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October 7, 2009

The Honorable John D. Rockefeller  
United States Senate  
531 Hart Senate Office Building  
Washington, DC 20510

The Honorable Patrick J. Leahy  
United States Senate  
433 Russell Senate Office Building  
Washington, DC 20510

The Honorable Kay Bailey Hutchison  
United States Senate  
284 Russell Senate Office Building  
Washington, DC 20510

The Honorable Jeff Sessions  
United States Senate  
335 Russell Senate Office Building  
Washington, DC 20510

**RE: Reauthorization of the Satellite Home Viewer Act**

Dear Chairman Rockefeller, Chairman Leahy, Ranking Member Hutchison, and Ranking Member Sessions:

Over the last decade, consumers across the country have benefitted from the competition between cable television operators and the satellite TV providers, DIRECTV and DISH Network. To ensure that this head-to-head rivalry continues to be a great boon for consumers, Congress and the Federal Communications Commission must ensure that any new rules or regulations do not deny customers of one industry the right to services that are being made available to the other. As you move toward a mark-up of the reauthorization of the Satellite Home Viewer Extension and Reauthorization Act of 2004, we urge you to ensure that all pending efforts to give satellite TV customers the right to receive additional local broadcast choices must also be granted to cable TV subscribers in the same legislative vehicle.

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With the emergence of the small dish satellite TV service in the early 1990s, Congress aided the industry's growth by passing legislation that granted satellite TV companies comparable rights to those afforded to the cable industry. Already having granted the satellite TV industry the right to offer distant network signals, in 1999 Congress granted satellite TV companies the right to offer local-into-local service. Five years later, Congress expanded those local broadcast rights to allow the industry to also offer "significantly viewed" stations. Through the years, Congress has sought to harmonize the regulatory regimes that apply to both industries with regard to carriage of broadcast stations in order to foster competition while offering consumers more local service. As a result of this competition, consumers have seen the addition of more programming services to their channel line-ups, better picture quality, greater technological innovation, such as the availability of digital-video-recorders and video-on-demand, and bundled retail packages that include high-speed Internet access and telephone service. These benefits all stem from policymakers' insistence that the regulatory environment treat comparable services comparably.

As part of the reauthorization of the Satellite Home Viewer Act, there are a number of Members now considering granting satellite TV companies additional rights to offer consumers enhanced local broadcast services that are not available today. These consumer-friendly proposals, which include allowing consumers to receive out-of-market, but in-state broadcast signals when in-state signals aren't available, have merit and would be very attractive to consumers who are frustrated with their inability to receive in-state information about the news, weather, politics, government, sports, etc. However, giving the subscribers of satellite TV companies the right to receive enhanced local broadcast service without allowing customers of cable companies the same rights would be unfair to the tens of millions of consumers who choose to receive their communications services via cable, and would significantly disrupt the competitive video market Congress has helped create. ACA and its small cable members do not oppose the passage of legislation that provides consumers with more local broadcast services as part of the 2009 version of the Satellite Home Viewer Act, but we do feel strongly that Congress must not allow satellite TV providers' subscribers to receive these services without concurrently allowing subscribers of cable television to receive them as well.

Yours most respectfully,



Matthew M. Polka

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