

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999; Local Broadcast Signal Carriage Issues and Retransmission Consent Issues – Second Report and Order, and Memorandum and Opinion and Order, CS Docket 00-96 and CSR-5978-M

I support today's Order, but not without some frustration that the delayed phase-in of local HD carriage on DBS may at least partly be due to our own inaction.

This item acts on a *Further Notice of Proposed Rulemaking* pending since 2001. In January 2003, Echostar briefed the FCC in detail about the potential technical impact of a local HD carriage requirement; DirecTV made a similar presentation to the FCC in October 2004. Had we taken proactive steps then, we might find ourselves in a very different factual circumstance than we find ourselves today. DirecTV, for instance, is scheduled to launch its D-11 satellite this week and its D-12 satellite in 2009. Some of this new capacity will be used for national HD service and some will provide local HD service via spot beams. The spot beams for these satellites have all been designed and cannot now be changed. Thus, DirecTV asserts—and Echostar makes a similar case—that it must design, build and launch at least one additional satellite in order to comply with today's HD mandate—hence the four-year timetable.

Had we acted earlier, could DirecTV and Echostar have designed their satellites differently in order to permit full local HD carriage before 2013? We may never know. One thing we do know is that, by waiting to act, we have rendered the question moot.

One last point. Now that we have addressed the impact of capacity constraints on DBS carriage obligations, I hope we turn quickly to the carriage issues raised by small cable operators. And my hope is that we approach those issues with the same sense of realism that we exhibit here.