facilities used by  
18 the satellite carrier to collect pro-  
19 gramming selection or subscrip-  
20 tion information from such a  
21 subscriber; or

22           “(iv) to a government entity as au-  
23 thorized under chapters 119, 121, or 206  
24 of title 18, United States Code, except that  
25 such disclosure shall not include records

1           revealing satellite subscriber selection of  
2           video programming from a satellite carrier.

3           “(5) ACCESS BY SUBSCRIBER.—A satellite sub-  
4           scriber shall be provided access to all personally  
5           identifiable information regarding that subscriber  
6           which is collected and maintained by a satellite car-  
7           rier. Such information shall be made available to the  
8           subscriber at reasonable times and at a convenient  
9           place designated by such satellite carrier. A satellite  
10          subscriber shall be provided reasonable opportunity  
11          to correct any error in such information.

12          “(6) DESTRUCTION OF INFORMATION.—A sat-  
13          ellite carrier shall destroy personally identifiable in-  
14          formation if the information is no longer necessary  
15          for the purpose for which it was collected and there  
16          are no pending requests or orders for access to such  
17          information under paragraph (5) or pursuant to a  
18          court order.

19          “(7) PENALTIES.—Any person aggrieved by  
20          any act of a satellite carrier in violation of this sec-  
21          tion may bring a civil action in a United States dis-  
22          trict court. The court may award—

23                  “(A) actual damages but not less than liq-  
24                  uidated damages computed at the rate of \$100

1 a day for each day of violation or \$1,000,  
2 whichever is higher;

3 “(B) punitive damages; and

4 “(C) reasonable attorneys’ fees and other  
5 litigation costs reasonably incurred.

6 The remedy provided by this subsection shall be in  
7 addition to any other lawful remedy available to a  
8 satellite subscriber.

9 “(8) RULE OF CONSTRUCTION.—Nothing in  
10 this title shall be construed to prohibit any State  
11 from enacting or enforcing laws consistent with this  
12 section for the protection of subscriber privacy.

13 “(9) COURT ORDERS.—Except as provided in  
14 paragraph (4)(B)(iv), a governmental entity may ob-  
15 tain personally identifiable information concerning a  
16 satellite subscriber pursuant to a court order only if,  
17 in the court proceeding relevant to such court  
18 order—

19 “(A) such entity offers clear and con-  
20 vincing evidence that the subject of the infor-  
21 mation is reasonably suspected of engaging in  
22 criminal activity and that the information  
23 sought would be material evidence in the case;  
24 and

1           “(B) the subject of the information is af-  
2           forded the opportunity to appear and contest  
3           such entity’s claim.”.

4           (b) EFFECTIVE DATE.—Section 338(i) of the Com-  
5           munications Act of 1934 (47 U.S.C. 338(i)) as amended  
6           by subsection (a) of this section shall be effective 60 days  
7           after the date of enactment of this Act.

8           **SEC. 207. RECIPROCAL BARGAINING OBLIGATIONS.**

9           (a) AMENDMENTS.—Section 325(b)(3)(C) of the  
10          Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is  
11          amended—

12                 (1) by striking “Within 45 days” and all that  
13                 follows through “1999, the” and inserting “The”;

14                 (2) by striking the second sentence;

15                 (3) by striking “and” at the end of clause (i);

16                 (4) in clause (ii)—

17                         (A) by striking “January 1, 2006” and in-  
18                         serting “January 1, 2010”; and

19                         (B) by striking the period at the end and  
20                         inserting “; and”; and

21                 (5) by adding at the end the following new  
22                 clauses:

23                                 “(iii) until January 1, 2010, prohibit  
24                                 a multichannel video programming dis-  
25                                 tributor from failing to negotiate in good

1 faith for retransmission consent under this  
2 section, and it shall not be a failure to ne-  
3 gotiate in good faith if the distributor en-  
4 ters into retransmission consent agree-  
5 ments containing different terms and con-  
6 ditions, including price terms, with dif-  
7 ferent broadcast stations if such different  
8 terms and conditions are based on com-  
9 petitive marketplace considerations.”.

10 (b) DEADLINE.—The Federal Communications Com-  
11 mission shall prescribe regulations to implement the  
12 amendments made by subsection (a)(5) within 180 days  
13 after the date of enactment of this Act.

14 **SEC. 208. UNSERVED DIGITAL CUSTOMERS.**

15 (a) INQUIRY REQUIRED.—Consistent with the digital  
16 television service rules of Federal Communications Com-  
17 mission in effect on the date of enactment of this Act,  
18 and the propagation prediction models derived from Bul-  
19 letin No. 69 of the Commission’s Office of Engineering  
20 and Technology, the Commission shall initiate an inquiry  
21 to recommend the appropriate methodologies for deter-  
22 mining which consumers are in locations where the con-  
23 sumer will be unable, on and after the date on which ana-  
24 log television services are discontinued pursuant to the  
25 provisions of section 309(j)(14) of the Communications

1 Act of 1934 (47 U.S.C. 309(j)(14)), to receive broadcast  
2 digital television service signals that are transmitted from  
3 a station's permanent digital television channel that are  
4 of sufficient intensity to be able to receive and display dig-  
5 ital television service using receiving terrestrial outdoor  
6 antennas of reasonable cost and ease of installation. Such  
7 methodologies shall be based on the current field strength  
8 requirements for digital television stations in section  
9 73.622(e)(1) of the Commission's regulations (47 CFR  
10 622(e)(1)).

11 (b) REPORT REQUIRED.—The Federal Communica-  
12 tions Commission shall submit a report on the results of  
13 the inquiry required by subsection (a) to the Committee  
14 on Energy and Commerce of the House of Representatives  
15 and the Committee on Commerce, Science, and Transpor-  
16 tation of the Senate not later than December 31, 2005.  
17 Such report shall include—

18 (1) a proposal, using the best engineering prac-  
19 tices for the broadcast television industry, for a pre-  
20 dictive methodology for determining both which con-  
21 sumers—

22 (A) receive a digital signal of sufficient in-  
23 tensity to be able to receive and display digital  
24 television service using receiving terrestrial out-

1 door antennas of reasonable cost and ease of in-  
2 stallation; or

3 (B) will receive such a signal after a local  
4 station begins transmitting on its permanent  
5 digital television channel;

6 (2) an analysis of whether it is possible to iden-  
7 tify the areas of the country within which consumers  
8 will not, on and after the date on which analog tele-  
9 vision services are discontinued pursuant to the pro-  
10 visions of section 309(j)(14) of the Communications  
11 Act of 1934 (47 U.S.C. 309(j)(14)), be able to re-  
12 ceive a digital television signal of sufficient intensity  
13 to be able to receive and display digital television  
14 service using receiving terrestrial outdoor antennas  
15 of reasonable cost and ease of installation; and

16 (3) if possible, an identification, on a county-by-  
17 county or more localized basis, of such areas for  
18 each television network.

19 **SEC. 209. REDUCTION OF REQUIRED TESTS.**

20 Section 339(c)(4) of the Communications Act of 1934  
21 (47 U.S.C. 339(c)(4)) is amended by inserting after sub-  
22 paragraph (C) the following new subparagraphs:

23 “(D) REDUCTION OF VERIFICATION BUR-  
24 DENS.—Within one year after the date of enact-  
25 ment of the Satellite Home Viewer Extension

1 and Reauthorization Act of 2004, the Commis-  
2 sion shall by rule exempt from the verification  
3 requirements of subparagraph (A) any request  
4 for a test made by a subscriber to a satellite  
5 carrier—

6 “(i) to whom the retransmission of  
7 the signals of local broadcast stations is  
8 available under section 122 of title 17,  
9 United States Code, from such carrier; or

10 “(ii) for whom the predictive model  
11 required by paragraph (3) predicts a signal  
12 intensity that exceeds the signal intensity  
13 standard in effect under section  
14 119(d)(11)(A) of such title by such num-  
15 ber of decibels as the Commission specifies  
16 in such rule.

17 “(E) EXCEPTION.—Notwithstanding any  
18 provision of this Act, this section does not pro-  
19 hibit a subscriber who is predicted to receive a  
20 signal that meets or exceeds such signal inten-  
21 sity standard from conducting a signal strength  
22 test at the subscriber’s own expense for the  
23 purpose of determining their eligibility for dis-  
24 tant signals under this section.”.



1 **SEC. 210. CARRIAGE OF CERTAIN ADDITIONAL STATIONS.**

2 Section 340 of the Communications Act of 1934, as  
3 added by section 202(a) of this Act, is amended by insert-  
4 ing at the end of subsection (c) the following new para-  
5 graph:

6 “(3) CARRIAGE OF CERTAIN ADDITIONAL STA-  
7 TIONS.—

8 “(A) ADDITIONAL STATIONS AUTHOR-  
9 IZED.—In addition to the signals that are eligi-  
10 ble to be carried under subsection (a) and para-  
11 graph (2) of this subsection, a satellite carrier  
12 is also authorized to retransmit to subscribers  
13 in no more than two counties in a State that  
14 are in a local market principally comprised of  
15 counties in another State, the signals of any tel-  
16 evision station located in the capital city of the  
17 State in which such counties are located, if the  
18 total number of television households in the two  
19 counties combined did not exceed 10,000 for  
20 the year 2003 according to Nielson Media Re-  
21 search.

22 “(B) TREATMENT AS SIGNIFICANTLY  
23 VIEWED; LIMITATIONS.—Such signals shall be  
24 deemed, solely for purposes of this section, to  
25 be significantly viewed in such two counties. In  
26 total, a satellite carrier that carries one or more

1 additional signals under this paragraph may re-  
2 transmit no more than four television broadcast  
3 stations in such counties pursuant to this para-  
4 graph. All rules applicable to carriage of sta-  
5 tions pursuant to subsection (a) or paragraph  
6 (2) of this subsection shall apply to carriage of  
7 stations pursuant to this paragraph.”.

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