

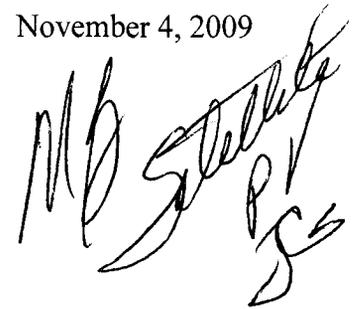
United States Senate

WASHINGTON, DC 20510

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November 4, 2009

Julius Genachowski
Chairman, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



Dear Chairman Genachowski,

As you know, the Senate is currently considering the "Satellite Television Modernization Act of 2009" which will reauthorize the licenses necessary for the operation of satellite television systems. This raises issues within the jurisdiction of the FCC, including the application of the "significantly viewed" rule, which allows out-of-market signals to be seen through cable and satellite in a county in which the station was "significantly viewed" through over-the-air transmissions.

We write to state our concerns about the effect of the "significantly viewed" rule in the Providence, Rhode Island designated market area (DMA). Specifically, we are concerned that the application of the "significantly viewed" rule to the Providence DMA could affect the financial viability of Providence affiliates, thereby threatening to deprive Rhode Islanders of valued entertainment and local programming. An effect of this rule is to permit the importation of Boston-based affiliates into Bristol County, Massachusetts, which makes up a significant part of the Providence DMA. This effectively splits the viewership in that portion of the Providence DMA between Boston and Providence affiliates of each of the networks. As a result of the "significantly viewed" rule, for example, a viewer in Bristol County can see a program such as "Dancing With The Stars" simultaneously on Providence's WLNE Channel 6 and Boston's WCVB Channel 5. Providence affiliates, in other words, must split a portion of their viewerships of highly-rated national programs. Such multiple, simultaneous broadcast of the same program does not advantage consumers, but it does disadvantage the Providence station which has bought the contractual rights to broadcast such programming in its market.

Nielsen Media Research, Inc. ranks the Providence, Rhode Island DMA fifty-third in the nation by the number of households it covers. It is by all accounts a small market, surrounded by two much larger markets – Boston (seventh largest in the country), and Hartford/New Haven (thirtieth largest in the country) – that collectively cover almost six times as many households as the Providence DMA. This limited market size makes it imperative that Providence stations are able to maximize their viewership within the market. Yet the "significantly viewed" rule, as applied in this context, poses significant obstacles to that goal. It is not clear why a viewer in the Providence DMA should have access to simultaneous broadcasts of national programming on both an in-market station and an out-of-market station.

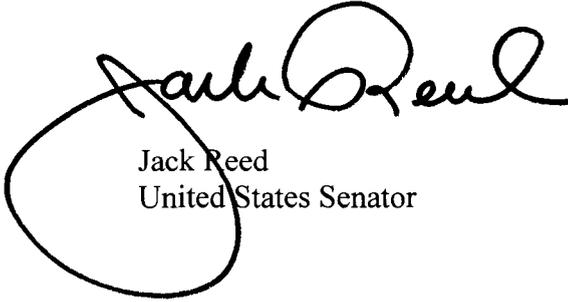
Splitting the viewership of high-rating national programming in a major portion of the Providence DMA could very possibly drive Providence affiliates out of business, depriving Rhode Islanders of much-valued entertainment, news, and sports programming. Financial failure

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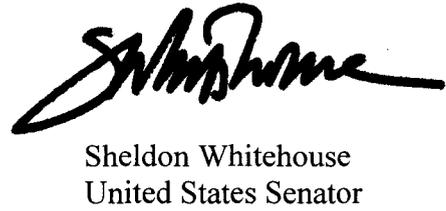
of an affiliate certainly would be a strange consequence of the “significantly viewed” rule, which is intended to increase viewing options, not run in-market stations out of business.

We would greatly appreciate your attention to this issue and a response stating the FCC’s recommendations on how to ensure that Providence affiliates remain financially viable.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Reed". The signature is fluid and cursive, with a large loop at the beginning. Below the signature is a large, empty oval shape, possibly a placeholder for a stamp or a mark.

Jack Reed
United States Senator

A handwritten signature in black ink, appearing to read "Sheldon Whitehouse". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

Sheldon Whitehouse
United States Senator