

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216

One Hundred Sixteenth Congress

May 28, 2019

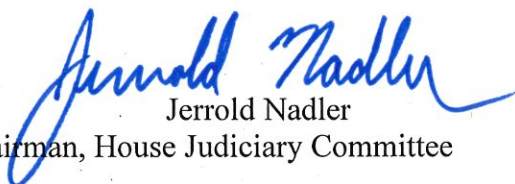
Ms. Karyn A. Temple  
Register of Copyrights and  
Director of the United States Copyright Office  
Library of Congress  
101 Independence Avenue, SE  
Washington, D.C. 20540


Dear Ms. Temple,

We write to you regarding the upcoming expiration of the compulsory license for retransmission of distant television programming by satellite under 17 U.S.C. § 119, and the consequent need of Congress to consider its reauthorization. As Chairman and Ranking Member of the Committee with jurisdiction over the copyright laws, we request the Copyright Office's views about the current status of the usage of this compulsory statutory license and whether it should be reauthorized. To aid your analysis, we are enclosing letters we received in response to information requests we sent to parties that we understand to be using this license.

We look forward to hearing from you and continuing to work with your office on these and other important matters. In light of the upcoming reauthorization deadline and hearings that are being held on this issue, we request a response by June 3, 2019, or as soon thereafter as possible, so that Congress can have the benefit of your views as we consider all the equities involved. Should you have any questions, please do not hesitate to contact us.

Sincerely,

  
Jerrold Nadler  
Chairman, House Judiciary Committee

  
Doug Collins  
Ranking Member, House Judiciary Committee

Enclosures

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 22, 2019

W. Erik Carlson  
President and Chief Executive Officer  
DISH Network Corporation  
9601 South Meridian Boulevard  
Englewood, Colorado 80112

Dear Mr. Carlson:

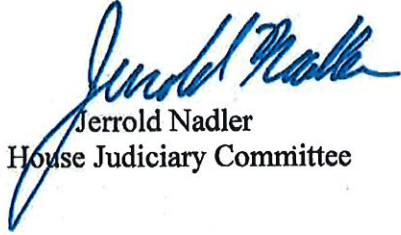
Several provisions of the STELA Reauthorization Act of 2014 (P.L. 113-200, "STELAR") will expire at the end of 2019. This includes the distant signal satellite license, codified at 17 U.S.C. § 119(h), which is set to terminate on December 31, 2019. As this expiration nears, this Committee must evaluate whether the Section 119 license should be allowed to sunset. To that end, we seek the following information on your continued use of the Section 119 license:

- 1) What is the total number of your subscribers that currently receive one or more stations through a distant signal license pursuant to 17 U.S.C. § 119?
- 2) For the subscribers currently receiving stations through the Section 119 license, please identify how many qualify for the license under each of the statutory provisions defining an "unserved household":
  - a. 17 U.S.C. § 119(d)(10)(A);
  - b. 17 U.S.C. § 119(d)(10)(B);
  - c. 17 U.S.C. § 119(d)(10)(C);
  - d. 17 U.S.C. § 119(d)(10)(D);
  - e. 17 U.S.C. § 119(d)(10)(E).
- 3) Do any of your subscribers receive stations through a Section 119 license under a statutory authority not listed in question 2? If so, please identify any such authority and for each such authority, if any, provide the number of subscribers served.
- 4) How many of your subscribers receive stations through a Section 119 license in markets where you do not provide any local stations through your satellite service?
- 5) How many of your subscribers receive stations through a Section 119 license in a "short market" (as defined in 17 U.S.C. § 119 (g)(2)(E))? How many of these subscribers, if any, are included in the subscribers identified in your answer to question 4?

For your responses to questions 2-5, please provide information detailing the total number of subscribers by the designated market area where they reside, the call letters of each station being imported to that market, and the number of subscribers receiving each such station in each such market.

We ask that you give our request for information your full and fair consideration, consistent with applicable statutes and regulations, and that you send a written response by April 19, 2019. Thank you in advance for working with the committee as we review the Section 119 license.

Sincerely,



Jerrold Nadler  
Chairman, House Judiciary Committee



Doug Collins  
Ranking Member, House Judiciary Committee



# U.S. House of Representatives

## Committee on the Judiciary

Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 22, 2019

Randall L. Stephenson  
Chairman and Chief Executive Officer  
AT&T Inc.  
208 S. Akard St.  
Dallas, Texas, 75202

Dear Mr. Stephenson:

Several provisions of the STELA Reauthorization Act of 2014 (P.L. 113-200, "STELAR") will expire at the end of 2019. This includes the distant signal satellite license, codified at 17 U.S.C. § 119(h), which is set to terminate on December 31, 2019. As this expiration nears, this Committee must evaluate whether the Section 119 license should be allowed to sunset. To that end, we seek the following information on your continued use of the Section 119 license:

- 1) What is the total number of your subscribers that currently receive one or more stations through a distant signal license pursuant to 17 U.S.C. § 119?
- 2) For the subscribers currently receiving stations through the Section 119 license, please identify how many qualify for the license under each of the statutory provisions defining an "unserved household":
  - a. 17 U.S.C. § 119(d)(10)(A);
  - b. 17 U.S.C. § 119(d)(10)(B);
  - c. 17 U.S.C. § 119(d)(10)(C);
  - d. 17 U.S.C. § 119(d)(10)(D);
  - e. 17 U.S.C. § 119(d)(10)(E).
- 3) Do any of your subscribers receive stations through a Section 119 license under a statutory authority not listed in question 2? If so, please identify any such authority and for each such authority, if any, provide the number of subscribers served.
- 4) How many of your subscribers receive stations through a Section 119 license in markets where you do not provide any local stations through your satellite service?
- 5) How many of your subscribers receive stations through a Section 119 license in a "short market" (as defined in 17 U.S.C. § 119 (g)(2)(E))? How many of these subscribers, if any, are included in the subscribers identified in your answer to question 4?

For your responses to questions 2-5, please provide information detailing the total number of subscribers by the designated market area where they reside, the call letters of each station being imported to that market, and the number of subscribers receiving each such station in each such market.

We ask that you give our request for information your full and fair consideration, consistent with applicable statutes and regulations, and that you send a written response by April 19, 2019. Thank you in advance for working with the committee as we review the Section 119 license.

Sincerely,



Jerrold Nadler  
Chairman, House Judiciary Committee



Doug Collins

Ranking Member, House Judiciary Committee



Timothy P. McKone  
Executive Vice President  
Federal Relations

AT&T Services, Inc.  
1120 20th Street, NW  
Suite 800  
Washington, DC 20036

T 202.463.4144  
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April 19, 2019

The Honorable Jerrold Nadler  
Chairman  
Judiciary Committee  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Doug Collins  
Ranking Member  
Judiciary Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Nadler and Ranking Member Collins:

I am responding to your March 22 letter to Randall Stephenson, AT&T Chairman and Chief Executive Officer, regarding the distant signal satellite license in the STELA Reauthorization Act of 2014 (P.L. 113-200 ("STELAR")), which will expire at the end of 2019.<sup>1</sup>

DIRECTV and DISH rely on the distant signal license to provide high-quality satellite network TV service to more than 870,000 satellite subscribers. These subscribers include hundreds of thousands of rural homes that were left behind by cable and broadcast providers. In addition, the distant signal license allows RV enthusiasts, campers, and tailgating sports fans to enjoy network broadcasting while traveling across the country.

Preservation of these customers' TV services is why it is so important for Congress to permanently reauthorize the distant signal license. Otherwise, these largely rural subscribers will lose access to network TV programming that most Americans take for granted. Moreover, permanent reauthorization would also establish competitive parity between cable and satellite providers. That is because the cable TV statutory license does not have an expiration date.<sup>2</sup> There is simply no reason why satellite subscribers should be threatened with losing their TV service every five years while cable subscribers are not.

Your letter asks for the number of customers we are serving through a section 119 license, broken down by the six separate statutory provisions allowing importation of a distant signal.<sup>3</sup> AT&T treats this information as competitively sensitive and we do not share it publicly.

That said, DIRECTV serves subscribers through all of these statutory provisions, except for the C-band exemption.<sup>4</sup> Congress carefully crafted these provisions to ensure that: (1) otherwise unserved subscribers could obtain distant signals, and (2) those satellite subscribers that had distant signals on or before October 31, 1999 could keep their current service. For example:

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<sup>1</sup> 17 U.S.C. § 119.

<sup>2</sup> 17 U.S.C. § 111.

<sup>3</sup> See 17 U.S.C. §§ 119(d)(10)(A)-(E), 119(g)(2)(E).

<sup>4</sup> 17 U.S.C. § 119(d)(10)(E).

**AT&T**



The Honorable Jerrold Nadler  
The Honorable Doug Collins  
April 19, 2019, Page 2

- Sections 119 (d)(10)(A) and (B) allow DIRECTV to provide service to otherwise unserved subscribers that cannot receive a local over-the-air signal via an antenna.<sup>5</sup> These customers could not obtain network TV without the distant signal license.
- Section 119(d)(10)(D) allows us to provide distant signals to mobile/recreational vehicles or commercial trucks, thereby allowing long-haul trucks, RV and camping enthusiasts, and tailgating sports fans access to satellite network TV service.
- Section 119(d)(10)(C) allows DIRECTV to provide service to “grandfathered” subscribers who were provided service by satellite providers under the distant signal compulsory license on or before October 31, 1999.
- Finally, DIRECTV relies on section 119(g)(2)(E) to provide subscribers distant signals in “short markets,” in which programming of one of the four national broadcast networks is not offered by any local broadcaster.

AT&T looks forward to working with you and your staffs to renew and update STELAR, including making permanent the distant signal license that brings network service to hundreds of thousands of customers. We would be happy to further discuss the distant signal regime with you or your staff.

Sincerely,



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<sup>5</sup> Section 119(10)(B) provides that a subscriber who obtains a waiver from a local network affiliate to receive a distant station is included within the definition of “unserved subscriber.”



*Jeffrey H. Blum  
Senior Vice President,  
Public Policy & Government Affairs  
Jeffrey.Blum@dish.com  
(202) 463-3703*

April 19, 2019

Rep. Jerry Nadler and Rep. Doug Collins  
U.S. House of Representatives  
Committee on the Judiciary  
Washington, DC 20515-6216

Dear Chairman Nadler and Ranking Member Collins:

Thank you for your letter regarding STELAR. We look forward to working with the Committee on the reauthorization of this important legislation. Below, please find DISH's response.

*Answer to Question #1* – The total number of DISH and DIRECTV subscribers that currently receive one or more stations through a distant signal license, pursuant to 17 U.S.C. Section 119, are approximately 870,000. Because it is competitively sensitive information, DISH is not able to provide the total number of DISH subscribers that currently receive one or more stations through a distant signal license pursuant to 17 U.S.C. Section 119.

*Answer to Question #2* – Because of the concerns about disclosing competitively sensitive information, DISH is not able to provide the breakdown by each statutory provision of subscribers receiving distant signals. However, DISH currently provides distant signals in “short markets” pursuant to 17 U.S.C. § 119(g)(2)(E) and to eligible RV and commercial trucks pursuant to 17 U.S.C. § 119(d)(10)(D). The attached document shows the call signs of broadcast stations being used to serve short markets. For eligible RV and commercial trucks, DISH provides the top-4 broadcast stations from the New York market (WABC, WCBS, WNYW and WNBC) and Los Angeles (KABC, KBCS, KTTV, and KNBC).

*Answer to Question #3* – None, apart from service to “short markets” noted in response to Question #2.

*Answer to Question #4* – DISH provides local stations in all 210 DMAs, so Question #4 is not applicable to us.

*Answer to Question #5* – Because it is competitively sensitive information, DISH is not able to provide the total number of DISH subscribers that currently receive one or more distant stations in short markets.

Sincerely,



Jeff Blum  
SVP, Public Policy and Government Affairs  
DISH/Sling TV



**DISH NETWORK DISTANT SIGNALS TO SHORT MARKETS BY DMA**

As of: April 19, 2019

**ABC IMPORTS**

SHORT MARKET DMA NUMBER	SHORT MARKET DMA NAME	IMPORT CALL SIGN	IMPORT MARKET
798	GLENDIVE MT	KOTA	RAPID CITY SD
737	MANKATO MN	KSTP	MINNEAPOLIS MN
597	PARKERSBURG WV	WCHS	CHARLESTON WV
552	PRESQUE ISLE ME	WVII	BANGOR ME
596	ZANESVILLE OH	WSYX	COLUMBUS OH

**CBS IMPORTS**

SHORT MARKET DMA NUMBER	SHORT MARKET DMA NAME	IMPORT CALL SIGN	IMPORT MARKET
596	ZANESVILLE OH	WBNS	COLUMBUS OH

**FOX IMPORTS**

SHORT MARKET DMA NUMBER	SHORT MARKET DMA NAME	IMPORT CALL SIGN	IMPORT MARKET
798	GLENDIVE MT	KEVN	RAPID CITY SD
596	ZANESVILLE OH	WTTE	COLUMBUS OH

**NBC IMPORTS**

SHORT MARKET DMA NUMBER	SHORT MARKET DMA NAME	IMPORT CALL SIGN	IMPORT MARKET
583	ALPENA MI	WEYI	FLINT MI
569	HARRISONBURG VA	WRC	WASHINGTON DC
737	MANKATO MN	KARE	MINNEAPOLIS MN
552	PRESQUE ISLE ME	WLBZ	BANGOR ME