

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2404

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September 12, 2019

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

Dear Chairman Pai,

On June 3, 2019, C Spire Fiber filed a Retransmission Consent Complaint and Petition for Declaratory Ruling with the Federal Communication Commission (FCC) requesting relief from a retransmission dispute that prevents many of my Diamondhead, Mississippi, constituents from accessing local CBS content on their preferred cable TV provider. I urge you to see that this matter is resolved promptly.

In its complaint and petition against Gray Television, Inc. (Gray) – the owner of Biloxi, Mississippi, CBS affiliate WLOX – C Spire describes how Gray refuses to grant consent for C Spire to retransmit its CBS signal in Diamondhead, MS unless C Spire carries an additional, New Orleans-based, CBS-affiliated station, WWL-TV, owned by TEGNA. This is due to the fact that Gray’s network affiliation agreement with CBS does not permit Gray to grant consent for an out-of-DMA station unless the cable operator also carries the in-DMA station, even though the FCC modified WLOX-TV’s local market to include Diamondhead.

As a result, C Spire requests that the FCC find that Gray has negotiated in bad faith or, alternatively, to declare that “[w]hen the Commission modifies a commercial television broadcast station’s market to include an additional community or additional communities, that station and all of its broadcast streams are now considered to be in-DMA (or local) for reciprocal retransmission consent purposes in those communities.”

Congress and the FCC have established a clear preference: citizens should ‘receive[e] news, politics, sports, emergency information, and other television programming relevant to their home state.’ The Biloxi-based CBS affiliate, WLOX, is both significantly viewed in Diamondhead, Mississippi and, as a result of C Spire’s unopposed efforts, has been deemed “local” there by FCC. Yet, CBS has thwarted both Congress and the FCC by refusing to grant the citizens of Diamondhead access to WLOX’s CBS signal unless C Spire also agrees to retransmit – and likely

pay for – WWL, the New Orleans-based CBS affiliate. In short, CBS seeks to force the citizens of Diamond to pay for two CBS signals, one of which is of little to no interest to the local community, simply in order to receive the in-state, local and significantly viewed station.

The rather ridiculous result is that CBS's actions are currently preventing many Diamondhead residents from accessing CBS content over their chosen cable provider.

Accordingly, I ask that you make every effort to see that this matter is resolved swiftly and in the best interest of consumers and my constituents in Diamondhead.

Sincerely,



Steven M. Palazzo  
Member of Congress