

**H.R. 2994, AS AMENDED BY THE
SUBCOMMITTEE ON COMMUNICATIONS,
TECHNOLOGY, AND THE INTERNET
ON JUNE 25, 2009**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Satellite Home Viewer
3 Reauthorization Act of 2009”.

4 **SEC. 2. EXTENSION OF AUTHORITY.**

5 Section 325(b) of the Communications Act of 1934
6 (47 U.S.C. 325(b)) is amended—

7 (1) in paragraph (2)(C), by striking “December
8 31, 2009” and inserting “December 31, 2014”; and

9 (2) in paragraph (3)(C), by striking “January
10 1, 2010” each place it appears in clauses (ii) and
11 (iii) and inserting “January 1, 2015”.

12 **SEC. 3. SIGNIFICANTLY VIEWED STATIONS.**

13 (a) IN GENERAL.—Paragraphs (1) and (2) of section
14 340(b) of such Act (47 U.S.C. 340(b)) are amended to
15 read as follows:

16 “(1) SERVICE LIMITED TO SUBSCRIBERS TAK-
17 ING LOCAL-INTO-LOCAL SERVICE.—This section shall
18 apply only to retransmissions to subscribers of a sat-

1 elite carrier who receive retransmissions of a signal
2 from that satellite carrier pursuant to section 338.

3 “(2) SERVICE LIMITATIONS.—A satellite carrier
4 may retransmit to a subscriber in high definition
5 format the signal of a station determined by the
6 Commission to be significantly viewed under sub-
7 section (a) only if such carrier also retransmits in
8 high definition format the signal of a station located
9 in the local market of such subscriber and affiliated
10 with the same network whenever such format is
11 available from such station.”.

12 (b) RULEMAKING REQUIRED.—Within 180 days after
13 the date of the enactment of this Act, the Commission
14 shall take all actions necessary to promulgate a rule to
15 implement the amendments made by subsection (a).

16 **SEC. 4. CONFORMING AMENDMENTS.**

17 (a) SECTION 338.—Section 338 of the Communica-
18 tions Act of 1934 (47 U.S.C. 338) is amended—

19 (1) in subsection (a), by striking “(3) EFFEC-
20 TIVE DATE.—No satellite” and all that follows
21 through “until January 1, 2002.”; and

22 (2) by amending subsection (g) to read as fol-
23 lows:

24 “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE
25 RECEPTION ANTENNA.—

1 “(1) SINGLE RECEPTION ANTENNA.—Each sat-
2 ellite carrier that retransmits the signals of local tel-
3 evision broadcast stations in a local market shall re-
4 transmit such stations in such market so that a sub-
5 scriber may receive such stations by means of a sin-
6 gle reception antenna and associated equipment.

7 “(2) ADDITIONAL RECEPTION ANTENNA.—If
8 the carrier retransmits the signals of local television
9 broadcast stations in a local market in high defini-
10 tion format, the carrier shall retransmit such signals
11 in such market so that a subscriber may receive
12 such signals by means of a single reception antenna
13 and associated equipment, but such antenna and as-
14 sociated equipment may be separate from the single
15 reception antenna and associated equipment used to
16 comply with paragraph (1).”.

17 (b) SECTION 339.—Section 339 of such Act (47
18 U.S.C. 339) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)(B), by striking “Such
21 two network stations” and all that follows
22 through “more than two network stations.”;
23 and

24 (B) in paragraph (2)—

- 1 (i) in the heading for subparagraph
2 (A), by striking “TO ANALOG SIGNALS”;
- 3 (ii) in subparagraph (A)—
4 (I) in the heading for clause (i),
5 by striking “ANALOG”;
- 6 (II) in clause (i)—
7 (aa) by striking “analog”
8 each place it appears; and
9 (bb) by striking “October 1,
10 2004” and inserting “October 1,
11 2009”;
- 12 (III) in the heading for clause
13 (ii), by striking “ANALOG”; and
14 (IV) in clause (ii)—
15 (aa) by striking “analog”
16 each place it appears; and
17 (bb) by striking “2004” and
18 inserting “2009”;
- 19 (iii) in the heading for subparagraph
20 (B), by striking “TO ANALOG SIGNALS”;
- 21 (iv) in subparagraph (B), by striking
22 “analog” each place it appears;
- 23 (v) in subparagraph (C)—
24 (I) by striking “analog” each
25 place it appears; and

1 (II) in clause (i), by striking “the
2 Satellite Home Viewer Extension and
3 Reauthorization Act of 2004” and in-
4 serting “the Satellite Home Viewer
5 Reauthorization Act of 2009”;

6 (vi) in subparagraph (D)—

7 (I) by striking clauses (i), (iii)
8 through (v), (vii) through (ix), and
9 (xi);

10 (II) by redesignating clause (vi)
11 as clause (i);

12 (III) by amending such clause (i)
13 (as so redesignated) to read as fol-
14 lows:

15 “(i) SIGNAL TESTING.—A subscriber
16 shall be eligible to receive a distant signal
17 of a distant network station affiliated with
18 the same network under this section if
19 such subscriber is determined, based on a
20 test conducted in accordance with section
21 73.686(d) of title 47, Code of Federal Reg-
22 ulations, or any successor regulation, not
23 to be able to receive a signal that exceeds
24 the signal intensity standard in section

1 73.622(e)(1) of title 47, Code of Federal
2 Regulations.”;

3 (IV) in clause (ii)—

4 (aa) by striking “DIGITAL”
5 in the heading;

6 (bb) by striking “digital”
7 each place it appears;

8 (cc) by striking “Satellite
9 Home Viewer Extension and Re-
10 authorization Act of 2004” and
11 inserting “Satellite Home Viewer
12 Reauthorization Act of 2009”;
13 and

14 (dd) by striking “, whether
15 or not such subscriber elects to
16 subscribe to local digital signals”;
17 and

18 (V) by redesignating clause (x)
19 as clause (iii); and

20 (vii) in subparagraph (E), by striking
21 “distant analog signal or” and all that fol-
22 lows through “(B), or (D))” and inserting
23 “distant signal”; and

24 (2) in subsection (c)—

1 (A) by amending paragraph (3) to read as
2 follows:

3 “(3) ESTABLISHMENT OF IMPROVED PRE-
4 DICTIVE MODEL AND ON-LOCATION TESTING RE-
5 QUIRED.—

6 “(A) PREDICTIVE MODEL.—Within 180
7 days after the date of the enactment of the Sat-
8 ellite Home Viewer Reauthorization Act of
9 2009, the Commission shall take all actions
10 necessary to develop and prescribe by rule a
11 point-to-point predictive model for reliably and
12 presumptively determining the ability of indi-
13 vidual locations, through the use of a conven-
14 tional, stationary, outdoor rooftop receiving an-
15 tenna, to receive signals in accordance with the
16 signal intensity standard in section
17 73.622(e)(1) of title 47, Code of Federal Regu-
18 lations, including to account for the continuing
19 operation of translator stations and low power
20 television stations. In prescribing such model,
21 the Commission shall rely on the Individual Lo-
22 cation Longley-Rice model set forth by the
23 Commission in CS Docket No. 98-201, as pre-
24 viously revised, and as recommended by the
25 Commission with respect to digital signals in its

1 Report to Congress in ET Docket No. 05-182,
2 FCC 05-199 (released December 9, 2005). The
3 Commission shall establish procedures for the
4 continued refinement in the application of the
5 model by the use of additional data as it be-
6 comes available.

7 “(B) ON-LOCATION TESTING.—The Com-
8 mission shall issue an order completing its rule-
9 making proceeding in ET Docket No. 06-94
10 within 180 days after the date of enactment of
11 the Satellite Home Viewer Reauthorization Act
12 of 2009.”;

13 (B) by amending paragraph (4)(A) to read
14 as follows:

15 “(A) IN GENERAL.—If a subscriber’s re-
16 quest for a waiver under paragraph (2) is re-
17 jected and the subscriber submits to the sub-
18 scriber’s satellite carrier a request for a test
19 verifying the subscriber’s inability to receive a
20 signal of the signal intensity referenced in
21 clause (i) of subsection (a)(2)(D), the satellite
22 carrier and the network station or stations as-
23 serting that the retransmission is prohibited
24 with respect to that subscriber shall select a
25 qualified and independent person to conduct the

1 test referenced in such clause. Such test shall
2 be conducted within 30 days after the date the
3 subscriber submits a request for the test. If the
4 written findings and conclusions of a test con-
5 ducted in accordance with such clause dem-
6 onstrate that the subscriber does not receive a
7 signal that meets or exceeds the requisite signal
8 intensity standard in such clause, the subscriber
9 shall not be denied the retransmission of a sig-
10 nal of a network station under section 119 of
11 title 17, United States Code.”;

12 (C) in paragraph (4)(B), by striking “the
13 signal intensity” and all that follows through
14 “United States Code” and inserting “such req-
15 uisite signal intensity standard”; and

16 (D) in paragraph (4)(E), by striking
17 “Grade B intensity”.

18 (c) SECTION 340.—Section 340(i) of such Act (47
19 U.S.C. 340(i)) is amended by striking paragraph (4).

20 **SEC. 5. APPLICATION PENDING COMPLETION OF**
21 **RULEMAKINGS.**

22 (a) IN GENERAL.—Between the date of enactment of
23 this Act and the adoption of rules by the Commission pur-
24 suant to the amendments to the Communications Act of
25 1934 made by sections 3 and 4 of this Act, the Commis-

1 sion shall follow its rules and regulations promulgated
2 pursuant to sections 338, 339, and 340 of the Commu-
3 nications Act of 1934 as in effect on the day before the
4 date of enactment of this Act.

5 (b) TRANSLATOR STATIONS AND LOW POWER TELE-
6 VISION STATIONS.—Notwithstanding subsection (a), for
7 purposes of determining whether a subscriber within the
8 local market served by a translator station or a low power
9 television station affiliated with a television network is eli-
10 gible to receive distant signals under section 339 of such
11 Act, the Commission shall follow its rules and regulations
12 for determining such subscriber’s eligibility as in effect on
13 the day before the date of enactment of this Act until the
14 date on which the translator station or low power tele-
15 vision station is licensed to broadcast a digital signal.

16 (c) DEFINITIONS.—As used in this Act:

17 (1) LOCAL MARKET; LOW POWER TELEVISION
18 STATION; SATELLITE CARRIER; SUBSCRIBER; TELE-
19 VISION BROADCAST STATION.—The terms “local
20 market”, “low power television station”, “satellite
21 carrier”, “subscriber”, and “television broadcast sta-
22 tion” have the meanings given such terms in section
23 338(k) of the Communications Act of 1934.

24 (2) NETWORK STATION; TELEVISION NET-
25 WORK.—The terms “network station” and “tele-

- 1 vision network” have the meanings given such terms
- 2 in section 339(d) of such Act.

