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June 11, 2003

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Consolidated Application General Motors Corporation and Hughes Electronics Corporation ("Hughes"), Transferors, and The News Corporation Limited, Transferee, For Authority to Transfer Control, Docket No. 03-124

Dear Ms. Dortch:

Johnson Broadcasting of Dallas, Inc. ("Johnson Broadcasting") hereby files its Comments in the above captioned proceeding. Johnson Broadcasting is the licensee of television station KLDT, Lake Dallas, Texas. Station KLDT serves the Dallas, Texas DMA as an independent, non-network affiliated, television station.

Hughes through its wholly owned subsidiaries DIRECTV Holdings, LLC and DIRECTV Enterprises, LLC (collectively referred to herein as "DIRECTV") has denied Johnson Broadcasting local-into-local carriage of station KLDT. Johnson Broadcasting believes that such conduct is in direct violation of the Satellite Home Viewer Act ("SHIVA").

SHIVA amended the copyright laws and the Communications Act of 1934 ("Communications Act"). As amended by SHIVA, Section 338 of the Communications Act permits satellite carriers to transmit local television broadcast signals into a local market, providing what is know as "local-into-local" service. A satellite carrier electing to carry any one local station in a market under Section 338 of the Communications Act was required to provide carriage by January 1, 2002 for all local television broadcast stations.

In passing SHIVA, Congress was concerned that without must carry obligations, satellite carriers would choose to carry only certain stations which would effectively prevent many other local broadcasters from reaching potential viewers in their service area. During SHIVA's phase-in period the satellite carriers, including DIRECTV, confined their local-into-local offerings almost exclusively to major network affiliates. Since SHIVA's implementation, DIRECTV has attempted to undermine SHIVA's legislative and policy objectives by excluding non-network affiliated broadcasters from the benefits of local-into-local carriage.

This has certainly been the case with Johnson Broadcasting. On July 2, 2001 Johnson sent certified mail, return receipt requested an election notice for mandatory carriage of local-into-local satellite service to DIRECTV. This was done in accordance with new Section 76.66 of the Rules, which did not become effective until June 29, 2001 when notice was published in Vol. 66, No. 126 of the Federal Register. Section 76.66(c)(3) of the Commission's Rules provides that a local television station must, during the first four-year election cycle, notify a satellite carrier by July 1, 2001 of its carriage election. July 1, 2001 was a Sunday only two days after the Friday June 29, 2001 effective date of Section 76.66(c)(3) of the Rules. Under Section 1.4(j) of the Rules, if a filing date falls on a Saturday, Sunday or holiday, the date is extended to the next business day. Accordingly, under Section 1.4(j) of the Rules, Johnson Broadcasting believed that the Sunday, July 1, 2001 notification date was extended to the next business day, Monday, July 2, 2001.

Based on this allegedly one day late notice, DIRECTV denied Johnson Broadcasting carriage of KLDT on its satellite system. On September 19, 2001 Johnson Broadcasting filed a Complaint against DIRECTV stating that DIRECTV wrongfully denied its request for mandatory carriage. The Cable Bureau denied Johnson Broadcasting's Complaint.[1] On January 30, 2002 Johnson Broadcasting filed an Application for Review, demonstrating fully that the Cable Bureau's decision was in error and should be reversed, that Johnson Broadcasting's Application for Review should be granted and DIRECTV ordered to provide mandatory local-into-local satellite carriage for KLDT. The Application for Review is still pending before the Commission. If the Commission does not act on Johnson Broadcasting's Application for Review, Johnson Broadcasting will not be eligible for mandatory carriage on DIRECTV's system until January 1, 2006.

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[1] *In the Matter of Johnson Broadcasting of Dallas, Inc. v. DIRECTV, Inc., Request for Mandatory Carriage of Television Station KNWS-TV, Katy, TX, Memorandum Opinion And Order*, CSR-5741-M, DA 02-114, released January 17, 2002.

Before acting on the above reference application for transfer of control, Johnson Broadcasting requests that the Commission first insure that all broadcasters, especially non-network affiliated broadcasters, be guaranteed the right to mandatory carriage in any market where DIRECTV provides local-into-local service. The carry one, carry all provisions of SHIVA should not be undermined by unreasonably harsh interpretations of the Commission's rules. Second, Johnson Broadcasting requests that the Commission grant its Application for Review and order DIRECTV to commence carriage of KLDT in the Dallas DMA.

Sincerely,

Arthur V. Belendiuk
Counsel for
Johnson Broadcasting of Dallas, Inc.