

JEFF FLAKE
ARIZONA

SR-413 RUSSELL SENATE OFFICE BUILDING
(202) 224-4521
COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
COMMITTEE ON THE JUDICIARY
COMMITTEE ON AGING

473

United States Senate
WASHINGTON, DC 20510-0305

STATE OFFICES:
2200 EAST CAMELBACK ROAD
SUITE 120
PHOENIX, AZ 85016
(602) 840-1891

6840 NORTH ORACLE ROAD
SUITE 150
TUCSON, AZ 85704
(520) 575-8633

June 6, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai:

I write regarding the challenges faced by Saddlebrooke, Arizona concerning their Designated Market Area and available stations.

Saddlebrooke is a retirement community of approximately 10,000 people on the southern edge of Pinal County. Saddlebrooke, and all of Pinal County, is in the Phoenix Designated Market Area. However, Saddlebrooke is a suburb of Tucson and only 20 miles south, while Phoenix is over 90 miles north. Because of the geographic proximity, a number of residents in Saddlebrooke have expressed their desire to receive Tucson local stations from their satellite providers.

It is my understanding that satellite companies determine a user's local stations through the Designated Market Area wherein a user resides. The Nielsen Corporation, not the Federal Communications Commission (FCC), determines Designated Market Areas under federal law. However, there is a process for communities to request a market modification through the FCC. It is my understanding that when a Market Modification petition is granted by the FCC, it applies to an entire community, and for satellite market modifications, a community is defined as a county. Most residents of Pinal County would not want to be included in the Tucson Designated Market Area because they reside in areas closer to Phoenix.

As you know, the law allows for exceptions regarding the local stations provided to customers. This exception permits satellite carriers at their discretion to offer "significantly viewed" stations from a community to their customers. In Saddlebrooke, two stations in Tucson are listed on the FCC's Significantly Viewed TV Stations List: KVOA and KTTU. A number of other local Tucson stations are unavailable because they are not considered to be "significantly viewed" in the community. Therefore, Saddlebrooke is not eligible to receive exceptions for other stations, regardless of a satellite company's willingness to provide them.

In light of this, I ask:

- Regarding the two Tucson stations listed on the FCC's Significantly Viewed TV Stations List, what are the steps necessary for satellite providers to offer these significantly viewed stations to subscribers?

- Could a satellite provider offer Tucson stations in Saddlebrooke, even though they may not be on the Significantly Viewed Stations List?
- Is the Market Modification process a viable option for the community of Saddlebrooke to pursue?
- Are there other potential remedies available to Saddlebrooke residents who wish to receive local Tucson stations from their satellite providers?

Thank you for your attention and prompt response to my request, in strict compliance with all ethical rules, regulations, and guidelines.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Flake", with a period at the end.

JEFF FLAKE
U.S. Senator