

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Johnson Broadcasting of Dallas, Inc.	)	CSR-5741-M
Johnson Broadcasting, Inc.	)	CSR-5742-M
	)	
Requests for Mandatory Carriage of	)	
Television Stations KLDT-TV,	)	
Lake Dallas, TX and KNWS-TV, Katy, TX	)	
	)	
Applications for Review		

**MEMORANDUM OPINION AND ORDER**

**Adopted: February 21, 2008**

**Released: February 26, 2008**

By the Commission:

1. Johnson Broadcasting of Dallas, Inc., licensee of television station KLDT-TV, Channel 55, Lake Dallas, Texas (“KLDT”) and Johnson Broadcasting, Inc., licensee of television station KNWS (TV), Channel 51, Katy, Texas, (“KNWS”) (collectively, “Johnson”) filed applications for review of the Cable Services Bureau’s (the “Bureau”) <sup>1</sup> Memorandum Opinion and Orders in *Johnson Broadcasting of Dallas, Inc.* and *Johnson Broadcasting, Inc.* (the “*Bureau Orders*”).<sup>2</sup> The *Bureau Orders* denied Johnson’s must carry complaints against DIRECTV, Inc. (“DIRECTV”), a satellite carrier offering local-into-local service within the Dallas designated market area within which KLDT operates and the Houston designated market area within which KNWS operates. DIRECTV filed oppositions to Johnson’s applications for review. In response, Johnson filed replies. Both parties made supplemental filings. Because the issues raised in each of Johnson’s applications are substantially similar, we consolidate them for the purposes of this *Memorandum Opinion and Order*. For the reasons discussed below, we dismiss the applications for review as moot.

2. Section 338 of the Communications Act of 1934, as amended (the “Communications Act”), requires satellite carriers to carry on request all local television broadcast stations’ signals in local markets in which the satellite carrier carries at least one local television broadcast signal pursuant to the statutory copyright license.<sup>3</sup> Under Section 338, in the *DBS Must Carry Report and Order*, the

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<sup>1</sup> On March 25, 2002, the former Cable Services and Mass Media Bureaus were merged into the existing Media Bureau.

<sup>2</sup> *Johnson Broadcasting of Dallas, Inc.*, 17 FCC Rcd 886 (2002); *Johnson Broadcasting, Inc.*, 16 FCC Rcd 21329 (2001).

<sup>3</sup> See 47 U.S.C. § 338.

Commission adopted implementing rules detailing the procedures and policies governing local television signal retransmission.<sup>4</sup>

3. Since Johnson filed its Applications, both stations gained carriage on DIRECTV in their respective markets.<sup>5</sup> Therefore, we find that there is no remaining dispute in this case, and no requested relief remaining for us to grant.<sup>6</sup> Accordingly, we dismiss the pending applications for review as moot.

4. Accordingly, **IT IS ORDERED**, that the Applications for Review filed by Johnson Broadcasting of Dallas, Inc., licensee of KLDT-TV, Lake Dallas, Texas, and Johnson Broadcasting, Inc., licensee of KNWS (TV), Katy, Texas, against DIRECTV **ARE DISMISSED**.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>4</sup> See *Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues*, 16 FCC Rcd 1918 (2000) (“*DBS Must Carry Report and Order*”).

<sup>5</sup> See [http://www.directv.com/DTVAPP/packProg/localChannels.jsp?\\_requestid=160926](http://www.directv.com/DTVAPP/packProg/localChannels.jsp?_requestid=160926) and [http://www.directv.com/DTVAPP/packProg/localChannels.jsp?\\_requestid=162517](http://www.directv.com/DTVAPP/packProg/localChannels.jsp?_requestid=162517) (visited Mar. 1, 2007).

<sup>6</sup> See *APCC Services, Inc., et al. v. IDT Corp.*, 21 FCC Rcd 7817, 7820-22 & n.28 (EB 2006).