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In the Matter of Section 109 Report to Congress Regarding Cable and Satellite Statutory Licenses	)	Docket No. 2007-1

PROGRAM SUPPLIERS' COMMENTS

In accordance with the *Notice of Inquiry*, 72 Fed. Reg. 19039 (April 16, 2007) ("NOI") in the captioned docket, the Motion Picture Association of America, Inc. its member companies, and other producers and distributors of movies, series, and specials broadcast by television stations ("Program Suppliers") submit their written comments.[1]

I. INTRODUCTION

The NOI, as required by Section 109 of SHVERA, undertakes analysis and comparison of various aspects of the Sections 111, 119, and 122 compulsory licensing plans, *see* NOI at 19040 (setting out statutory requirements). As the NOI also notes, some of those areas are already being addressed in separate rulemakings, where parties have filed extensive comments. *See,* NOI at 19051 (referring to Digital Signals NOI). While those rulemaking comments should be considered as the Office "move[s] forward with the Report" here, *id.*, Program Suppliers strongly urge the Office also to move forward to issue final rules in the pending rulemakings. *See* Joint Comments of Copyright Owners (making the same point). Nothing in Section 109 of

[1] Program Suppliers also join in and support the Joint Comments of Copyright Owners and the Comments of the Joint Sports Claimants being filed in this proceeding.

SHVERA suggests that the Office is to hold rulemaking proceedings in abeyance pending issuance of the Section 109 report. As the issues raised in the rulemakings affect operation of the existing compulsory licensing plans, the Office has both the duty and the authority to issue rules promptly resolving those issues.

II. COMMENTS REGARDING SPECIFIC QUESTIONS

A. Cable Royalty Payments and Distant Signal Carriage

The NOI undertakes a limited analysis to derive apparent trends in royalty payment and signal carriage information reported on the Section 111 statements of account ("SOAs"), and asks for comments about the accuracy and reasons for those figures. NOI at 19042-43. Program Suppliers have analyzed royalty data from 1978-1 to 2006-1 in response to the NOI.[2]

The NOI states that a 13% decrease in royalties between 1993 and 1994 likely resulted "because cable operators dropped distant signals in order to accommodate the carriage of local signals mandated by Sections 614 and 615 of the 1992 Cable Act." NOI at 19042. While the average reported DSE value for Form 3 systems dropped from 2.462 in 1993-1 to 2.227 in 1994-2, that decline, by itself, would likely not have led to lower royalty payments given that reported subscribers increased during this time period. The more likely explanation for the royalty drop is that more systems based their gross receipts calculations principally on "broadcast basic" tier revenues. Reported Form 3 gross receipts fell roughly 15%, from $4.714 billion in 1993-1 to $3.977 billion in 1994-2, even though reported subscribers increased by 6.2%, from 48.4 to 51.4 million over that period. Although a "broadcast basic" tier rate was reported on the SOAs, in many cases, cable operators' sales and advertising materials did not publicize that rate to subscribers.

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[2] As the Copyright Office is well aware, Program Suppliers use SOA and royalty information supplied by Cable Data Corporation, as do most parties in cable and satellite royalty matters.

The NOI estimates that Form 1/2 systems "pay, on average, .4% of their gross receipts into the royalty pool." NOI at 19042. While accurate, this statement tells only part of the story. Form 1 systems pay only about 0.1% of their gross receipts as their royalty payment, while Form 2 systems pay approximately 0.52% of their gross receipts as royalty payments. The NOI estimates that Form 3 systems pay "on average, 1.2% of their gross receipts into the royalty pool." *Id.* That average is based on 2001/1 and 2001/2 data, which the NOI states are "typical periods," and "generally consistent over other accounting periods as well." *Id.* That average is typical for the period since 1998, when TBS switched from a broadcast station to a cable network, but is lower than the average of 1.87% for the period from 1978/1 to 2006/1.

Even those miniscule figures overstate the impact of royalty payments on cable systems. Gross receipts represent a fraction of the full amount of basic revenues that cable systems receive. NCTA reported that in 2001 (the year chosen in the NOI for analysis) basic revenues for cable systems amounted to $27.031 billion.[3] That compares to reported gross receipts for all reporting cable systems in 2001/1 and 2001/2 combined of $10.713 billion, or about 40% of all basic revenues. Cable royalty payments in 2001 from all reporting systems (Forms 1, 2, and 3) amounted to approximately $120.6 million. Cable royalty payments in 2001 thus accounted for about 0.45% of basic revenues paid to cable systems in that year. Accepting the NOI's view that 2001 was a "typical" year, cable royalty payments are a virtually invisible cost.

The NOI indicates that the average number of distant signals carried by Form 3 systems has declined from 2.74 in 1992/1 to 2.52 in 2000/1 to 1.5 in 2005/1. NOI at 19043. The Cable Data information Program Suppliers reviewed does not support those findings. Instead, it shows

[3] The figures were taken from NCTA's web site at www.ncta.com/ContentView.aspx?contentId=69 (last visited June 28, 2007). That page cites Kagan Research, LLC Broadband Cable Financial Databook, 2006 as the source.

that, on average, Form 3 systems carried 3.32 distant stations in 1992/1, 1.905 distant stations in 2000/1, and 2.606 distant stations in 2005/1.

Contrary to the NOI suggestion of declining distant carriage, the average number of distant signals carried by Form 3 systems has increased since 1998/1 when TBS became a cable network. In 1997/2, Form 3 systems carried, on average, 2.68 distant stations. That average dropped in 1998/1 to 1.749. The immediacy and size of the drop suggests that cable operators had not yet had time to find suitable distant stations to replace WTBS. The average number of distant stations has risen steadily since then: by 2000/1, the average was 1.905, in 2002/2, it was 2.197, in 2004/2, it was 2.528, and in 2006/1, the average was 2.584, or nearly back to the pre-1998 level.

Thus, while average distant station carriage declined immediately upon TBS's change, cable operators have acted to restore the amount of distant station carriage, with the average increasing in every period since 1998/1. In part, that increase can be explained by steadily declining number of Form 3 systems that carry no distant stations. Prior to TBS's switch, a relative handful of systems carried zero distant stations; for example, in 1997/2, only 40 Form 3 systems reported zero distant station carriage. In 1998/1, when TBS became a cable network, the number jumped to 459 systems. Since that time, the number of Form 3 systems reporting no distant station carriage has steadily declined, with only 164 systems in 2006/1 reporting no distant carriage. Fewer systems with no distant stations translates to a higher average number of distant stations carried: the 1998/1 average of 1.749 grew to 2.013 by 2001/2 (312 systems with no distant stations), and to 2.584 by 2006/1 (164 systems with no distant stations).

The NOI asks for comments on current distant signal carriage trends under Section 111, and, in particular, whether distant signals are "mainly retransmitted by cable operators serving smaller markets who are underserved by local television programming." NOI at 19043.[4] It does not appear that distant signals are mainly retransmitted by cable systems in smaller markets. Program Suppliers analyzed data showing the average number of distant signals carried by systems located in Top 50, Second ("2d") 50, Smaller, and Outside All Markets,[5] and found no evidence that distant carriage is overly skewed to the smaller markets.

To be sure, Form 1/2 systems are concentrated in Smaller and Outside All Markets; roughly two-thirds of all Form 1/2 systems, whether measured by number of systems or number of subscribers, are found in those markets. In contrast, 45% of all Form 3 systems are in those markets serving slightly more than 20% of all Form 3 subscribers. In total, about 25% of all reported subscribers are served by a Smaller or Outside All Markets system.

While cable systems in Smaller or Outside All markets retransmit a higher average number of distant signals, that average is not substantially higher than the average for the larger market systems. Rather, the differential is modest, as seen in the following chart.

[4] Program Suppliers do not address the premise of this statement, *viz.*, that smaller markets are underserved by local stations.

[5] Cable Data Corporation ("CDC") reports data in this format for all reporting cable systems. As Form 1/2 systems are not required to differentiate between distant and local signals, CDC must estimate whether a station carried is distant or local. It does so using a mileage differential, a significantly-viewed check, and a check of whether the station and the cable system are in the same market. Those checks should produce a high degree of reliability, but the distant/local data for Form 1/2 systems remain estimates.

FORM 1

AVERAGE DISTANT STATION

PERIOD	TOP 50	2D 50	SMALLER	OUTSIDE ALL
2005-1	1.872	1.836	2.181	2.328
2005-2	1.777	1.870	2.215	2.299
2006-1	1.922	1.936	2.259	2.321

AVERAGE DSE VALUE

2005-1	1.343	1.390	1.439	1.484
2005-2	1.315	1.405	1.461	1.464
2006-1	1.404	1.456	1.493	1.481

FORM 2

AVERAGE DISTANT STATION

PERIOD	TOP 50	2D 50	SMALLER	OUTSIDE ALL
2005-1	1.974	2.000	2.532	2.470
2005-2	2.100	2.023	2.541	2.570
2006-1	1.959	2.061	2.613	2.650

AVERAGE DSE VALUE

2005-1	1.455	1.526	1.648	1.591
2005-2	1.562	1.514	1.629	1.642
2006-1	1.471	1.572	1.663	1.688

FORM 3

AVERAGE DISTANT STATION

PERIOD	TOP 50	2D 50	SMALLER	OUTSIDE ALL
2005-1	2.429	2.732	3.548	3.162
2005-2	2.496	2.692	3.598	3.458
2006-1	2.428	2.724	3.518	3.585

AVERAGE DSE VALUE

2005-1	1.162	1.306	1.454	1.555
2005-2	1.129	1.274	1.406	1.556
2006-1	1.151	1.241	1.400	1.531

As the chart shows, Form 1/2 systems in Smaller and Outside All markets retransmit, on average, roughly one-half (0.5) distant station (or 0.2 DSE value) more than systems in Top 50 and Second 50 markets. Form 3 systems in Smaller or Outside All markets retransmit, on average, one distant station, with roughly a 0.3 higher DSE value, more than do Form 3 systems in the Top 50 and Second 50 markets.

Those differentials do not support the NOI's hypothesis that distant signals are "mainly" retransmitted by smaller market systems. Although smaller market systems do retransmit a greater average number of distant signals with a slightly higher DSE value than do larger market systems, those differentials are slight. The data therefore suggest that cable subscribers and operators in all markets value distant television programming, not just those in smaller markets.

B. <u>Marketplace Rates Comparison</u>

Program Suppliers support and join in the analysis undertaken by Joint Sports Claimants of what constitutes an appropriate marketplace rate comparison. The utter inadequacy of the current cable and satellite rate structure in providing anything approaching marketplace compensation is shown in that analysis. *See* Comments of Joint Sports Claimants at 3-12.

The existence of the compulsory licenses also creates the anomalous situation where copyright owners, whose television programming attracts and retains subscribers for cable operators and satellite carriers, are the only participants blocked from receiving market compensation for the retransmission of their programming. Cable operators and satellite carriers are free to charge their subscribers market prices for retransmitted television programming service. Broadcasters are free to seek market compensation from cable operators through retransmission consent agreements, which, as the NOI correctly points out, "inures to broadcast stations while the statutory royalty fees are paid to copyright owners." NOI at 19044. In other words, copyright owners are the only parties to the commercial enterprise of television station retransmission that are not allowed to seek marketplace value for their works, even while their works sustain the commercial viability of those retransmission services.

C. Correlation Between Royalties Paid and Fees Charged Subscribers

The NOI raises the issue of whether a correlation exists between the royalties paid under Sections 111, 119, and 122 and the fees charged to cable and satellite subscribers. NOI at 19050. The NOI seeks comment "on the appropriate methodologies to perform this type of analysis," and on "whether cable operators are passing off these costs to subscribers as programming cost increases." *Id.* Based on reported SOA information from cable operators, no correlation can be found between cable royalty payments and the reported fees charged to subscribers. This is no doubt due to the miniscule share that royalty fees represent of the overall revenue of cable systems. The figures show that royalty payments play no role in establishing subscriber charges. Indeed, cable operators continue to pay less in royalty fees on a monthly per subscriber basis for all retransmitted broadcast programming than the postage charge for a subscriber's monthly bill.[6]

Using reported SOA information, Program Suppliers submit that the appropriate methodology for analyzing these questions is a comparison of the monthly average per subscriber royalty paid with the average per subscriber reported gross receipts.[7] Program

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[6] *See* table, p. 9, *infra* (showing monthly per subscriber royalty fee for 2006/1 of $0.19). The first-class stamp rates through 2006/1 were: 1/1/95 to 1/9/99 - $.32; 1/10/99 to 1/6/01 - $.33; 1/7/01 to 6/29/02- $.34; 6/30/02 to 1/7/06 - $.37; 1/8/06 through 6/30/06 - $.39. Postal Rate Commission, www.prc.gov/rates/stamphistory.htm (last visited June 28, 2007).

[7] The formulas for the calculation are:
Monthly Per Subscriber Royalty Paid = (Royalty Payment/No. of Reported Subscribers)/6 mos.; and Monthly Per Subscriber Reported Gross Receipts = (Reported Gross Receipts/No. of Reported Subscribers)/6 mos.
The NOI states (at 19050): "all broadcast station signals must be carried on a cable system's basic service tier that must be purchased by all cable subscribers." The FCC has interpreted 47 U.S.C. § 543(b)(7)-(8) to require operators to include on their basic service tier "all domestic

Suppliers maintain that reported gross receipts severely understate the actual monthly fees paid by subscribers to obtain broadcast service; however, the amount of reported gross receipts is readily available from SOAs as is the amount of royalty fees paid and the number of reported subscribers for each accounting period. Our analysis shows no correlation between the average monthly royalty fee per subscriber and the average monthly gross receipts per subscriber for Form 3 systems.

This analysis compares the two figures for the accounting periods from 1997/2 (the period before TBS switched to a cable network) to 2006/1 (the last period with available data). The table shows that the per subscriber royalty fee declined over the period, but per subscriber gross receipts steadily rose.

ACCT-PER	ROY/SUB	GR/SUB
19972	$0.22	$13.02
19981	$0.14	$13.15
19982	$0.14	$13.14
19991	$0.15	$13.40
19992	$0.15	$13.45
20001	$0.15	$13.61
20002	$0.16	$13.17
20011	$0.16	$13.23
20012	$0.16	$13.12
20021	$0.17	$13.73
20022	$0.17	$13.83
20031	$0.18	$14.23
20032	$0.18	$14.18
20041	$0.18	$14.59
20042	$0.18	$14.53
20051	$0.18	$14.83

television broadcast signals *other than superstations*." *See Cable Television Act*, 58 Fed. Reg. 29736, 29741 (May 21, 1993) (emphasis added). The gross receipts regulations require that cable operators report revenues from all tiers that include broadcast stations.

20052	$0.19	$14.70
20061	$0.19	$15.03

As the table shows, the 1997/2 monthly per subscriber royalty payment of $0.22 declined to $0.19 by 2006/1, despite two inflation rate adjustments (one in 2000 and one in 2005) that increased the statutory rates. In contrast, the monthly per subscriber reported gross receipts rose from $13.02 to $15.03. What's more, in the five accounting periods from 2003/1 to 2005/1, the monthly per subscriber royalty payment remained constant at $0.18; yet, the monthly per subscriber gross receipts, with one slight dip, rose steadily from $14.23 to $14.83.[8] These figures show that the per subscriber gross receipts, which is the SOA surrogate for monthly subscriber charges, rose exponentially faster than per subscriber royalty fee payments made by cable operators.

These figures also undercut any notion that cable subscribers benefit from a "savings" as a result of the below market compulsory license royalty fees. NOI at 19050. Looking at the Form 3 table above, the per subscriber royalty rate reduction from $0.22 in 1997/2 to $0.14 in 1998/1 was not passed on to subscribers, as evidenced by the increase from $13.02 to $13.15 in per subscriber gross receipts. Even with a stable royalty rate of $0.18 over several accounting periods, per subscriber gross receipts increased from $14.23 to $14.83. However "savings" are defined, *see id.*, they are not being passed on to subscribers.

[8] A similar lack of correlation applies to the other cable system categories. For Form 1 systems, the monthly per subscriber royalty rose from $0.0166 in 1997/2 to $0.0278 in 2006/1, but monthly per subscriber gross receipts rose from $14.87 to $20.30. For Form 2 systems, the monthly per subscriber royalty rose from $0.08 in 1997/2 to $0.10 in 2006/2, yet monthly per subscriber gross receipts rose from $15.30 to $19.09.

D. Satellite Carriage

The NOI asks whether the six superstations (KTLA, KWGN, WGN, WPIX, WSBK, and WWOR) are typically retransmitted under Section 119, and, if so, why. NOI at 19043-44. It does not appear that all six superstations are retransmitted by all satellite carriers, but it does appear that all six have been retransmitted in each accounting period since 1989/1. Their long-standing carriage does not appear to reflect anything more than the fact that all six had been uplinked by 1989, and thus have been available throughout the entire period of the Section 119 license.

The NOI asks if any superstation is a "must have" station that carriers must retransmit "to remain competitive with cable operators." NOI at 19044. Whether or not it can be characterized as a "must have" station, WGN is available to the vast majority of cable and satellite subscribers. Based on satellite carrier SOA information, retransmission of WGN has since 2003 accounted for 80% or more of the Section 119 superstation royalty payments. Cable retransmission of WGN represents a similarly high percentage of all cable superstation royalty payments.

The NOI also asks whether on average a cable subscriber receives the same broadcast signal channel line-up as a satellite subscriber. NOI at 19044. Program Suppliers conducted an unscientific study of cable and satellite broadcast signal line-ups in the Atlanta, Boston, Kansas City, and Washington markets. The comparison showed that while differences existed between the cable and satellite line-ups, for all practical purposes, subscribers in those markets receive nearly the same broadcast line-ups regardless of whether the service is cable or satellite. For example, in the Washington, D.C. market, Comcast, EchoStar, and DirecTV all offer the same broadcast line-ups, with minor exceptions, to wit, (1) Comcast is the only service to offer WZDC-64, (2) EchoStar is the only service to offer WJAL-68, WNVT-53, and WHAG-25, (3) EchoStar and DirecTV, but not Comcast, offer WVPY-42 and WNVC-56, and (4) Comcast and

DirecTV, but not EchoStar, offer WMDO-47, MPT-22, and WPXM-66. *See* Exhibits A, B, C attached hereto (showing line-ups).

E. Application to Digital Signals

The NOI questions whether digital signals are worth more and why.[9] NOI at 19051. It seems reasonable to conclude that, going forward, digital television signals will become worth more and more to the cable operators and satellite carriers. As the NOI notes, by 2009, retransmission of analog television signals is expected to cease upon conversion of all broadcast signals to digital. Indeed, the conversion to digital signals is already underway, and broadcasters who fail to convert by the 2009 deadline will be unable to operate. Digital technology offers greater retransmission options to satellite carriers and cable operators than are currently available in the analog retransmission environment. Digital technology permits a broadcaster to simultaneously transmit multiple digital channels of programming within the same amount of spectrum allotted it by the FCC (multicasting). Multicasting holds major programming potential for operators and carriers by providing them access to multiple streams from the same broadcaster, either as different facets of the same programming (*e.g.*, multiple news channels) or as entirely different programming on each digital stream. The programming options engendered by digital technology in effect allow cable operators and satellite carriers to expand the array of retransmitted programming offered to their subscribers.

It is extremely difficult, if not impossible, to quantify what the worth of digital signals will be in those circumstances. Suffice it to say that, in an open market, the value of each retransmitted digital signal will depend on, among other things, the type of program offered, the target audience, and the length of the program.

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[9] Although it is unclear what comparison the NOI intends to make, this discussion assumes a comparison between analog and digital signals.

F. Modification of the Language of Section 111

The NOI asks whether the language of Section 111 should be modified in light of the mandatory digital transition. NOI at 19051. If Section 111 continues to be in force, Congress should specify that retransmission of digital signals transmitted by television broadcast stations fits within the primary transmissions covered by Section 111. First, it will clarify and put to rest, finally, the arguments that Section 111 does not apply to retransmission of digital signals.[10] Additionally, specific reference to digital signals in Section 111 will assure parity of treatment of digital signals between Section 111 and Section 119 the latter of which, as the Office recognizes, already gives specific rate treatment to retransmission of digital signals.

The Office inquires as to the impact on the unserved household provision of the 2005 satellite rate agreement between the satellite carriers and the copyright owners which was ultimately codified by the Office. See 37 C.F.R. § 258.4.[11] It seems logical that in a completely digital retransmission era, satellite carriers should continue to have the ability to serve households that remain unserved.

Technological advances have given rise to the question of whether households that receive or are able to receive broadcast network signals via alternative delivery mechanisms should continue to be deemed unserved. Section 119's unserved household limitation allows the importation of network stations by satellite carriers only to households unable to receive a particular over-the-air network signal of appropriate quality and intensity. 17 U.S.C. §

[10] The lack of distinction between analog and digital signals in the statutory language means that Section 111 applies to both types of signals. *See* Comments of the Copyright Owners in Docket No. RM 2005-5 at 2 (filed Nov. 6, 2006) (agreeing with Office's conclusion that "Section 111 does not distinguish between analog and digital broadcast signals").

[11] Program Suppliers incorporate by reference their views as to why unserved household provision should continue to exist. Comments of Program Suppliers, *Satellite Home Viewer Extension and Reauthorization Act of 2004*, Docket No. RM 2005-7 at 3 (September 1, 2005)

119(a)(2)(B). The rationale for such a restriction rests on the inability of certain households to receive a particular over-the-air network signal of appropriate quality and intensity. An additional criterion for determining whether a house is unserved should be that the station is not being retransmitted by a satellite carrier under section 122. 17 U.S.C. § 119(a)(4)(C)(ii). Additionally, Internet Protocol television offers another mechanism for delivering retransmitted broadcast television signals to households. Cellular technology is also being used to deliver television content (although it does not currently deliver simultaneously retransmitted broadcast television signals). The emergence of alternative delivery mechanisms begs the question of whether Congress should narrow the currently broad standard for defining an unserved household.

Finally, the Office seeks input on whether the current analog version of Section 119 should be repealed. Assuming Section 119 is renewed, the scheme would at a minimum benefit from modifications that take the digital transition into account. However, Program Suppliers are unable to state whether such modifications would require an entire overhaul of the statutory scheme or merely changes necessary to reflect the digital world.

G. <u>Historical Differences</u>

The NOI provides a "broad overview" of the historical differences that affect the cable and satellite compulsory license, and seeks comments on "the accuracy of our historical overview and ask if there are any other historical differences among the licenses that merit discussion." NOI at 19045-47. One area that merits further discussion involves the different oversight philosophies of the cable and satellite licenses. The Section 111 plan relies much more on administrative and regulatory oversight, while the Section 119/122 plan relies largely on Congressional oversight.

The NOI's overview focuses on legislative amendments to the different statutory provisions, noting that "Section 111 has been lightly amended since enacted in 1976," NOI at 19046, in contrast to the several statutory changes that have been made to Section 119 since its enactment. *Id.* at 19046-47. That focus ignores the fact that the Section 111 plan was designed to rely on the administrative process to address new developments in the industry. *See, e.g.*, 17 U.S.C. § 804(b)(1)(B) and (C) (providing for rate adjustment hearings related to changes in FCC rules).

The Copyright Office, through its delegated authority under 17 U.S.C. § 702, has implemented a number of rule changes in response to questions raised about the operation of the cable compulsory licensing plan. On the one hand, the 3.75% and syndex rate adjustments responded to post-1976 FCC rules changes. *See Adjustment of the Royalty Rate for Cable Systems*, 47 Fed. Reg. 52146 (Nov. 19, 1982) (adopting the 3.75% and syndex rate adjustments); *Cable Compulsory Licenses: Merger of Cable Systems*, 62 Fed. Reg. 23360 (April 30, 1997) (allowing cable systems to calculate 3.75% rate on partially permitted basis). On the other hand, the Office has utilized its rulemaking authority multiple times to define and refine the mechanics of the Section 111 license to keep place with industry practices and modernize the process. *See, e.g.*, *Compulsory License for Cable Systems; Reporting Gross Receipts*, 53 Fed. Reg. 2493 (Jan. 28, 1988) (clarifying the Office's interpretation of "gross receipts"); *Cable Compulsory License: Definition of Cable Systems*, 56 Fed. Reg. 31580 (July 11, 1991) (examining the regulatory definition of a "cable system"); *Cable Compulsory Licenses: Definition of a Cable System*, 62 Fed. Reg. 18705, 18709 (April 17, 1997) (concluding that SMATVs should be treated as traditional cable systems for purposes of Section 111); *Electronic Payment of Royalties*, 71 Fed.

Reg. 45739 (August 10, 2006) (establishing rules regarding electronic payment of Section 111 and 119 royalties).

In addition, the Office is currently in the midst of four ongoing rulemaking proceedings addressing different aspects of the Section 111 license in accordance with the Office's delegated authority. *See Retransmission of Digital Broadcast Signals Pursuant to the Cable Statutory License*,71 Fed. Reg. 54948 (Sept. 20, 2006) (Docket No. RM 2005-5); *Cable Compulsory License Reporting Practices*, 71 Fed. Reg. 45749 (Aug. 10, 2006) (Docket No. RM 2005-6).; *Cable Compulsory License; Definition of a Network Station*, 65 Fed. Reg. 6946 (Feb. 11, 2000) (Docket No. RM 2000-2); NOI at 19053 (referencing NCTA's pending petition for rulemaking regarding the definition of a cable system). Moreover, the five-year rate review under 17 U.S.C. § 801(b)(2)(A), has provided narrow opportunities to adjust the statutory rates and gross receipts limitations if inflation outpaces subscriber monthly charge increases. *See, e.g., Adjustment of Cable Statutory License Royalty Rates*, 70 Fed. Reg. 58310 (Oct. 6, 2005).

All these historical administrative and regulatory changes are consistent with the Section 111 plan, and, thus, reflect the fact that implementation of the statutory language has changed over the years to meet new developments. Congress has taken a much more hands-on approach with Section 119, as shown in the NOI overview. The NOI seems to assume that the Section 119 approach offers a better means to "reflect current marketplace and legal developments" because the license must be renewed every five years. NOI at 19047. The validity of that assumption is not readily apparent, as both approaches have advantages and disadvantages, and, as noted, the administrative process has led to numerous changes in the cable royalty plan to track marketplace and legal developments. In Program Suppliers' view, the NOI does not give adequate consideration to the administrative changes in the cable royalty plan that have been adopted in response to marketplace and legal developments.

H. Technological and Regulatory Differences

The NOI points out a number of technological and regulatory differences between cable and satellite, and asks for comments on whether these (or other) differences justify different royalty plans. NOI at 19047-49. The obvious answer is Congress has already determined that the differences justified different royalty plans. The real question, then, is whether those technological or regulatory differences have changed in a way that might justify modification of the current plans. Both license plans have been in operation for extended periods, and parties have adapted to their operation. Piecemeal adjustments could disrupt settled expectations and lead to unintended consequences. The test for recommending changes to the current plans should be a showing that the technological and regulatory differences have changed substantially since enactment.

The NOI's discussion of the technological and regulatory differences, NOI at 19047-49, does not point to any substantial changes that were unknown to Congress when enacting the governing statutory provisions. The NOI seems to take the view that the two plans must match point for point, but, as each plan works in different contexts, each plan should be considered in its specific regulatory and technological context. For example, the NOI notes that "Section 119 does not make any distinction based on the size of the satellite carrier," while Section 111 does make such a distinction based on the amount of semi-annual gross receipts. NOI at 19048. That distinction, known to Congress when it enacted Section 119, has not changed since then. As a result, this distinction is not grounds for recommending modification of the royalty plans.

Likewise, the differences in the FCC rules as applied to cable operators and satellite carriers were known when Section 119 was enacted, and have not changed substantially since that time. Program Suppliers continue to support the Office's prior finding that the lack of syndicated exclusivity protection for satellite's carriage of network stations to unserved households threatens "a copyright owner's right to license its programming in a local market," NOI at 19048. This concern has become increasingly important since local-into-local satellite carriage has become more prevalent. The lack of syndicated exclusivity protection to such carriage further erodes producers' and syndicators' ability to receive fair value for their programming provided under exclusive license agreements in each broadcast station market, and, accordingly, the rules applicable to cable that were designed to protect the local broadcaster and the owner of the copyrighted programming contained in the broadcast signal (such as syndicated exclusivity, network non-duplication and other FCC regulations) should be applied to satellite distribution. We, therefore, renew our request that syndicated exclusivity protection be expanded to satellite carriage of network stations.

The NOI asks how "these communications law-related requirements affect the royalties collected under the Sections 111 and 119 statutory licenses." *Id.* Those requirements largely affect the royalties collected, particularly with regard to distant carriage and 3.75 determinations for Form 3 cable systems, as was anticipated when Section 111 was enacted. *See* H.R. Rep. No. 1476, 94th Cong. 2d Sess. 89 (1976) ("copyright liability on cable television systems must take account of the intricate and complicated rules of the Federal Communications Commission to govern the cable television industry"). Congress has been aware the cable royalty payments are tied to 1976 FCC rules that have since been deleted, and other than one change (*see* Section

111(f) "local service area of a primary transmitter" definition (updating applicable FCC rules from 1976 to 1993)), have kept the original payment plan in place.

The NOI also asks for comment on the statement of account forms and related regulations. NOI at 19048. The cable statement of account forms and rules are the subject of a pending rulemaking in Docket No. RM2005-6 in which parties on all sides of the issues have submitted comments. Program Suppliers urge the Office to move forward in that docket to resolve the issues raised there. *See* Comments of Copyright Owners at 3-7.

I. Competitive Disadvantages

The NOI asks "whether there are certain provisions found in Section 119, and not in Section 111, that affect competition between satellite carriers and cable operators," and then asks whether "provisions in Section 111, but not in Section 119, [] create a competitive disparity between cable operators and satellite carriers." NOI at 19049. The sharp upward growth in satellite subscribers and the continued reach of cable systems belie the notion that differences in the compulsory licensing plans have noticeably affected the competitive position of either group. Both cable and satellite appear to operate effectively within their respective compulsory license regimes.[12] In any event, the compulsory license fee payments are so small that they have no impact on competition between cable and satellite delivery systems.

[12] The NOI raises Fox as a network station for Section 111 purposes, and also notes the question will be the subject of a rejuvenated rulemaking proceeding. NOI at 19049 & n. 10. Previously, the Librarian ruled that Fox is not a network for royalty payment purposes, s*ee Distribution of 1990, 1991 and 1992 Cable Royalties,* 61 Fed. Reg. 55653, 55660 (1996); and Congress, despite entreaties to the contrary, did not enlarge the Section 111 definition of network station to encompass Fox stations when it established a different Section 119 definition. Those factors all counsel against addressing the question in the context of this Section 109 inquiry.

J. Necessity of the Licenses

Program Suppliers have and continue to oppose the use of compulsory licenses for the retransmission of their programming. We continue to believe that all interested parties are best served if the distribution of programming via all delivery systems is left to the market through private negotiation and licensing. Concerns about the impracticality and burden of private negotiations for licensing distant signal retransmissions articulated in 1976 are misplaced today. The widespread dissemination of cable networks based on private negotiations demonstrates that programming can be distributed to cable operators of all sizes and shapes at reasonable transactional costs. Market forces would quickly find a way to make distant television programming similarly available to cable operators at reasonable transaction costs. Indeed, the high cost of administering the current cable royalty plan is borne entirely by copyright owners, so it is questionable whether the current plan is less expensive than private negotiations and licensing agreements as a means to provide retransmitted broadcast programming to subscribers.

K. The Future of the Statutory Licenses

Program Suppliers have long opposed adoption of the compulsory licenses, believing that the public interest would be better served if the licensing of programming for cable and satellite retransmission was subject to private negotiations. Nevertheless, the cable and satellite licenses still remain in effect. *See* NOI at 19052 (noting that Section 119, "rather than being phased out . . . has been significantly expanded over the years"). In view of that reality, Program Suppliers submit that several improvements, almost all of which are issues currently pending before the Copyright Office, would make the existing plans more workable. Those issues can and should be decided promptly, under the Office's existing statutory authority, to allow for more efficient and effective operation of the plans, rather than remaining open pending action by Congress.

Clarification in these areas would provide needed guidance, and thus reduce, if not eliminate, many contentious issues causing uncertainty today.

Program Suppliers also oppose any effort to create a uniform license (NOI at 19053). Both the Copyright Office and Congress have correctly decided, in our view, that each new delivery system for retransmitted programming should be separately evaluated on its own merits, not shoehorned into an existing statutory plan. As the NOI makes clear, cable and satellite operate in different technological and regulatory contexts, which, in turn, need differing royalty plans. It is an open question whether attempting to mesh two disparate licensing plans into one would "be more disruptive than beneficial." NOI at 19052. It is also likely that any such attempt would take years of effort before fruition. It may be the better course in such circumstances to clarify and to simplify administration of the existing plans in light of current circumstances, particularly given that several areas of uncertainty are the subject of pending proceedings.

L. <u>Expansion</u>

The NOI seeks comment on "whether the current statutory licensing schemes should be expanded to include the delivery of broadcast programming over the Internet or through any video delivery system that uses Internet Protocol" or whether, in the alternative, licensing of programming over the Internet "should be allowed to evolve in the marketplace." NOI at 19053. Program Suppliers strongly believe that licensing in this area should be allowed to evolve in the marketplace, which is best equipped to deal with the ever-evolving circumstances related to Internet delivery. The rapid development of new technologies for the digital delivery of content will inevitably spawn calls from new entrants who will seek parity with respect to government regulation they view as helpful, but not regulation that they find burdensome. Program Suppliers submit the proper response to such calls is to let the market achieve its own answers and equilibrium, rather than to extend the government's role in determining the outcome of market competition.

Dissemination of copyrighted works through Internet retransmission exposes copyright owners to two distinct dangers: perfect and infinite numbers of copies of their works and a potential for worldwide delivery starting from a single place and point in time. The legislative goals of compulsory licenses historically have been to minimize the cost of transacting licensing arrangements, and to provide some remuneration to owners for the exploitation of their works. It is problematic whether these legislative objectives can be accomplished if applied to programming retransmitted via the Internet in view of the unique challenges and risks associated with Internet delivery of copyrighted television programs. Compulsory licenses are not the preferred solution for content rights management, and this is particularly true for programming delivered via the Internet.

It should be intuitively obvious that television programming delivered through the open Internet (*e.g.*, Internet streaming of broadcast channels) should not be subject to compulsory licensing. Open Internet delivery under a compulsory license would have a dramatic negative impact on the ability of producers and syndicators of television programs to exploit the economic value of their programs, both within the United States and on an international basis. The existing compulsory licenses in Section 111 and 119 recognize the essential role of exclusivity in the marketing of television programming. Both licenses incorporate FCC regulations (except for syndex protection for satellite-carried network stations) to insure that exclusive program licenses granted by program producers and purchased by television broadcasters are respected. It is difficult, indeed impossible, to see how a compulsory license for Internet delivery could be structured to insure respect for these exclusive licenses. Thus, a compulsory license for open

Internet retransmissions is simply a non-starter. A compulsory license for open Internet retransmissions would decimate the value of broadcast programming, inflict material harm on both copyright owners and broadcasters, create chaos in the marketplace and place the United States squarely in violation of its obligations under the Berne Convention, subjecting the U.S. to penalties under World Trade Organization rules.

A related problem involves the virtually unlimited reach of open Internet programming, which is instantaneously available throughout the world. Open Internet retransmission of television programming is antithetical to the geographically-restricted basis on which private licensing arrangements for television programming rest. Worldwide availability via open Internet retransmission would diminish, if not ruin, opportunities to license television programming in foreign markets. The reduced opportunity to exploit fully the value of the television programming serves to reduce incentive for investing in new programming as well as the opportunity to recover investment in existing programs.

Retransmission of broadcast programming through closed distribution systems, using in whole or in part Internet Protocol technology ("IPTV"), may present a different case, depending upon the nature and characteristics of the service provided. It is impossible, however, to opine on whether a particular retransmission service using IPTV technology should or should not be granted a compulsory license without knowing the detailed characteristics of such service, particularly the service's geographic scope, whether retransmissions are simultaneous with the initial broadcast, and whether FCC regulations assuring respect for exclusive rights could be applied and enforced.

Congress is the proper body to consider whether IPTV services should be granted a compulsory license, and if so, what terms and conditions should apply. It is generally accepted that compulsory licenses, as an abrogation of the rights of copyright owners, should be narrowly applied. Thus, Section 111's reach has never been expanded to include new types of delivery systems without specific Congressional action (*e.g.*, expansion to encompass MMDS services was done by legislative amendment to the definition of "cable system," and Section 119 was enacted to provide a satellite carrier compulsory license).

Relying on the existing compulsory licensing plans to cover new delivery systems may engender confusion and uncertainty as to which services are subject to compulsory license and cause hardship for those seeking to introduce new delivery models, as well as for program owners who could find their works unfairly "taken" by a compulsory license designed for wholly different delivery systems. Accordingly, any delivery system seeking to take advantage of a compulsory licensing scheme should craft a new plan that, at a minimum, provides program owners with the same protections that currently apply under Sections 111 and 119 as well as narrowly defines the type of service or services that could "fit" within the license.

Neither the Section 111 nor the Section 119 plan currently provides adequate or fair compensation for the use of copyright owners' works, a view supported by the Copyright Office, which concluded that "copyright owners are harmed by the current operation of the section 119 license, and that the current section 119 license royalty rates do not reflect the fair market value of broadcast programming contained on network stations and superstations." *Satellite Home Viewers Extension and Reauthorization Act § 110 Report* at 44 (Feb. 2006). Given the worldwide reach of Internet-based retransmission, the virtually limitless opportunity to copy and distribute programming, and the potential for undermining broadcast licensing models currently in place, it is clear that a compulsory license for open Internet delivery of television programming could never yield sufficient royalties to provide fair value to copyright owners as compensation for the loss of their exclusive rights to distribute their works. Whether a compulsory license framework for any closed IPTV service, analogous to that for traditional cable and satellite retransmission services, can and should be constructed is not a question that can be answered without detailed knowledge and understanding of the particular IPTV service in question. It is incumbent upon a party seeking to license exclusive rights on a compulsory basis under the Copyright Act to present compelling evidence that such a license is necessary, will not conflict with the normal exploitation of works subject to the license and will not prejudice the legitimate interests of the owners of the works. Program Suppliers do not wish to speculate as to when and under what circumstances owners' rights should be truncated.

Respectfully submitted,

Dated: July 2, 2007

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EXHIBIT A

Comcast.

Channel Lineup

Location: COMCAST OF WASHINGTON, DC

Print

Last updated: 03/21/ 2007

BASIC

6	ABC Family
7	VERSUS
8	ESPN2
9	ESPN
10	Comcast SportsNet
11	Golf Channel
12	WZDC-64 (Telemundo)
13	City Cable 13
14	WFDC-14 (Univision)
15	WMDO-47 (Telefutura)
16	City Cable 16
17	Discovery Health
18	WGN
20	WDCA-20 (MY)
21	CN8
22	MPT-22 (PBS)
23	WDCW-50 (CW)
24	WRC-4 (NBC)
25	WTTG-5 (FOX)
26	WETA-26 (PBS)
27	WJLA-7 (ABC)
28	News Channel 8
29	WUSA-9 (CBS)
30	QVC
31	HSN
32	WHUT-32 (PBS)
33	WPXW-66 (ion)
34	The Weather Channel
35	CNN Headline News
36	CNN

37	Fox News
38	MSNBC
39	CNBC
40	Travel Channel
41	The Discovery Channel
42	MASN
43	The Learning Channel
44	Animal Planet
45	Cartoon Network
46	Disney Channel
47	Nickelodeon
48	TV Land
49	Turner Classic Movies
50	The History Channel
51	A&E
52	Hallmark
53	AMC
54	Lifetime
55	Home & Garden TV
56	Food Network
57	Oxygen
58	Style
59	E!
60	Bravo
61	Sci-Fi Channel
62	TNT
63	FX
64	Court TV
65	USA
66	TBS
67	Spike TV
68	Comedy Central
69	GSN
70	G4
71	CMT
72	VH-1
73	MTV
74	BET
75	TV One
76	TV Guide
77	Leased Access
78	C-SPAN

79	C-SPAN 2/MASN2
95	DCTV (Public Access)
96	DCTV2 (Public Access)
98	Univ. of the District of Columbia
99	DC Public Schools
206	MHz 5 Russia Today
209	WQLW-LP
283	MHz2
616	WQLW-LP

DIGITAL

101	Weatherscan Local
102	ESPNews
104	C-SPAN 2
105	C-SPAN 3
106	Bloomberg
107	Current TV
108	Fox Reality
109	National Geographic Channel
110	The Science Channel
111	Discovery Times
112	The Military Channel
113	Discovery Home
114	BBC America
115	Biography
116	History International
117	WE
119	LMN
120	Soap Net
121	DIY
122	Fine Living
123	Oxygen
128	PBS Kids Sprout
129	Nick Toons
130	Discovery Kids
131	Noggin
132	Nick2
133	Nick GAS
134	Encore WAM!
135	Toon Disney
139	MTV Hits
140	MTV 2

141	MTV Tr3s
142	MTV Jams
143	VH1 Classic
144	VH-1 Soul
145	CMT Pure Country
146	CMT
147	GAC
149	MOVIEplex
150	Encore East
151	Encore (W)
152	Encore Action (E)
153	Encore Action (W)
154	Encore Mysteries (E)
156	Encore Love Stories (E)
157	Encore Love Stories (W)
158	Encore Drama (E)
160	Encore Westerns (E)
161	Encore Westerns (W)
163	LOGO
164	Independent Film Channel
165	Sundance East
166	FEARnet On Demand
167	Indieplex
168	Retroplex
170	Flix East
171	Flix West
174	BET Jazz
180	NFL Network
186	MHz 3 France 24
189	Gospel Music Channel
191	AZN
196	iN Demand Previews
200	WETA Create
201	WETA Family
202	WETA World
204	Doug Hill's Weather Now
205	MHz World View
207	WDCW- The Tube (CW)
208	NBC Weather Plus
265	ESPN Classic
281	Home Preview Channel
290	TBN

291	EWTN
293	The Gospel Music Channel
294	The Word
295	INSP
297	Local On Demand
298	Bollywood
299	HBO On Demand
487	HD On Demand
488	Free Movies! HD On Demand
490	Premium Channels HD On Demand
491	Music HD On Demand
499	Movies On Demand
500	iN Demand Previews
657	MHz 2 Russian TV
664	Bollywood On Demand
677	MHz 4 Nigerian TV
678	Africa Channel
740	Exercise TV On Demand
750	NBA Previews
900	Digital Cable and Me
906	On Demand Help
912	Internet Help

HDTV

210	WJLA-HD (ABC)
211	WRC-HD (NBC)
212	WUSA-HD (CBS)
213	WTTG-HD (Fox)
214	WDCW-HD (CW)
220	WETA-HD (PBS)
224	Nat'l Geographic HD
225	Discovery HD
226	MOJO
228	HBO HD
229	MHD
233	Cinemax HD
238	Showtime HD
248	Starz! HD
249	TNT HD
250	Universal HD
251	Comcast SportsNet HD
252	ESPN HD

253	ESPN 2 HD
254	Versus/Golf HD

DIGITAL SPORTS

262	FCS - Atlantic
263	FCS - Central
264	FCS - Pacific
267	Fox Soccer Channel
268	GOL TV
271	Speed Channel
273	NBA TV
274	CSTV
275	NFL TV
277	The Tennis Channel
749	NBA TV

PREMIUMS

300	HBO HD
301	HBO East
302	HBO 2 East
303	HBO Signature East
304	HBO Family East
305	HBO Comedy East
306	HBO West
307	HBO 2 West
308	HBO Signature West
309	HBO Family West
310	HBO Zone East
311	HBO Latino East
312	HBO Latino West
319	Cinemax HD
320	Cinemax East
321	More MAX East
322	Cinemax West
323	More MAX West
324	Action MAX East
325	Thriller MAX East
326	Action MAX West
327	W MAX East
328	@MAX East
329	5 Star MAX East
330	Outer MAX East

339	Showtime HD
340	Showtime East
341	Showtime Too East
342	Showtime Showcase East
343	Showtime West
344	Showtime Too West
345	Showtime Showcase West
346	Showtime Beyond East
347	Showtime Extreme East
348	Showtime Extreme West
349	Showtime Beyond West
350	TMC East
351	TMC West
352	TMC Xtra East
353	TMC Xtra West
369	Starz! HD
370	Starz East
371	Starz! Edge East
372	Starz! in Black East
373	Starz! Kids & Family East
374	Starz! Cinema East
375	Starz! Comedy East
376	Starz! West
380	Starz! Cinema West
495	Howard Stern VOD
496	WWE 24/7
665	TV Asia
666	Zee TV
679	RAI
688	TV5

MUSIC CHOICE

401	Showcase
402	Today's Country
403	Classic Country
404	Bluegrass
405	R&B and Hip-Hop
406	Classic R&B
407	Smooth R&B
408	R&B Hits
409	Rap
410	Metal

411	Rock
412	Arena Rock
413	Classic Rock
414	Alternative
415	Retro-Active
416	Electronica
417	Dance
418	Adult Alternative
419	Soft Rock
420	Hit List
421	Party Favorites
422	90s
423	'80s
424	'70s
425	Solid Gold Oldies
426	Singers & Standards
427	Big Band & Swing
428	Easy Listening
429	Smooth Jazz
430	Jazz
431	Blues
432	Reggae
433	Soundscapes
434	Classical Masterpieces
435	Opera
436	Light Classical
437	Show Tunes
438	Contemporary Christian
439	Gospel
440	Radio Disney
441	Sounds of the Seasons
442	Musica Urbana
443	Salsa Merengue
444	Rock en Español
445	Pop Latino
446	Mexicana

PAY PER VIEW

197	Comcast iN Demand
198	Comcast iN Demand
501 - 502	Comcast iN Demand
540	Adult OnDemand

544	Playboy
547	Spice XCESS
549	TEN

CABLE LATINO

601	Discovery Espanol
602	CNN Espanol
603	Fox Sports en Espanol
604	ESPN Deportes
605	MTV Tr3s
606	History Channel Espanol
607	Toon Disney Espanol
608	Cine Latino
609	VeneMovies
610	Casa Mexicano
622	GOL TV
652	Canal 52

SPORTS PACKAGES

701 - 706	Sports PPV
751 - 761	NBA League Pass
771 - 780	NHL

Some channels not available in all areas. Must have HDTV capable television and Comcast HDTV converter to recieve HDTV signals. Premium channel subscription required for Premium HDTV channels. Equipment required for some channels.

EXHIBIT B

DIRECTV - Local Channels Available

Local Channels Availability

Local Channels Availability

Yes! Local channels are available in your area: **Washington DC - Hagerstown MD 20024** We have provided a complete list of local stations and channel numbers below.

Order DIRECTV

Sign up now for a package that includes your local channels.

Get Started Now

High-definition (HD) local channels from DIRECTV are also available in your area. To receive them you will need an HD system

Available Channels

Network	Affiliate	Local Channel #	3-Digit Channel # (older receivers)	HD Channel
NBC	WRC	4	961	4
FOX	WTTG	5	962	5
ABC	WJLA	7	963	7
CBS	WUSA	9	964	9
UNI	WFDC	14	965	
MNT	WDCA	20	966	20
PBS	MPT	22	973	
PBS	WETA	26	967	
PBS	WHUT	32	968	
PBS	WVPY	42	972	
TFT	WMDO	47	969	
CW	WDCW	50	970	
ETV	WNVC	56	972	
ION	ION	66	255	

Standard Local Channels: You can receive these local channels using any DIRECTV® System. So sign up now for a package that includes local channels!

EXHIBIT C

dish NETWORK

Current Customer log-in

• register now
• forgot your username or password?

Username: **Password:** log-in

SEARCH

At a Glance...

LOCAL PACKAGES
|America's Everything Pack
|DVR Advantage
|America's Top 250
|America's Top 200
|America's Top 100 Plus
|America's Top 100
|DishFAMILY
|DishHD Packages
|DishLATINO Packages
|International Packages

How to Order
• NEW CUSTOMERS

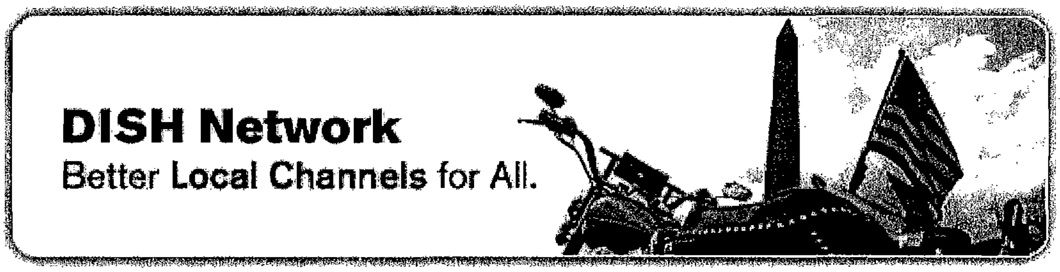
Order Online »

• CURRENT CUSTOMERS
Upgrade Now

Quick Links

Click there to learn more about future Echo X local channel carriage.

DISH 500 hardware is required to receive local services.



355 I ST SW
WASHINGTON, DC 20024-

Sun Jul 01 12:12:24 MDT 2007

LOCAL NETWORK PACKAGE

Congratulations! This address is eligible for the:
Washington, DC/Hagerstown Local Network Package

Please note: Only channels denoted by "HD" are in high definition. Those without this notation are only available in standard definition.

If you do not see HD local channels currently available in your area, you may still be able to receive them via a high definition off-air antenna.

Local channels currently available in this package:

Washington, DC/Hagerstown Locals Package - $5.99 per month		
Station	**Local Channel Number**	**Dish Channel Number**
WASHINGTON DC ABC-WJLA	7	8070
WASHINGTON DC ABC-WJLA HD *	7	6359
WASHINGTON DC CBS-WUSA	9	8071
WASHINGTON DC-CBS WUSA HD *	9	6360
WASHINGTON DC CW-WDCW	50	8074
WASHINGTON DC FOX-WTTG	5	8073
WASHINGTON, DC FOX-WTTG HD *	5	6362
WASHINGTON DC IND-WNVC	56	8077
WASHINGTON DC IND-WJAL	68	8085
WASHINGTON DC IND-WNVT	53	8084
WASHINGTON DC MNT-WDCA	20	8075
WASHINGTON DC NBC-WRC	4	8072
WASHINGTON, DC NBC-WRC HD *	4	6361
WASHINGTON DC NBC-WHAG	25	8086
WASHINGTON DC PBS-WHUT	32	8081
WASHINGTON DC PBS-WETA	26	8076

WASHINGTON DC PBS-WVPY	42	8082
WASHINGTON DC TELEF-WFDC	14	8080

*A different and/or additional dish antenna may be required to receive your Local Network Package.
For more information, Click here.

Regional Sports Network with America's Top 60 Plus and higher

Station
Mid-Atlantic Sports Netowrk (MASN)
CCSN

Click here to try another address or click here to exit.

What Do I Qualify For?

To find out which Regional Sports Networks and Local Channels are available in your area click here.

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Better **Basic Packages** for All.

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America's "Everything" Pack

The ultimate entertainment for the true TV lover, America's "Everything" Pak features 31 commercial-free premium movie channels from Showtime, Starz Movie Pack, HBO and Cinemax; NBA TV and all the great programming in America's Top 250 package. That's over 280 channels of great television bundled together for a hard-to-believe value.

You can receive your Regional Sports Network based on your immediate geographical area, as determined by your ZIP code. (There may be more than one RSN available in your area.)

Click here to compare our basic packages.

Order Now — New Customers

Order Now — Current Customers

HBO cinemax SHOWTIME STARZ moviepack NBA TV

Channels

◉ All Channels ○ Family ○ Education/Learning ○ Religious

○ Lifestyle Entertainment ○ Movies ○ Music ○ Shopping

○ News/Informational ○ Sports ○ Public Interest ○ Audio

4 DECADES OF MUSIC	931	5 STAR MAX	314
ABC FAMILY	180	ACTIONMAX	313

BYUTV	9403	C-SPAN	210
C-SPAN2	212	CABLE NEWS NETWORK	200
CARTOON NETWORK	176	CCTV-9	265
CCTV-9	694	CD-ACOUSTIC CROSSROADS	969
CD-AURA	977	CD-BACKPAGES	957
CD-BYU RADIO NETWORK	980	CD-CASHMERE	956
CD-CONCRETE BEATS	963	CD-EASY INSTRUMENTALS	973
CD-ENSEMBLE	971	CD-ESTILOS	821
CD-ESTILOS	964	CD-FEEDBACK	960
CD-FIESTA MEXICANA	965	CD-FREQUENCY	966
CD-HAWAIIAN MUSIC	981	CD-IMPRESSIONS	968
CD-INK'D	961	CD-INTERMEZZO	972
CD-JAZZ TRADITIONS	967	CD-JUKEBOX GOLD	953
CD-KIDTUNES	976	CD-KINGSTON	979
CD-LUCILLE	978	CD-NASHVILLE USA	952
CD-NUJAZZ	962	CD-PLAZA	970
CD-RAWHIDE	951	CD-ROCK SHOW	959
CD-SCREEN DOOR	950	CD-SONGBOOK	954
CD-STROBE	958	CD-SWING KINGS	974
CD-THE LIGHT	975	CD-UNFORGETTABLE	955
CINEMAX (EAST)	310	CINEMAX (WEST)	311
CLASSIC ARTS SHOWCASE	0406	CLASSIC ARTS SHOWCASE	9406
CNBC	208	CNBC WORLD	207
CNBC WORLD	893	COLLEGE SPORTS TELEVISION	152
COLOURS TV	9396	COLOURS TV	9407
COMCAST SPORTS NET CHICAGO	429	COMCAST SPORTS NET WEST	409
COMCAST SPORTS NETWORK MID-ATLANTIC	424	COMEDY CENTRAL	107
COUNTRY MUSIC TELEVISION	166	COURT TV	204
Cinemax HD	9458	Current TV	196
DAYSTAR	263	DISCOVERY CHANNEL, THE	182
DISCOVERY HEALTH	189	DISCOVERY HEALTH	885
DISCOVERY HOME	194	DISCOVERY KIDS	179
DISCOVERY KIDS	888	DISCOVERY TIMES CHANNEL	192
DISH MUSIC - 50'S & 60'S HITS	933	DISH MUSIC - 70'S HITS	934
DISH MUSIC - 80'S HITS	935	DISH MUSIC - CITY LIGHTS	927
DISH MUSIC - COUNTRY MUSIC ONE	937	DISH MUSIC - EXPRESSIONS	925
DISH MUSIC - GUMBO	929	DISH MUSIC - HITLINE	923
DISH MUSIC - HOT FM	924	DISH MUSIC - LITTLE ITALY	944
DISH MUSIC - LOVE SONGS	926	DISH MUSIC - MO' SOUL	939

DISH MUSIC - MOODSCAPES	928	DISH MUSIC - PIANO & GUITAR	930
DISH MUSIC - ROADHOUSE	946	DISH MUSIC - SHAG BEACH	936
DISH MUSIC - THE BLVD.	938	DISH MUSIC - TROPICAL BREEZES	945
DISNEY CHANNEL (EAST)	172	DISNEY CHANNEL (WEST)	173
DO IT YOURSELF	111	DO IT YOURSELF	876
DOCUMENTARY CHANNEL	197	E! ENTERTAINMENT TELEVISION	114
ENCORE (EAST)	340	ENCORE (WEST)	341
ENCORE ACTION	343	ENCORE Drama	345
ENCORE LOVE	346	ENCORE MYSTERIES	344
ENCORE WAM	347	ENCORE WESTERNS	342
ESPN	140	ESPN ALTERNATE	145
ESPN CLASSIC	143	ESPN2	144
ESPN2 ALTERNATE	146	ESPNEWS	142
ESPNU	148	ETERNAL WORD TELEVISION NETWORK	261
Educator TV	9417	FEC/PAEC	9418
FINE LIVING	113	FLIX	333
FOOD NETWORK	110	FOX MOVIE CHANNEL	133
FOX MOVIE CHANNEL	897	FOX NEWS CHANNEL	205
FOX NEWS CHANNEL	205	FOX Reality TV	190
FOX SPORTS ARIZONA	415	FOX SPORTS BAY AREA	419
FOX SPORTS CINCINNATI	427	FOX SPORTS DETROIT	430
FOX SPORTS FLORIDA	423	FOX SPORTS MIDWEST	418
FOX SPORTS NEW ENGLAND	435	FOX SPORTS NEW YORK	413
FOX SPORTS NORTH	436	FOX SPORTS NORTHWEST	426
FOX SPORTS OHIO	425	FOX SPORTS PITTSBURGH	428
FOX SPORTS ROCKY MOUNTAIN	414	FOX SPORTS SOUTH	420
FOX SPORTS SOUTHWEST	416	FOX SPORTS WEST	417
FOX Soccer Channel	149	FOX Soccer Channel	877
FREE SPEECH TV	9415	FUSE	158
FX	136	FX	878
Fox Sports West 2	411	G4	191
GALAVISION	273	GALAVISION	273
GALAVISION	833	GALAVISION	833
GAME SHOW NETWORK	116	GOL TV	407
GOL TV	407	GOL TV	853
GOL TV	853	GOLF CHANNEL, THE	401
GOOD SAMARITAN NETWORK	9416	GREAT AMERICAN COUNTRY	167
HALLMARK CHANNEL	185	HALLMARK CHANNEL	185
HALLMARK CHANNEL	896	HALLMARK CHANNEL	896
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