



PUBLIC NOTICE

Federal Communications Commission
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DA 06-579

March 17, 2006

Extension of Time to File Responses to Opposition to TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004

The Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”) amended Section 339 of the Communications Act to provide a procedure by which a television station may request a waiver that would prohibit satellite subscribers from receiving or conducting a digital signal strength test with regard to the station.¹ By Public Notice released November 17, 2005,² the Commission set forth the procedures for a station to electronically request such a waiver.

On December 30, 2005, EchoStar Satellite L.L.C. electronically filed a consolidated Opposition to the requests of 36 stations for waiver of digital signal testing in Docket No. 05-317, but did not serve the specific stations that it named in its Opposition. Scripps Howard Broadcasting Company, the licensee of two such stations, filed an objection on March 6, 2006, stating that EchoStar should have served a copy of its filing on the stations or their counsel.³

In order to ensure that all parties are given an opportunity to review and respond to issues raised in the Opposition, we are extending the time for filing responses to the Opposition. Documents for which service is required must be served in paper form, even if the documents are electronically filed with the Commission, unless the party to be served agrees to accept service in some other form.⁴ In addition, parties must provide proof of service to the Commission.⁵ At the staff’s request, EchoStar has now served all 36 stations with its Opposition.

The statutory deadline for Commission action on the waiver requests is April 30, 2006. Accordingly, each station that filed a waiver request which was objected to by EchoStar, but did

¹ See 47 U.S.C. § 339(a)(D)(viii), as amended by Section 204 of the SHVERA.

² *TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007*, Public Notice, DA 05-2979 (released November 17, 2005) (the “Public Notice”).

³ See generally 47 C.F.R. § 1.47. See also 47 C.F.R. §1.1200, *et seq.*

⁴ 47 C.F.R. § 1.47(d).

⁵ 47 C.F.R. § 1.47(g).

not timely receive service of the Opposition, may file its response no later than March 24, 2006, under the procedures set forth in the *Public Notice*.⁶ Stations may review EchoStar's Opposition using the Commission's Electronic Comment Filing System ("ECFS"): <http://www.fcc.gov/cgb/ecfs/> and referencing MB Docket No. 05-317. Those stations that have already responded to EchoStar's Opposition need not file again.

For additional information, contact Nazifa Sawez or Joyce Bernstein of the Video Division, Media Bureau, at (202) 418-1600 or nazifa.sawez@fcc.gov or joyce.bernstein@fcc.gov. TTY: (202) 418-7172

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⁶ Responses should be filed electronically using the ECFS and reference MB Docket No. 05-317 and the call sign of the station that is the subject of the waiver request. *See Public Notice.*