

## [Next FCC Meeting Full of Issues for Broadcasters - Retransmission Consent, Moving Rural Radio Stations Toward Urban Areas, and TV Video Description](#)

Posted on February 13, 2011 by [David Oxenford](#)

After a series of FCC meetings where the only mention of broadcasters was in connection with taking TV spectrum for wireless broadband, the [tentative agenda](#) for the next FCC meeting, to be held on March 3, 2011, is full of broadcast issues - issues that could have broadcasters wishing that they were ignored once more. The biggest issue is the initiation of a proceeding to re-examine the **retransmission consent** process by which television broadcasters negotiate with cable and satellite companies for payment for the carriage of their signals. But also on the agenda are proceedings to look at **rural radio services** and whether the Commission should limit the ability of broadcasters to move stations from rural to urban areas, and the initiation of a proceeding to require that television programmers provide **audio descriptions** of the action taking place on the video portion of their programs to aid those who are visually impaired.

The retransmission consent proceeding is one which arises after several well-publicized cases where television stations and multichannel video program distributors (like cable and satellite television providers) have had disputes about the amount to be paid to the television broadcaster for the carriage of their signal by the MVPD. In a few cases, this has resulted in the television station being pulled from the MVPD for some period of time until the dispute can be resolved. Some MVPDs have argued that there should be more oversight over the process by which television stations can force the MVPD to pull the station's signal until the retransmission negotiation is completed. MVPDs argue that viewers, who can get the signal over the air as it is made available by the TV station for free, should not be held hostage to the negotiations and should not suffer when the station is pulled from the MVPD to further the TV station's negotiation posture. Broadcasters, on the other hand, argue that the system is working, that the number of stations who have been pulled from an MVPD is few, and that the MVPD should pay for the valuable television signal, just as it pays for other programming that it carries from cable networks. The FCC is expected to ask whether some reform of the process, and perhaps some government oversight or mandatory mediation, should be required.

The rural radio proceeding is one which we wrote about [here](#). In addition to the proposal to give a preference to the initiation of **new radio services on Tribal lands to service Native American populations**, the proceeding more broadly looks at whether some restrictions should be placed on the ability of owners of **rural stations to move those stations toward more urban areas**. Virtually all of the comments in that proceeding opposed more restriction, asking how the rural and urban areas would be defined and, as long as some minimum level of service was

preserved to the rural area, are such limits really necessary? Restrictions on the ability to move stations, in the name of **Section 307(b)**(the section of the Communications Act that mandates a fair and equitable distribution of broadcast services among the states and communities), could undo the liberalization granted to broadcast station owners to move their stations to respond to marketplace demands, that was just adopted four years ago (about which we wrote [here](#)). As comments have already been filed in this proceeding, the Commission could issue a final decision in this proceeding next month.

The final proceeding, to require television stations to provide an audio description of action that occurs visually on a TV screen so that the visually impaired can understand what is happening. Several years ago, the FCC had adopted such a requirement, which was thrown out by the Courts as being beyond the statutory authority of the Commission. To overcome that court decision, Congress has adopted new legislation to require the FCC to adopt such rules, spelling out much of the adoption timetable (see our article [here](#)). So watch for the FCC to specify at its upcoming meeting how this requirement will be implemented.

All in all, a big meeting for broadcasters. So pay attention.

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