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To: All Television Clients

September 3, 2008

MUST CARRY/RETRANSMISSION CONSENT ELECTIONS DUE OCTOBER 1, 2008

This is a reminder that commercial television stations must make their triennial must-carry or retransmission consent elections by October 1, 2008 (non-commercial stations may elect must carry but are not eligible for retransmission consent). The election for both cable systems and direct broadcast satellite systems will become effective on January 1, 2009, and remain in effect until December 31, 2011.

Default Election Different For Cable and Satellite Systems: It is important to note that the default election is different for cable systems and satellite systems. If a television station fails to elect retransmission consent for a cable system by October 1, 2008, it will be deemed to have elected must-carry status by default. However, if a television station fails to make an election for a satellite system by October 1, 2008, it will be deemed to have elected retransmission consent by default, assuming that the satellite system is providing local-into-local service in the television station's DMA.

This means that all television stations (commercial and non-commercial) planning to be "must-carry" throughout the 2009 -- 2011 election period must send election letters to renew their must-carry demand for satellite coverage by October 1, 2008. In addition, even though not required, we recommend that all such television stations (including all non-commercial stations, which have no right to choose retransmission consent and therefore have no election to make for cable carriage) send letters to all relevant cable systems renewing the station's must-carry rights as a precaution.

Election Procedures: The FCC has specific requirements for must-carry/retransmission consent elections, including:

- The election must be in writing;
- The election must be sent by certified mail, return receipt requested;
- An election sent to a satellite system must contain the station's call sign, the name of a station contact person, the station's address for purposes of receiving official correspondence, the station's community of license, and the station's DMA. Although not specifically required, the same information should be included in election letters sent to cable systems;
- A must-carry election sent to a cable system is also required to contain the station's channel position election; and
- A copy of each election must be placed in the station's public file for the duration of the three year election period.

Notification of Termination of Analog Service:

October 1, 2008 is also the deadline for notifying satellite systems if you intend to terminate analog service after January 1, 2009, but before February 17, 2009. As of January 1, 2009, a satellite system must commence carriage of a station's digital signal upon the station's termination of analog broadcasting, as long as the station notifies the satellite system in writing by October 1, 2008 of the date on which it intends to terminate analog operations. We recommend that this notification also be sent by certified mail.

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If you have any questions concerning the election deadlines, or for assistance in preparing your election letters or retransmission consent agreements, please contact an attorney in our office at (202) 429-8970.

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. To discuss any of the issues presented here, please contact an attorney in our office.