

tions 119(a)(3)(A) and 119(a)(11) of title 17, respectively, by Pub. L. 111-175, title I, §102(h)(1)(B), May 27, 2010, 124 Stat. 1224.

#### AMENDMENTS

2010—Subsec. (b)(1), (2). Pub. L. 111-175, §203(a), amended pars. (1) and (2) generally. Prior to amendment, pars. (1) and (2) related to limitations for certain analog and digital services, respectively.

Subsec. (i)(4). Pub. L. 111-175, §204(c), struck out par. (4). Text read as follows: “The terms ‘equivalent bandwidth’ and ‘entire bandwidth’ shall be defined by the Commission by regulation, except that this paragraph shall not be construed—

“(A) to prevent a satellite operator from using compression technology;

“(B) to require a satellite operator to use the identical bandwidth or bit rate as the local or distant broadcaster whose signal it is retransmitting;

“(C) to require a satellite operator to use the identical bandwidth or bit rate for a local network station as it does for a distant network station;

“(D) to affect a satellite operator’s obligations under subsection (a)(1) of this section; or

“(E) to affect the definitions of ‘program related’ and ‘primary video’.”

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-175 effective Feb. 27, 2010, see section 307(a) of Pub. L. 111-175, set out as a note under section 111 of Title 17, Copyrights.

#### RULEMAKING REQUIRED

Pub. L. 111-175, title II, §203(b), May 27, 2010, 124 Stat. 1245, provided that: “Within 270 days after the date of the enactment of this Act [deemed to refer to Feb. 27, 2010, see section 307(a) of Pub. L. 111-175, set out as an Effective Date of 2010 Amendment note under section 111 of Title 17, Copyrights], the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a) [amending this section].”

### § 341. Carriage of television signals to certain subscribers

(a)(1) **IN GENERAL.**—A cable operator or satellite carrier may elect to retransmit, to subscribers in an eligible county—

(A) any television broadcast stations that are located in the State in which the county is located and that any cable operator or satellite carrier was retransmitting to subscribers in the county on January 1, 2004; or

(B) up to 2 television broadcast stations located in the State in which the county is located, if the number of television broadcast stations that the cable operator or satellite carrier is authorized to carry under paragraph (1) is less than 3.

(2) **DEEMED SIGNIFICANTLY VIEWED.**—A station described in subsection (a) is deemed to be significantly viewed in the eligible county within the meaning of section 76.54 of the Commission’s regulations (47 CFR 76.54).

(3) **DEFINITION OF ELIGIBLE COUNTY.**—For purposes of this section, the term “eligible county” means any 1 of 4 counties that—

(A) are all in a single State;

(B) on January 1, 2004, were each in designated market areas in which the majority of counties were located in another State or States; and

(C) as a group had a combined total of 41,340 television households according to the U.S.

Television Household Estimates by Nielsen Media Research for 2003-2004.

(4) **LIMITATION.**—Carriage of a station under this section shall be at the option of the cable operator or satellite carrier.

(b) **CERTAIN MARKETS.**—Notwithstanding any other provision of law, a satellite carrier may not carry the signal of a television station into an adjacent local market that is comprised of only a portion of a county, other than to unserved households located in that county.

(June 19, 1934, ch. 652, title III, §341, as added Pub. L. 108-447, div. J, title IX [title II, §211], Dec. 8, 2004, 118 Stat. 3430.)

### § 342. Process for issuing qualified carrier certification

#### (a) Certification

The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17 if the Commission determines that—

(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

(A) the satellite carrier’s satellite beams are designed, and predicted by the satellite manufacturer’s pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite’s launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

#### (b) Information required

Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

(1) An affidavit stating that, to the best of the affiant’s knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17 and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

(2) For each designated market area not listed in paragraph (1):

(A) Identification of each such designated market area and the location of its local receive facility.

(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

(C) Maps, with superimposed effective isotropically radiated power predictions ob-

tained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

**(c) Certification issuance**

**(1) Public comment**

The Commission shall provide 30 days for public comment on a request for certification under this section.

**(2) Deadline for decision**

The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

**(d) Subsequent affirmation**

An entity granted qualified carrier status pursuant to section 119(g) of title 17 shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

**(e) Definitions**

For the purposes of this section:

**(1) Designated market area**

The term "designated market area" has the meaning given such term in section 122(j)(2)(C) of title 17.

**(2) Good quality satellite signal**

**(A) In general**

The term "good quality satellite signal" means—

(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

**(B) Determination**

For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.

(June 19, 1934, ch. 652, title III, §342, as added Pub. L. 111-175, title II, §206, May 27, 2010, 124 Stat. 1250.)

REFERENCES IN TEXT

The date of enactment of the Satellite Television Extension and Localism Act of 2010, referred to in subsecs. (a)(2) and (b)(1), is the date of enactment of Pub. L. 111-175, which shall be deemed to refer to Feb. 27, 2010, see section 307(a) of Pub. L. 111-175, set out as an Effective Date of 2010 Amendment note under section 111 of Title 17, Copyrights.

EFFECTIVE DATE

Section effective Feb. 27, 2010, see section 307(a) of Pub. L. 111-175, set out as an Effective Date of 2010 Amendment note under section 111 of Title 17, Copyrights.

**§ 343. Conditions on commercial terrestrial operations**

**(a) In general**

The Commission shall not permit commercial terrestrial operations in the 1525-1559 megahertz band or the 1626.5-1660.5 megahertz band until the date that is 90 days after the Commission resolves concerns of widespread harmful interference by such operations in such band to covered GPS devices.

**(b) Notice to Congress**

**(1) In general**

At the conclusion of the decision regarding whether to permit such operations in such band, the Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing the final decision of the Commission. If the decision is to permit such operations in such