

SBCA Conference Committee Matrix '99

PROVISION IN LEGISLATION	HOUSE BILL H.R. 1554 COBLE-TAUZIN	SENATE BILL S. 247 HATCH-MCCAIN	FINAL SHVA REAUTHORIZATION BILL
90-Day waiting period	eliminates	eliminates	eliminates
Extend compulsory copyright license	Renews 119 license for 5 years; grants a permanent license for local-into-local.	Renews 119 license for 5 years; grants a permanent license for local-into-local.	Renews 119 license for 5 years; grants a permanent license for local-into-local.
Reduced copyright fees	as of 7/1/99 – 30% reduction for superstation fees (18.9 cents) 45% reduction for network fees (14.85 cents)	as of 7/1/99 – 30% reduction for superstation fees 45% reduction for network fees	as of 7/1/99 – 30% reduction for superstation fees (18.9 cents) 45% reduction for network fees (14.85 cents)
Local-into-Local	Provides a royalty-free compulsory copyright license for local-into-local in a separate section 122.	Provides a royalty-free compulsory copyright license for local-into-local as a new section 122.	Provides a royalty-free compulsory copyright license for local-into-local as a new section 122.
Full must-carry	1. If provider retransmits one local signal into a local market, it must retransmit all local broadcast stations within that market upon request. 2. Full must-carry applies on 1/1/02.	1. If provider retransmits one local signal into a local market, it must retransmit all local broadcast stations within that market upon request. 2. Full must-carry applies on 1/1/02.	1. If provider retransmits one local signal into a local market, it must retransmit all local broadcast stations within that market upon request. 2. Full must-carry applies on 1/1/02.
Grade A Grandfather		Restores service until 12/31/99 to households receiving service prior to 7/10/98. After that, Grade A households must be re-qualified using Grade B standard and ILLR predictive model, or receive a waiver or be determined unserved by a test at the household.	No relief for Grade A (except C-Band)
Grade B Grandfather		A. Subscribers who received service prior to 7/10/98. 1. Service restored, an broadcast signals subject to FCC rulemaking to determine if it is economically and technically feasible and in the public interest to apply program exclusivity rules to distant network signals. B. Subscribers who received service after 7/10/98 (and future subscribers) 1. Restored service until 12/31/99. After that, terminated unless qualified as unserved using Grade B standard and ILLR predictive model. 2. Can only receive signal on affiliate of each network.	Grade B subscribers who had distant network signal service as of 10/31/99 may keep that service until 12/31/04. In addition, many grade B subscribers who were terminated between 7/11/98 and 10/31/99 can have service restored.

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C-Band			Grade A and B subscribers who had distant network signal service on or before 10/31/99 may keep that service.
Retransmission consent	<ol style="list-style-type: none"> 1. Providers must obtain retransmission consent for local-into-local retransmission. 2. Requires retransmission consent for distant network signals 7 months after enactment. 3. Within 45 days of enactment, FCC shall undertake a rulemaking to devise rules to govern application of retransmission to satellite providers. 4. Rulemaking must be completed within 1 yr. 5. Prohibits broadcasters from discriminating among MVPD providers when granting retransmission consent until 1/1/06. 	Requires retransmission consent by all local broadcast stations for local-into-local. For distant network signals, retransmission consent is not required if the provider complies with program exclusivity rules (if any) that the FCC adopts.	<ol style="list-style-type: none"> 1. After a 6 month delay, the bill requires retransmission consent by local stations for local-into-local. 2. No retransmission consent for distant network signals. 3. FCC shall, within one year, complete rulemaking of application of retransmission consent to satellite providers. 4. Prohibits broadcasters, until 01/01/06, from granting exclusive contracts, and refusing to "negotiate in good faith."
Network non-duplication, Syndicated exclusivity, Sports black-out	Directs FCC to apply to network non-duplication, syndicated exclusivity, and sports black-out to satellite retransmission of all broadcast signals (networks and superstations), and directs FCC to make the rules similar to cable.	Within 180 days of enactment, FCC shall determine if it is technology and economically feasible, and in the public interest, to impose network non-duplication, syndicated exclusivity, and sports black-out rules to retransmission of broadcast signals.	Distant Network Signals -- Network non-duplication and syndex do not apply. Sports blackout will apply to extent FCC finds it is technically feasible and not economically prohibitive. Superstations – FCC shall apply rules to superstations. However, the bill provides no statutory standards.
Signal reception standard	Directs FCC to establish a new signal reception standard within 2 ½ yrs. During that time, Grade B remains the standard.	Codifies Grade B standard	Codifies Grade B standard, but directs FCC to within one year conclude a study on signal reception standard and make recommendation to Congress on potential modifications for analog signals and separate recommendations for digital signals.
Predictive model	Directs FCC to establish a new predictive model that reliability and presumptively predicts a households ability to receive the required signal intensity. Requires that the model include terrain, land use, and land cover.	Codifies current ILLR predictive model	Directs FCC to within 180 days develop and prescribe a new point to point predictive model. However, FCC must "rely" on ILLR model and ensure that new model takes into account "terrain, building structures, and other land cover variations."

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Waivers for subscribers and petition procedure	<ol style="list-style-type: none"> Local affiliates must act on waiver requests within 30 days. If rejected, a consumer can request a test. If satellite provider and broadcaster cannot agree on test, the FCC intervenes. Broadcaster(s) and satellite provider share cost of test. 	<p>Within 90 days of enactment, FCC shall adopt procedures for DTH subscribers seeking waivers. FCC shall observe guidelines:</p> <ol style="list-style-type: none"> No unnecessary burden to subscribers. Allocate responsibilities fairly between DTH industry and local broadcasters mandatory time limits loser pays for testing DTH provider who knowingly and willfully provides distant network signals to a served household may be subject to \$50K per day, per violation penalty. 	<ol style="list-style-type: none"> Local affiliates must act on waiver requests within 30 days. If rejected, a consumer can request a test. Satellite provider and network affiliate select qualified independent tester. Test must be performed within 30 days. If no agreement, FCC directed to set up independent entity by rule to designate tester. Loser pays, but FCC to establish rules to, "avoid undue burden."
Number of Signals			Subscriber in unserved household (including grandfathered subscribers) may receive 2 distant network signals per network. In addition, if local-into-local is available in market, subscriber may choose to receive 3 rd local network signal per network.
Expansion of local-into-local into small and rural markets	6 month NTIA and Register of Copyrights study on how to expand local-into-local into small and rural markets.	Within 180 days of enactment, FCC shall report to Congress on methods of facilitating extension of local-into-local small and rural markets.	Consideration of legislation to provide a federal loan guarantee program to help expand local into local service into medium, small and rural markets delayed until early 2000.
Recreational Vehicles/Long haul trucks	Satellite system in RV is not subject to network non-duplication.		Recreational vehicles and long haul trucks included in the definition of unserved households.
Local receive facilities	Requires local broadcasters to provide, at their cost, a good signal to the local receive facility. Provider must get permission of a least ½ of broadcasters in a market if it chooses a location other than the local market.	Requires local broadcasters to provide, at their expense, a good signal to providers designated local receive facility.	Requires local broadcasters to provide, at their cost, a good signal to the local receive facility. Provider must get permission of a least ½ of broadcasters in a market if it chooses a location other than the local market.
Free antennas	Satellite provider required to give off-air antennas "that will provide an over-the -air signal of Grade B intensity to subscribers who lose distant network signals."		Bill contains no free antenna provision.
Lists of subscribers	After 90 days, providers must submit lists of subscribers to networks. Subsequently, providers must submit a list of subscribers added or dropped each month.	After 90 days, providers must submit lists of subscribers to networks. Subsequently, providers must submit a list of subscribers added or dropped each month.	After 90 days, providers must submit lists of subscribers to networks. Information can only be used to monitor compliance.