

# FCC Releases Report to Congress on In-State Broadcast Programming

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On August 29, 2011, the Federal Communications Commission's (FCC's) Media Bureau released a Report to Congress analyzing the availability of in-state broadcast programming for consumers pursuant to Section 304 of the Satellite Television Extension and Localism Act of 2010 (STELA). The report examines the statutory and regulatory provisions governing the carriage of broadcast stations and how they impact access to in-state broadcast stations, provides an overview of consumer and congressional concerns regarding access to in-state broadcast programming, and sets forth the results of the Bureau's data analyses as mandated by Section 304 of STELA.

The Bureau found that, based on FCC data, an overwhelming majority (99.98 percent) of the 117.2 million total U.S. households are predicted to have access to in-state programming either via over-the-air transmission or a multichannel video programming distributor (MVPD). Approximately 99.92 percent of U.S. households can receive at least one in-state station via over-the-air reception, and 98.4 percent of U.S. households are able to receive at least one in-state broadcast station via DBS carriage. However, the Bureau also noted that the record demonstrates anecdotal examples of counties in which consumers have limited or no access to an in-state broadcast television station and, thus, lack access to in-state political and election coverage, public affairs programming and weather and emergency information.

Among other specific findings, the Bureau found that at least some households receive one or more out-of-state broadcast stations in all but two states (Alaska and Hawaii). In four states, fewer than 10 percent of households receive out-of-state stations (California, Montana, Utah and Arizona). In the District of Columbia and three states (Delaware, New Jersey and Rhode Island), 100 percent of households receive at least one out-of-state station, and in an additional five states, more than 90 percent of households receive such stations (Maryland, Massachusetts, Connecticut, New Hampshire and Illinois). The Bureau also found that households that receive only out-of-state broadcast stations represent a small percentage of the population.

Finally, the Bureau considered alternatives to the use of designated market areas (DMAs) to define local markets that would provide more consumers with in-state broadcast programming, including defining geographic viewing markets based on state boundaries, expanding the existing market modification process, expanding the license for DBS carriage of out-of-market, in-state broadcast stations, allowing MVPDs to carry non-duplicating local news programming, and modifying the significantly viewed process to increase access to

in-state broadcast stations.