

The Satellite Home Viewer Extension and Reauthorization Act of 2004

FCC Consumer Facts

Background

Subscribers to satellite television service today have a number of options for receiving local broadcast channels. Subscribers can install a traditional TV broadcast antenna in conjunction with their satellite antenna. Since 1999, many satellite subscribers also have the option to subscribe to local broadcast stations over their satellite systems. This "local-into-local" service became possible under The Satellite Home Viewer Improvement Act of 1999 (SHVIA).

SHVIA permitted satellite companies to provide a station's signal to subscribers in the station's market, as that market Designated Market Area (DMA) is defined by Nielsen Media Research. SHVIA also permitted satellite companies to provide "distant" network broadcast stations to eligible subscribers. "Distant" means television broadcast stations that are not in a subscriber's local market. For example, if you live in Billings, Montana, a station from Los Angeles, California would be "distant."

In 2004, Congress modified the SHVIA with the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA). SHVERA changes the way in which satellite companies can offer distant television stations and also allows satellite companies to offer certain "significantly viewed" distant signals. SHVERA expands the programming satellite companies can offer their subscribers.

Reception of Local Broadcast Stations

SHVIA and SHVERA do not require satellite companies to offer local channels. Rather, satellite companies have the *option* of providing local-into-local service.

A company that has chosen to provide this local-into-local service is required to provide subscribers with all of the local broadcast TV stations assigned to that DMA that have asked to be carried. Contact your satellite company to determine which DMA applies to you and whether local-into-local service is available in your area.

A satellite company is not required to carry more than one local broadcast TV station within the DMA that is affiliated with a particular TV network in the same state.

Local Public Broadcasting System (PBS) stations and other noncommercial stations are usually included in the "local" stations offered in areas where the satellite companies choose to offer local-into-local service. Check with your satellite company to learn whether PBS programming is available in your area.

If your satellite company doesn't offer local stations as part of your subscription, you can always install a TV antenna to receive local stations over-the-air.

Also, you may be eligible to receive distant signals if your household is predicted to be "unserved." Satellite companies may charge an additional fee to local subscribers for these distant signals.

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Distant Signals: Reception of Stations Outside the Local Market

Unserved Households

If the installation of an outdoor over-the-air rooftop antenna does not provide the local broadcast TV stations you desire, you may qualify as an “unserved household.” If you qualify as an “unserved household,” you may be eligible to receive “distant signals,” or stations that originate outside of your local television market.

The term “unserved household” means a household or subscriber that:

- cannot receive, through the use of a conventional, stationary, outdoor rooftop antenna, an over-the-air network signal of Grade B intensity as defined by the Federal Communications Commission (FCC);
- has a satellite dish that is permanently attached to a recreational vehicle or a commercial truck; or
- is subject to a waiver granted by the television network station.

Using a computer model, your satellite company can tell you if you are predicted to be “unserved.” If you are not predicted to be unserved, you may ask your satellite company to request a waiver on your behalf.

As with local signals, your satellite company determines whether to provide distant signals to eligible subscribers and which distant signals will be offered. Satellite companies also may charge an additional fee to local subscribers for these distant signals.

The 2004 SHVERA statute changed distant signal eligibility in some circumstances.

- If you received distant signals as of December 8, 2004, because you lived in an unserved household, you may also receive local stations if the satellite company is currently offering them in your DMA or introduces new local-into-local service in the future. However, if you did not receive or try to receive distant signals as of December 8, 2004, you are not eligible for distant service if local channels are offered. (You may be able to get a waiver of the “no-distant-where-local” requirements from the local television stations; check with your satellite company to see if this is possible.)
- Alternatively, you may be receiving distant analog signals because you are a “*grandfathered subscriber*.” Check with your satellite company to determine whether you are grandfathered and what distant and local signals you may receive.
- You may be receiving distant analog signals because you received a waiver from one or more television stations that are predicted to serve your household. If you have such a waiver, you may continue to receive distant analog signals and you also may subscribe to local-into-local service.

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If you do qualify as an “unserved household,” you are eligible to receive no more than two distant network-affiliated signals per day for each TV network.

If your household is predicted to be “served,” you may be able to get a waiver from the television stations that are predicted to serve your household over-the-air. Ask your satellite company to request a waiver from the television station on your behalf.

Reception of “Significantly-Viewed” Stations

In some instances, you may be eligible to receive some distant channels in addition to local-into-local service even if you do not qualify as an unserved household. Satellite subscribers who receive local-into-local service may, under certain circumstances, receive individual stations from markets outside their DMA that are considered “significantly-viewed” in their community. It is up to your satellite company to decide whether or not to offer significantly-viewed stations, and a subscriber *must* be subscribing to local-into-local service to be eligible to receive these “significantly-viewed” stations. Check with your satellite company to see if you qualify and what stations are on the “significantly-viewed” list.

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Local Digital Stations

You can install a television broadcast antenna to receive **digital** (including high definition (HD) digital signals) broadcast signals over-the-air from local broadcasters transmitting in digital format. A small indoor antenna may work, but you may need an outdoor antenna. You may be able to subscribe to local-into-local service that includes digital signals. Ask your satellite company whether it offers this service in your area.

Visit the FCC’s DTV Web site www.dtv.gov to learn which stations are broadcasting digital signals in your area and what type of antenna you may need.

Distant Digital Signals

In general, if a satellite carrier offers local-into-local **digital** signals in your area, it is not allowed to offer you distant **digital** signals, unless you were receiving distant digital signals as of December 8, 2004. At this time, local into local digital signals are offered in a limited number of areas.

Subscribers who are “unserved” with respect to analog service are eligible for distant digital signals. Satellite companies are **not** required to offer distant digital signals.

Equipment Needed for Digital Signals

You may need a new satellite dish, an additional satellite dish and/or a new receiver to receive digital signals. Contact your satellite company to determine what equipment you may need.

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What About Sports “Blackouts?”

TV Stations and others with exclusive rights to certain programs in specific areas may require satellite companies to delete or blackout certain programs, including sporting events, so that the program or event cannot be viewed by subscribers in specific areas. These blackouts are only allowed if the broadcaster, syndicator, or sports team has exclusive rights to the program in a specific area.

For More Information

If you have questions about the availability of local-into-local service in your area, receiving distant TV signals, waiver requirements, testing, or other specific information about your satellite service, contact your satellite company.

You may also contact the FCC’s Consumer Call Center, toll free, at 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY.

For more detailed information about The Satellite Home Viewer Extension and Reauthorization Act of 2004, visit the following FCC Web site:

www.fcc.gov/mb/policy/shvera.doc.

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