



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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FCC Takes Further Steps To Implement SHVERA

Washington, DC -- The Federal Communications Commission today adopted a *Report and Order* that continues the implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA). The *Order* enables satellite carriers to offer FCC-determined “significantly viewed” signals of out-of-market broadcast stations to subscribers subject to certain constraints set forth in SHVERA. The *Order* includes an updated list of stations currently deemed significantly viewed.

The SHVERA, passed by Congress and enacted in December 2004, amends the Communications Act and the copyright statute. It directs the FCC to (1) publish and maintain a list of stations and communities eligible for significantly viewed status, and (2) commence a rulemaking proceeding to implement SHVERA. Significantly viewed signals have significant over-the-air non-cable viewing in a particular community. The Commission’s rules relating to carriage of significantly viewed signals have been applied to the cable industry for more than 30 years. The SHVERA applies those rules to satellite providers.

To implement the SHVERA, the Commission took the following actions:

- **Updated Significantly Viewed List:** In the Notice of Proposed Rulemaking released February 2005, the Commission published a list of stations and the communities in which they are deemed significantly viewed. The List released with this Order and available on the FCC website has been slightly revised to reflect corrections received in the rulemaking.
- **“Significantly Viewed” Determinations:** The rules will operate for satellite carriage in much the same fashion as they have for cable carriage. This means parties must petition the Commission when seeking to either add a particular station to the Significantly Viewed List for a particular community, or to restrict carriage of a listed station through application of the Commission’s network non-duplication or syndicated exclusivity rules.
- **Required Showing:** Under our rules in effect on April 15, 1976, network affiliates demonstrate significantly viewed status by showing they have at least three percent share of viewing hours in television homes in the community and a net weekly circulation share of at least 25 percent; independent stations must show at least two percent viewing hours and a net weekly circulation of at least five percent.

