



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Brendan Carr
Chairman

September 30, 2025

The Honorable Mike Rounds
United States Senate
716 Hart Senate Office Building
Washington, DC 20510

The Honorable Dusty Johnson
U.S. House of Representatives
1714 Longworth House Office Building
Washington, DC 20515

RE: Union County Media Market Letter to the FCC

Dear Senator Rounds and Representative Johnson:

Thank you for your letter regarding the orphan county situation in your district for residents of northern Union County, South Dakota. I understand the importance of being able to access local broadcasting stations and the frustrations some consumers may face when they cannot access the broadcast TV stations they desire through their cable or satellite provider.

Every county in the United States is assigned to a specific Designated Market Area (DMA) based on viewership habits. Congress directed the FCC to utilize commercially available solutions to determine local television markets based on a multitude of factors.¹ Nielsen, a private entity, uses periodic audience surveys to create the DMA map and determine county assignments. Based on congressional direction, the Commission's rules use Nielsen's DMA map as the best method for determining what stations are local to a particular area for cable and satellite TV carriage purposes.² Based upon the Nielsen's map, Union County, South Dakota is assigned to the Sioux City, Iowa DMA, and the stations assigned that DMA are the "local" stations that Union County residents see through their cable or satellite provider.

Although the FCC cannot change the DMA map, Congress has provided additional ways that in-state stations could possibly be carried into Union County. For example, Congress provided the Federal Communications Commission (FCC) with authority to modify markets. Under Commission rules, certain parties can petition the Commission to modify the communities in a commercial television station's local market if a petitioner can show it meets specific statutory factors. Such petitions can be filed by a broadcaster, cable operator, or satellite provider (or the county government in the case of a satellite market modification petition). If the

¹ 47 U.S.C. § 534(h)(1)(C) and 47 U.S.C. § 338(k)(4) (citing 17 U.S.C. § 122(j)(2)).

² See e.g. 47 CFR § 76.55(e) and 47 CFR § 76.66(e).

Commission grants a market modification petition, the additional commercial station signals can be carried as local stations with the consent of the station. Please see the following link to the FCC's Market Modification Primer <https://transition.fcc.gov/bureaus/mb/policy/STELAR-Market-Modification.pdf>. It is important to note, the FCC does not currently regulate streaming platforms, so the options outlined above only apply to cable or satellite.

Additionally, cable operators have the flexibility to carry distant signals on their systems if they choose to do so. Cable operators have to pay an extra distant signal royalty fee to the Copyright Office and get the consent of the broadcast station to do so, which generally limits the carriage of distant signals by cable. However, Satellite carriers do not have the same flexibility and can only carry distant signals in very limited circumstances that do not apply in this case.

Congress also requires the FCC to maintain a station list of any station that is deemed to be "significantly viewed" by Commission rules in a particular county. These stations are eligible for carriage by both cable and satellite as local stations, but they must get the consent of the broadcast station first. It is important to note that cable operators and satellite TV carriers are not required to carry significantly viewed stations. Based upon our research, both KELO-TV and KSFY-TV (SD stations) appear to be significantly viewed in Union County, SD.

Thank you again for your letter. I have long been a supporter of over-the-air broadcast TV stations and the service that they provide to consumers. I hope this information has been helpful. The FCC is happy to provide a briefing on this topic as well. Please let me know if I can be of any further assistance.

Sincerely,



Brendan Carr,
Chairman