

111TH CONGRESS
2D SESSION

S. 3894

To allow the FCC to review petitions relating to the secondary transmission of broadcast programming in orphan counties.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To allow the FCC to review petitions relating to the secondary transmission of broadcast programming in orphan counties.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Letting Our Commu-
5 nities Access Local Television Act of 2010” or the
6 “LOCAL TV Act of 2010”.

7 **SEC. 2. ORPHAN COUNTIES.**

8 Title I of the Communications Act of 1934 (47
9 U.S.C. 151 et seq.) is amended by adding at the end the
10 following:

1 **“SEC. 12. ORPHAN COUNTIES.**

2 “(a) SUBMISSION OF PETITIONS.—

3 “(1) IN GENERAL.—The Federal Communica-
4 tions Commission shall seek and consider petitions
5 requesting that the Commission—

6 “(A) reclassify a county or portion of a
7 county into a different or additional designated
8 market area that is primarily located in and has
9 stations primarily licensed in the State in which
10 that county is located;

11 “(B) designate as significantly viewed a
12 broadcast station located in an adjacent in-
13 State designated market area for a county lo-
14 cated in a designated market area that is pri-
15 marily located in and has stations primarily li-
16 censed in another State; or

17 “(C) expand the statutory license under
18 section 119(a)(2)(C) of title 17, United States
19 Code, to allow secondary transmissions of any
20 broadcast station described in paragraph (1) by
21 a satellite or cable provider in such a county.

22 “(2) LIMITATION.—Not more than 1 additional
23 in-state station from each television network may be
24 provided under any petition considered under sub-
25 section (a).

1 “(b) NOTICE; HEARING; APPROVAL.—After giving
2 notice, holding a public hearing, and providing an oppor-
3 tunity for public comment, the Commission shall, if the
4 Commission determines that providing in-State distant
5 programming in a county is in the public interest—

6 “(1) grant, in whole or in part, including with
7 any modifications deemed necessary by the Commis-
8 sion, any petition submitted pursuant to subsection
9 (a); and

10 “(2) explain its decision in writing.

11 “(c) REVIEW PERIOD; EXTENSION OF REVIEW PE-
12 RIOD.—Any petition submitted pursuant to subsection (a)
13 shall be deemed granted if the Commission does not grant
14 the petition within 1 year after the Commission receives
15 such petition, unless the 1 year period is extended by the
16 Commission. The Commission may extend the initial 1-
17 year period by an additional 90 days if the Commission
18 finds that an extension is necessary in the public inter-
19 est.”.

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