

AMENDMENT TO H.R. _____**OFFERED BY MR. UPTON**

Strike title II and insert the following (and conform the table of contents accordingly):

1 **TITLE II—FEDERAL COMMU-**
2 **NICATIONS COMMISSION OP-**
3 **ERATIONS**

4 **SECTION 201. EXTENSION OF RETRANSMISSION CONSENT**
5 **EXEMPTION.**

6 Section 325(b)(2)(C) of the Communications Act of
7 1934 (47 U.S.C. 325(b)(2)(C)) is amended by striking
8 “December 31, 2004” and inserting “December 31,
9 2009”.

10 **SEC. 202. CABLE/SATELLITE COMPARABILITY.**

11 (a) AMENDMENT.—Part I of title III of the Commu-
12 nications Act of 1934 is amended by inserting after sec-
13 tion 339 (47 U.S.C. 339) the following new section:

14 **“SEC. 340. SIGNIFICANTLY VIEWED SIGNALS PERMITTED**
15 **TO BE CARRIED.**

16 “(a) SIGNIFICANTLY VIEWED STATIONS.—In addi-
17 tion to the broadcast signals that subscribers may receive
18 under section 338 and 339, a satellite carrier is also au-
19 thorized to retransmit to subscribers located in a commu-



1 nity the signal of any station that a cable system in the
2 same community is authorized to retransmit pursuant to
3 section 111 of title 17, United States Code, if such station
4 is treated as significantly viewed in the county within
5 which such community is located in accordance with the
6 rules, regulations, and authorizations of the Commission.

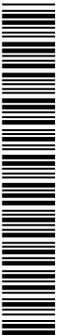
7 “(b) LIMITATIONS.—

8 “(1) ANALOG SERVICE LIMITED TO SUB-
9 SCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—

10 With respect to a signal that originates as an analog
11 signal of a television broadcast station, this section
12 shall apply only to retransmissions to subscribers
13 who receive retransmissions from a satellite carrier
14 pursuant to the statutory license under section 122
15 of title 17, United States Code.

16 “(2) DIGITAL SERVICE LIMITATIONS.—With re-
17 spect to a signal that originates as a digital signal
18 of a network station, this section shall apply only
19 if—

20 “(A) the subscriber receives from the sat-
21 ellite carrier pursuant to the statutory license
22 under section 122 of title 17, United States
23 Code, the retransmission of the digital signal of
24 a network station in the subscriber’s local mar-



1 ket that is affiliated with the same television
2 network; and

3 “(B) either—

4 “(i) the retransmission of the local
5 network station occupies at least the equiv-
6 alent bandwidth as the digital signal re-
7 transmitted pursuant to this section; or

8 “(ii) the retransmission of the local
9 network station carries the entire band-
10 width of the digital signal broadcast by
11 such local network station.

12 “(3) LIMITATION NOT APPLICABLE WHERE NO
13 NETWORK AFFILIATES.—The limitations in para-
14 graphs (1) and (2) shall not prohibit a retrans-
15 mission under this section to a subscriber located in
16 a local market in which there are no network sta-
17 tions affiliated with the same television network as
18 the station whose signal is being retransmitted pur-
19 suant to this section.

20 “(4) AUTHORITY TO GRANT STATION-SPECIFIC
21 WAIVERS.—Notwithstanding paragraph (1) and (2),
22 a satellite carrier may provide to subscribers the re-
23 transmission of a network station that is determined
24 to be significantly viewed under this section, if and
25 to the extent that the network station in the local



1 market in which the subscriber is located, and that
2 is affiliated with the same television network, has
3 granted a waiver from the requirements of para-
4 graph (1) and (2) to such satellite carrier with re-
5 spect to such significantly viewed station.

6 “(c) MODIFICATIONS OF LIST.—

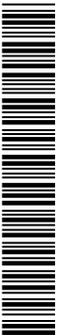
7 “(1) PETITIONS FROM SATELLITE CARRIERS.—

8 In addition to cable operators and television broad-
9 cast station licensees, the Commission shall permit a
10 satellite carrier to petition for decisions and
11 orders—

12 “(A) by which stations and communities
13 may be added to those that are eligible for re-
14 transmission under subsection (a); and

15 “(B) by which stations and communities
16 may be determined to be eligible for retrans-
17 mission under paragraph (2) of this subsection.

18 “(2) APPLICATION OF CRITERIA TO COMMU-
19 NITIES WITHOUT CABLE SERVICE.—In addition to
20 the stations and communities that are eligible for re-
21 transmission under subsection (a), in a community
22 that is not served by a cable system, a satellite car-
23 rier is also authorized to retransmit to subscribers
24 located in such community the signal of any station
25 that a cable system in that community would be au-



1 thorized to retransmit pursuant to section 111 of
2 title 17, United States Code, if such signal would be
3 treated as significantly viewed in the county within
4 which such community is located in accordance with
5 the rules, regulations, and authorizations of the
6 Commission.

7 “(d) EFFECT ON OTHER OBLIGATIONS AND
8 RIGHTS.—

9 “(1) NO EFFECT ON CARRIAGE OBLIGATIONS.—
10 Carriage of a signal under this section is not manda-
11 tory, and any right of a station licensee to have the
12 signal of such station carried under section 338 is
13 not affected by the eligibility of such station to be
14 carried under this section.

15 “(2) RETRANSMISSION CONSENT RIGHTS NOT
16 AFFECTED.—The eligibility of the signal of a station
17 to be carried under this section does not affect the
18 right of the licensee of such station to grant (or
19 withhold) retransmission consent under section
20 325(b)(1).

21 “(e) NETWORK NONDUPLICATION AND SYNDICATED
22 EXCLUSIVITY.—

23 “(1) NOT APPLICABLE EXCEPT AS PROVIDED
24 BY COMMISSION REGULATIONS.—Signals eligible to
25 be carried under this section are not subject to the



1 Commission's regulations concerning network non-
2 duplication or syndicated exclusivity unless, pursu-
3 ant to regulations adopted by the Commission, the
4 Commission determines to permit network non-
5 duplication or syndicated exclusivity to apply within
6 the appropriate zone of protection.

7 “(2) LIMITATION.—Nothing in this subsection
8 or Commission regulations shall permit the applica-
9 tion of network nonduplication or syndicated exclu-
10 sivity regulations to the retransmission of distant
11 signals of network stations that are carried by a sat-
12 ellite carrier pursuant to a statutory license under
13 section 119(a)(2)(A) or (B), with respect to persons
14 who reside in unserved households, under
15 119(a)(4)(A), or under section 119(a)(12).

16 “(f) ENFORCEMENT PROCEEDINGS.—

17 “(1) NOTICE BY TELEVISION BROADCAST STA-
18 TIONS.—If a television broadcast station believes
19 that a satellite carrier has retransmitted to any sub-
20 scriber in the local market of such station the signal
21 of another television broadcast station affiliated with
22 the same television network in violation of this sec-
23 tion, the station may provide the satellite carrier
24 with written notice of such violation. Such notice
25 shall be provided via overnight delivery, addressed to



1 the chief executive officer of the satellite carrier at
2 its principal place of business and marked ‘UR-
3 GENT LITIGATION MATTER’ on the outer pack-
4 aging. Such notification shall set forth—

5 “(A) the name, address, and call letters of
6 the station that is claimed to have been unlaw-
7 fully retransmitted (for purposes of this sub-
8 section, the ‘imported station’);

9 “(B) the name and address of the satellite
10 carrier;

11 “(C) the dates on which the alleged re-
12 transmission occurred;

13 “(D) the street address of at least one per-
14 son to whom the alleged retransmission was
15 made;

16 “(E) a statement that the retransmission
17 was not permitted because—

18 “(i) the Commission had not deter-
19 mined that the imported station is signifi-
20 cantly viewed in the relevant community;

21 “(ii) the subscriber is not eligible for
22 the retransmission of the signal because of
23 the limitation in subsection (b) (1) or (2);

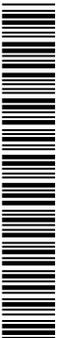


1 “(iii) the satellite carrier had not pro-
2 vided the notification required by sub-
3 section (h)(3); or

4 “(iv) two or more of the above; and
5 “(F) the name and address of counsel for
6 the station.

7 “(2) COMPLAINTS BY TELEVISION BROADCAST
8 STATIONS.—If, within 30 days of providing to the
9 satellite carrier a notice pursuant to paragraph (1),
10 the satellite carrier has not cured the alleged re-
11 transmission in violation of this section, or if the
12 satellite carrier cures the alleged violation after no-
13 tice and then renews such violation within the next
14 two years, the station may file a complaint with the
15 Commission. Such complaint shall set forth the in-
16 formation provided in a notice under paragraph (1).

17 “(3) SERVICE OF COMPLAINTS ON SATELLITE
18 CARRIERS.—For purposes of any proceeding under
19 this subsection, any satellite carrier that retransmits
20 the signal of any broadcast station shall be deemed
21 to designate the Secretary of the Commission as its
22 agent for service of process. A television broadcast
23 station may serve a satellite carrier with a complaint
24 concerning an alleged violation of this section
25 through retransmission of a station within the local



1 market of such station by filing the original and two
2 copies of the complaint with the Secretary of the
3 Commission and serving a copy of the complaint on
4 the satellite carrier by means of two commonly used
5 overnight delivery services, each addressed to the
6 chief executive officer of the satellite carrier at its
7 principal place of business, and each marked ‘UR-
8 GENT LITIGATION MATTER’ on the outer pack-
9 aging. Service shall be deemed complete one business
10 day after a copy of the complaint is provided to the
11 delivery services for overnight delivery. On receipt of
12 a complaint filed by a television broadcast station
13 under this subsection, the Secretary of the Commis-
14 sion shall send the original complaint by United
15 States mail, postage prepaid, receipt requested, ad-
16 dressed to the chief executive officer of the satellite
17 carrier at its principal place of business.

18 “(4) ANSWERS BY SATELLITE CARRIERS.—
19 Within 20 business days after the date of service,
20 the satellite carrier shall file an answer with the
21 Commission and shall serve the answer by a com-
22 monly used overnight delivery service and by United
23 States mail, on the counsel designated in the com-
24 plaint at the address listed for such counsel in the
25 complaint. The answer shall include, as a schedule,



1 a complete and accurate list of all subscribers to
2 which the satellite carrier retransmitted the im-
3 ported station into the community in question pursu-
4 ant to this section for each month during the rel-
5 evant time period. Such subscriber information sub-
6 mitted by a satellite carrier may be used only for
7 purposes of determining compliance by the satellite
8 carrier with this section.

9 “(5) DEFENSES.—

10 “(A) EXCLUSIVE DEFENSES.—The de-
11 fenses under this paragraph are the exclusive
12 defenses available to a satellite carrier against
13 which a complaint under this subsection is filed.

14 “(B) DEFENSES.—The defenses referred
15 to under subparagraph (A) are the defenses—

16 “(i) that the satellite carrier did not
17 retransmit the imported station to any per-
18 son in the complaining station’s local mar-
19 ket pursuant to this section during the
20 time period specified in the complaint;

21 “(ii) if the complaining station has al-
22 leged that the retransmission was unlawful
23 because the Commission had not deter-
24 mined that the station is significantly
25 viewed in the relevant community, that the



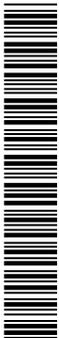
1 Commission had in fact made that deter-
2 mination;

3 “(iii) with respect to particular sub-
4 scribers referenced in the complaint, that
5 those subscribers reside in communities in
6 which the Commission has determined the
7 station to be significantly viewed;

8 “(iv) if the complaining station has al-
9 leged that the retransmission is unlawful
10 because the subscriber is ineligible for the
11 retransmission because of the limitation in
12 subsection (b) (1) or (2), that such limita-
13 tion is inapplicable; and

14 “(v) if the complaining station has al-
15 leged that the retransmission was unlawful
16 because the satellite carrier had not pro-
17 vided the notification required by sub-
18 section (h)(3), that the satellite carrier had
19 in fact provided that notification.

20 “(6) COUNTING OF VIOLATIONS.—The unlawful
21 retransmission of a particular television broadcast
22 station on a particular day subsequent to the notice
23 and opportunity to cure described in paragraphs (1)
24 and (2) of this subsection to a single subscriber pur-



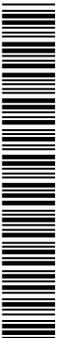
1 suant to this section shall be considered a separate
2 violation of this section.

3 “(7) PROCEDURES.—

4 “(A) REGULATIONS.—Within 60 days
5 after the date of enactment, the Commission
6 shall issue procedural regulations implementing
7 this subsection which shall supersede proce-
8 dures under section 312.

9 “(B) DETERMINATIONS.—

10 “(i) IN GENERAL.—Within 45 days
11 after the filing of a complaint, the Com-
12 mission shall issue a final determination in
13 any proceeding brought under this sub-
14 section, unless the Commission issues an
15 interim determination in writing that there
16 has been a genuine, reasonable, good faith
17 dispute about the applicability of one of
18 the defenses set forth in paragraph (5), in
19 which case the Commission shall have 135
20 additional days to issue a final determina-
21 tion. The Commission shall hear witnesses
22 only if it clearly appears, based on written
23 filings by the parties, that there is a gen-
24 uine dispute about material facts. Except
25 as provided in the preceding sentence, the



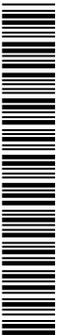
1 Commission may issue a final ruling based
2 on written filings by the parties.

3 “(ii) DISCOVERY.—The Commission
4 may direct the parties to exchange perti-
5 nent documents, and if necessary to take
6 prehearing depositions, on such schedule as
7 the Commission may approve, but only if
8 the Commission first determines that such
9 discovery is necessary to resolve a genuine
10 dispute about material facts, consistent
11 with the obligation to make a final deter-
12 mination within 45 days (or 180 days, as
13 appropriate).

14 “(8) RELIEF.—If the Commission determines
15 that a satellite carrier has retransmitted the im-
16 ported stations to at least one person in the com-
17 plaining station’s local market based on this section
18 and has failed to meet its burden of proving one of
19 the defenses under paragraph (5) with respect to
20 such retransmission, the Commission shall be re-
21 quired to—

22 “(A) make a finding that the satellite car-
23 rier violated this section with respect to that
24 station; and

25 “(B) issue an order containing—



1 “(i) a cease-and-desist order directing
2 the satellite carrier immediately to stop
3 making any further retransmissions in vio-
4 lation of this section;

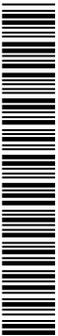
5 “(ii) a monetary penalty of \$50 per
6 violation, which may be waived by the
7 Commission only if the Commission deter-
8 mines that there was a genuine, reason-
9 able, good faith dispute about the applica-
10 bility of one of the defenses set forth in
11 paragraph (5); and

12 “(C) an award to the complainant of the
13 complainant’s costs and reasonable attorney’s
14 fees.

15 “(9) COURT PROCEEDINGS ON ENFORCEMENT
16 OF COMMISSION ORDER.—

17 “(A) IN GENERAL.—On entry by the Com-
18 mission of a final order granting relief under
19 this subsection—

20 “(i) a television broadcast station may
21 apply within 30 days after such entry to
22 the United States District Court for the
23 District of Columbia for a final judgment
24 enforcing all relief granted by the Commis-
25 sion; and



1 “(ii) the satellite carrier may apply
2 within 30 days after such entry to the
3 United States District Court for the Dis-
4 trict of Columbia for a judgment reversing
5 the Commission’s order.

6 “(B) APPEAL.—

7 “(i) For cases in which the Commis-
8 sion has not determined that there has
9 been a genuine, reasonable, good faith dis-
10 pute about the applicability of one of the
11 defenses set forth in paragraph (5),the
12 procedure for an appeal under this sub-
13 paragraph by the satellite carrier shall su-
14 persede any other appeal rights under Fed-
15 eral or State law. The United States Dis-
16 trict Court for the District of Columbia
17 may find personal jurisdiction based on the
18 satellite carrier’s ownership of licenses
19 issued by the Commission. An application
20 by a television broadcast station for an
21 order enforcing any cease-and-desist relief
22 granted by the Commission shall be re-
23 solved on a highly expedited schedule. No
24 discovery may be conducted by the parties
25 in any such proceeding. The district court

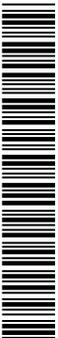


1 shall enforce the Commission order unless
2 the Commission record reflects manifest
3 error and an abuse of discretion by the
4 Commission.

5 “(ii) For cases in which the Commis-
6 sion has determined that there has been
7 genuine, reasonable, good faith dispute
8 about the applicability of one of the de-
9 fenses set forth in paragraph (5), the ap-
10 peals process set forth in section 402 shall
11 apply, with the following caveats:

12 “(I) If the Commission has found
13 the retransmissions in question to be
14 in violation of this section, the sat-
15 ellite carrier must cease such retrans-
16 missions during the pendency of any
17 appeal. Any such retransmissions
18 after the date of the Commission’s
19 order but prior to any order over-
20 turning the Commission on appeal
21 shall be considered violations under
22 paragraph (6).

23 “(II) If the Commission has
24 found the retransmissions in question
25 to be not in violation of this section,



1 the satellite carrier may continue such
2 retransmissions during the pendency
3 of the appeal. Any such retrans-
4 missions after the date of the Com-
5 mission's order but prior to any order
6 overturning the Commission on appeal
7 shall not be considered violations
8 under paragraph (6).

9 “(g) RULEMAKING.—

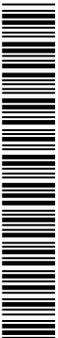
10 “(1) REQUIREMENTS.—The Commission
11 shall—

12 “(A) commence a rulemaking proceeding
13 to implement this section by publication of a
14 notice of proposed rulemaking within 180 days
15 after the date of enactment of the Satellite
16 Home Viewer Extension and Reauthorization
17 Act of 2004;

18 “(B) include in such notice a list of the
19 stations or communities eligible for carriage
20 under subsection (a); and

21 “(C) adopt rules pursuant to such rule-
22 making within one year after such date of en-
23 actment.

24 “(2) INTERIM ELIGIBILITY.—Stations and com-
25 munities listed as eligible for carriage in the notice



1 of proposed rulemaking issued by the Commission
2 under paragraph (1) may be treated as eligible for
3 carriage under this section on an interim basis pend-
4 ing adoption of such rules and publication of the list
5 of eligible stations and communities under such
6 rules.

7 “(h) ADDITIONAL CORRESPONDING CHANGES IN
8 REGULATIONS.—

9 “(1) COMMUNITY-BY-COMMUNITY ELEC-
10 TIONS.—The Commission shall, no later than April
11 30, 2005, revise section 76.66 of its regulations (47
12 CFR 76.66), concerning satellite broadcast signal
13 carriage, to permit (at the next cycle of elections
14 under section 325) a television broadcast station
15 that is located in a local market into which a sat-
16 ellite carrier retransmits a television broadcast sta-
17 tion on the basis of a statutory license under section
18 122 of title 17, United States Code, to elect, with
19 respect to such satellite carrier, between retrans-
20 mission consent pursuant to such section 325 and
21 mandatory carriage pursuant to section 338 sepa-
22 rately for each county within such station’s local
23 market, if—

24 “(A) the satellite carrier has notified the
25 station, pursuant to paragraph (3), that it in-



1 tends to carry another affiliate of the same net-
2 work pursuant to this section during the rel-
3 evant election period in the station's local mar-
4 ket; or

5 “(B) on the date notification under para-
6 graph (3) was due, the satellite carrier was re-
7 transmitting into the station's local market pur-
8 suant to this section an affiliate of the same tel-
9 evision network.

10 “(2) SINGLE NEGOTIATIONS.—In revising its
11 regulations as required by paragraph (1), the Com-
12 mission shall provide that any such station shall con-
13 duct a single negotiation for the entire portion of its
14 local market for which retransmission consent is
15 elected.

16 “(3) ADDITIONAL PROVISIONS.—The Commis-
17 sion shall, no later than April 30, 2005, revise its
18 regulations to provide the following:

19 “(A) NOTIFICATIONS BY SATELLITE CAR-
20 RIER.—A satellite carrier's retransmission of
21 television broadcast stations pursuant to this
22 section shall be subject to the following limita-
23 tions:

24 “(i) In any local market in which the
25 satellite carrier provides service on the



1 basis of a statutory license under section
2 122 of title 17, United States Code, on the
3 date of enactment of the Satellite Home
4 Viewer Extension and Reauthorization Act
5 of 2004, the carrier may notify a television
6 broadcast station in that market, at least
7 60 days prior to any date on which the
8 station must thereafter make an election
9 under section 76.66 of the Commission's
10 regulations (47 CFR 76.66), of—

11 “(I) each affiliate of the same
12 television network that the carrier re-
13 serves the right to retransmit into
14 that station's local market pursuant
15 to this section during the next election
16 cycle under such section of such regu-
17 lations; and

18 “(II) for each such affiliate, the
19 communities into which the satellite
20 carrier reserves the right to make
21 such retransmissions.

22 “(ii) In any local market in which the
23 satellite carrier commences service on the
24 basis of a statutory license under section
25 122 of title 17, United States Code, after

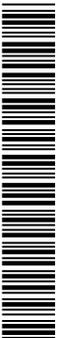


1 the date of enactment of the Satellite
2 Home Viewer Extension and Reauthoriza-
3 tion Act of 2004, the carrier may notify a
4 station in that market, at least 60 days
5 prior to the introduction of such service in
6 that market, and thereafter at least 60
7 days prior to any date on which the station
8 must thereafter make an election under
9 under section 76.66 of the Commission's
10 regulations (47 CFR 76.66), of each affil-
11 iate of the same television network that the
12 carrier reserves the right to retransmit into
13 that station's local market during the next
14 election cycle under such section of such
15 regulations.

16 “(iii) Beginning with the 2005 elec-
17 tion cycle, a satellite carrier may only re-
18 transmit pursuant to this section during
19 the pertinent election period a signal—

20 “(I) as to which it has provided
21 the notifications set forth in clauses
22 (i) and (ii); or

23 “(II) that it was retransmitting
24 into the local market under this sec-



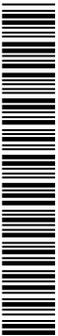
1 tion as of the date such notifications
2 were due.

3 “(B) HARMONIZATION OF ELECTIONS AND
4 RETRANSMISSION CONSENT AGREEMENTS.—If a
5 satellite carrier notifies a television broadcast
6 station that it reserves the right to retransmit
7 an affiliate of the same television network dur-
8 ing the next election cycle pursuant to this sec-
9 tion, the station may choose between retrans-
10 mission consent and mandatory carriage for
11 any portion of the 3-year election cycle that is
12 not covered by an existing retransmission con-
13 sent agreement.

14 “(i) DEFINITIONS.—As used in this section:

15 “(1) LOCAL MARKET; SATELLITE CARRIER;
16 SUBSCRIBER; TELEVISION BROADCAST STATION.—
17 The terms ‘local market’, ‘satellite carrier’, ‘sub-
18 scriber’, and ‘television broadcast station’ have the
19 meanings given such terms in section 338(k).

20 “(2) NETWORK STATION; TELEVISION NET-
21 WORK.—The terms ‘network station’ and ‘television
22 network’ have the meanings given such term in sec-
23 tion 339(d).



1 “(3) BANDWIDTH.—The terms ‘equivalent
2 bandwidth’ and ‘entire bandwidth’ shall be defined
3 by the Commission by regulation.”.

4 **SEC. 203. CARRIAGE OF LOCAL STATIONS ON A SINGLE**
5 **DISH.**

6 Section 338 of the Communications Act of 1934 (47
7 U.S.C. 338(d) is amended—

8 (1) by redesignating subsections (g) and (h) as
9 subsection (j) and (k), respectively;

10 (2) by inserting after subsection (f) the fol-
11 lowing new subsection:

12 “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE
13 DISH.—

14 “(1) SINGLE DISH.—Each satellite carrier that
15 retransmits the signals of local television broadcast
16 stations in a local market shall retransmit the sig-
17 nals of all local television broadcast stations retrans-
18 mitted by that carrier to subscribers in such market
19 by means of a single reception antenna and associ-
20 ated equipment.

21 “(2) EXCEPTION.—Notwithstanding paragraph
22 (1), if the carrier retransmits signals in the digital
23 television service, the carrier shall retransmit the
24 digital television service signals of all the local tele-
25 vision broadcast stations retransmitted by that car-

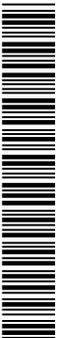


1 rier to subscribers in such market by means of a sin-
2 gle reception antenna and associated equipment, but
3 such antenna and associated equipment may be sep-
4 arate from the single reception antenna and associ-
5 ated equipment used for signals that are not in the
6 digital television service.

7 “(3) EFFECTIVE DATE.—The requirements of
8 paragraphs (1) and (2) of this subsection shall apply
9 on and after one year after the date of enactment
10 of the Satellite Home Viewer Extension and Reau-
11 thorization Act of 2004.

12 “(4) NOTICE OF DISRUPTIONS.—A carrier that
13 is providing signals of a local television broadcast
14 station in a local market under this section on the
15 date of enactment of the Satellite Home Viewer Ex-
16 tension and Reauthorization Act of 2004 shall, not
17 later than 270 days after such date of enactment,
18 provide to the licensees for such stations and the
19 carrier’s subscribers in such local market a notice
20 that displays prominently and conspicuously a clear
21 statement of—

22 “(A) any reallocation of signals between
23 different reception antennas and associated
24 equipment that the carrier intends to make in



1 order to comply with the requirements of this
2 subsection;

3 “(B) the need, if any, for subscribers to
4 obtain an additional reception antenna and as-
5 sociated equipment to receive such signals; and

6 “(C) any cessation of carriage or other ma-
7 terial change in the carriage of signals as a con-
8 sequence of the requirements of this paragraph.

9 “(5) ENFORCEMENT.—Notwithstanding any
10 other provision of this section, the Commission may
11 enforce this section and any regulation thereunder in
12 accordance with titles IV and V of this Act.”.

13 **SEC. 204. REPLACEMENT OF DISTANT SIGNALS WITH**
14 **LOCAL SIGNALS.**

15 Section 339(a) of the Communications Act of 1934
16 (47 U.S.C. 339(a)) is amended—

17 (1) by redesignating paragraph (2) as para-
18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) REPLACEMENT OF DISTANT SIGNALS WITH
22 LOCAL SIGNALS.—Notwithstanding any other provi-
23 sion of paragraph (1), the following rules shall apply
24 after the date of enactment of the Satellite Home
25 Viewer Extension and Reauthorization Act of 2004:

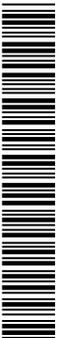


1 “(A) RULES FOR GRANDFATHERED SUB-
2 SCRIBERS.—In the case of a subscriber of a sat-
3 ellite carrier who is eligible to receive the signal
4 of a network station solely by reason of section
5 119(e) of title 17, United States Code (in this
6 subparagraph referred to as a ‘distant signal’),
7 the following shall apply:

8 “(i) In a case in which the signal of
9 a local network station affiliated with the
10 same television network is made available
11 pursuant to the statutory license under
12 section 122 by that satellite carrier to the
13 subscriber, the carrier may only provide
14 the secondary transmissions of the distant
15 signal of such network station to that
16 subscriber—

17 “(I) if, within 60 days after re-
18 ceiving the notice of the satellite car-
19 rier under section 338(h)(1) of the
20 Communications Act of 1934, the
21 subscriber elects to retain the distant
22 signal; but

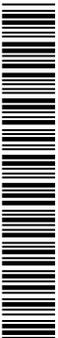
23 “(II) only until such time as the
24 subscriber elects to receive such local
25 signal.



1 “(ii) Notwithstanding clause (i), the
2 carrier may not retransmit the distant sig-
3 nal to any subscriber who is eligible to re-
4 ceive the signal of a network station solely
5 by reason of section 119(e) of title 17,
6 United States Code, unless such carrier,
7 within 60 days after the date of the enact-
8 ment of the Satellite Home Viewer Exten-
9 sion and Reauthorization Act of 2004, sub-
10 mits to that television network the list and
11 statement required by section 338(h)(2).

12 “(B) RULES FOR OTHER SUBSCRIBERS.—
13 In the case of a subscriber of a satellite carrier
14 who is eligible to receive the signal of a network
15 station under the statutory license under sec-
16 tion 119(a)(2) of title 17, United States Code
17 (in this subparagraph referred to as a ‘distant
18 signal’), other than subscribers to whom sub-
19 paragraph (A) applies, the following shall apply:

20 “(i) In a case in which the signal of
21 a local network station affiliated with the
22 same television network is made available
23 pursuant to the statutory license under
24 section 122 by that satellite carrier to the
25 subscriber on the date of the enactment of



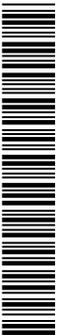
1 the Satellite Home Viewer Extension and
2 Reauthorization Act of 2004, the carrier
3 may only provide the secondary trans-
4 missions of the distant signal of such net-
5 work station to that subscriber—

6 “(I)(aa) if, on such date of enact-
7 ment, the subscriber is receiving such
8 distant signal and is also receiving
9 such local signal, and

10 “(bb) the subscriber’s satellite
11 carrier, within 60 days after the date
12 of the enactment of the Satellite
13 Home Viewer Extension and Reau-
14 thorization Act of 2004, submits to
15 that television network the list and
16 statement required by section
17 338(h)(2); or

18 “(II)(aa) if, on such date of en-
19 actment, the subscriber is receiving
20 such distant signal and is not receiv-
21 ing such local signal; but

22 “(bb) only until such time as the
23 subscriber elects to receive such local
24 signal.



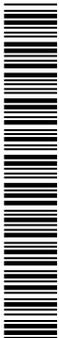
1 “(ii) In a case in which the signal of
2 a local network station affiliated with the
3 same television network is not made avail-
4 able pursuant to the statutory license
5 under section 122 by that satellite carrier
6 to a subscriber on the date of the enact-
7 ment of the Satellite Home Viewer Exten-
8 sion and Reauthorization Act of 2004, the
9 carrier may only provide the secondary
10 transmissions of the distant signal of such
11 network station to that subscriber—

12 “(I) who is a subscriber of that
13 satellite carrier on such date of enact-
14 ment, or

15 “(II) who becomes a subscriber
16 of that satellite carrier after such date
17 but before the local signal is made
18 available by the carrier,

19 but only until such time as the subscriber
20 elects to receive the local signal from that
21 satellite carrier.

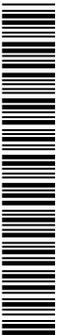
22 “(C) FUTURE APPLICABILITY.—A satellite
23 carrier may not provide a distant signal (within
24 the meaning of subparagraph (A) or (B)) to
25 any person in a location to which the signal of



1 a local network station affiliated with the same
2 television network was made available by that
3 carrier pursuant to the statutory license under
4 section 122 of title 17, United States Code, be-
5 fore the person becomes a subscriber to that
6 carrier.

7 “(D) AUTHORITY TO GRANT STATION-SPE-
8 CIFIC WAIVERS.—Notwithstanding the provi-
9 sions of this paragraph, a satellite carrier may
10 provide the distant signal (within the meaning
11 of subparagraph (A) or (B)) of any distant net-
12 work station to any person to whom the signal
13 of a local network station is available pursuant
14 to the statutory license under section 122 of
15 title 17, United States Code, if and to the ex-
16 tent that such local network station has granted
17 a waiver from the requirements of this para-
18 graph to such satellite carrier with respect to
19 such distant network station.

20 “(E) OTHER PROVISIONS NOT AF-
21 FECTED.—This paragraph shall not affect the
22 eligibility of a subscriber to receive secondary
23 transmissions under section 119(a)(3) of title
24 17, United States Code, or as an unserved



1 household included under section 119(a)(12) of
2 such title. ”.

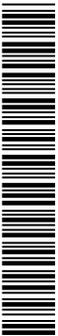
3 **SEC. 205. ADDITIONAL NOTICES TO SUBSCRIBERS, NET-**
4 **WORKS, AND STATIONS CONCERNING SIGNAL**
5 **CARRIAGE.**

6 Section 338 of the Communications Act of 1934 (47
7 U.S.C. 338) is further amended by inserting after sub-
8 section (g) (as added by section 203) the following new
9 subsection:

10 “(h) ADDITIONAL NOTICES TO SUBSCRIBERS, NET-
11 WORKS, AND STATIONS CONCERNING SIGNAL CAR-
12 RRIAGE.—

13 “(1) NOTICES TO AND ELECTIONS BY SUB-
14 SCRIBERS CONCERNING GRANDFATHERED SIG-
15 NALS.—Any carrier that provides a distant signal of
16 a network station to a subscriber pursuant to a stat-
17 utory license under section 119(a)(4)(A) of title 17,
18 United States Code, shall—

19 “(A) within 60 days after the local signal
20 of a network station of the same television net-
21 work is available pursuant to a statutory license
22 under section 122, or within 60 days after the
23 date of enactment of the Satellite Home Viewer
24 Extension and Reauthorization Act of 2004,



1 whichever is later, send a notice to the
2 subscriber—

3 “(i) offering to substitute the local
4 network signal for the duplicating distant
5 network signal; and

6 “(ii) informing the subscriber that, if
7 the subscriber fails to respond in 60 days,
8 the subscriber will lose the distant network
9 signal but will be permitted to subscribe to
10 the local network signal; and

11 “(B) if the subscriber—

12 “(i) elects to substitute such local net-
13 work signal within such 60 days, switch
14 such subscriber to such local network sig-
15 nal within 10 days after the end of such
16 60-day period; or

17 “(ii) fails to respond within such 60
18 days, terminate the distant network signal
19 within 10 days after the end of such 60-
20 day period.

21 “(2) NOTICES TO NETWORKS OF DISTANT SIG-
22 NAL SUBSCRIBERS.—Within 60 days after the date
23 of enactment of the Satellite Home Viewer Exten-
24 sion and Reauthorization Act of 2004, each satellite
25 carrier that provides a distant signal of a network



1 station to a subscriber pursuant to a statutory li-
2 cense under section 119(a)(4)(A) or 119(a)(4)(B)(i)
3 of title 17, United States Code, shall submit to each
4 network—

5 “(A) a list, aggregated by designated mar-
6 ket area, identifying each subscriber provided
7 such a signal by—

8 “(i) name;

9 “(ii) address (street or RFD number,
10 city, state, and zip code); and

11 “(iii) the distant network signal or
12 signals received; and

13 “(B) a statement that, to the best of the
14 carrier’s knowledge and belief after having
15 made diligent and good faith inquiries, the sub-
16 scriber is qualified under the existing law to re-
17 ceive the distant network signal or signals pur-
18 suant to a statutory license under section
19 119(a)(4)(A) or 119(a)(4)(B)(i) of title 17,
20 United States Code.

21 “(3) NOTICE TO STATION LICENSEES OF COM-
22 MENCEMENT OF LOCAL-INTO-LOCAL SERVICE.—

23 “(A) NOTICE REQUIRED.—Within 180
24 days after the date of enactment of the Satellite
25 Home Viewer Extension and Reauthorization



1 Act of 2004, the Commission shall revise the
2 regulations under this section relating to notice
3 to broadcast station licensees to comply with
4 the requirements of this paragraph.

5 “(B) CONTENTS OF COMMENCEMENT NO-
6 TICE.—The notice required by such regulations
7 shall inform each television broadcast station li-
8 censee within any local market in which a sat-
9 ellite carrier proposes to commence carriage of
10 signals of stations from that market, not later
11 than 60 days prior to the commencement of
12 such carriage—

13 “(i) of the carrier’s intention to
14 launch local-into-local service under this
15 section in a local market, the identity of
16 that local market, and the location of the
17 carrier’s proposed local receive facility for
18 that local market;

19 “(ii) of the right of such licensee to
20 elect carriage under this section or grant
21 retransmission consent under section
22 325(b);

23 “(iii) that such licensee has 30 days
24 from the date of the receipt of such notice
25 to make such election; and



1 “(iv) that failure to make such elec-
2 tion will result in the loss of the right to
3 demand carriage under this section for the
4 remainder of the 3-year cycle of carriage
5 under section 325.

6 “(C) TRANSMISSION OF NOTICES.—Such
7 regulations shall require that each satellite car-
8 rier shall transmit the notices required by such
9 regulation via certified mail to the address for
10 such television station licensee listed in the con-
11 solidated database system maintained by the
12 Commission.

13 “(4) NOTICES CONCERNING SIGNIFICANTLY
14 VIEWED STATIONS.—Each satellite carrier that pro-
15 poses to commence the retransmission of a station
16 pursuant to section 340 in any local market shall—

17 “(A) not less than 60 days before com-
18 mencing such retransmission, provide a written
19 notice to any television broadcast station in
20 such local market of a such proposal; and

21 “(B) designate on such carrier’s website all
22 significantly viewed signals carried pursuant to
23 section 340 and the communities in which the
24 signals are carried.”.



1 **SEC. 206. PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.**

2 (a) AMENDMENT.—Section 338 of the Communica-
3 tions Act of 1934 (47 U.S.C. 338) is further amended by
4 inserting after subsection (h) (as added by section 205)
5 the following new subsection:

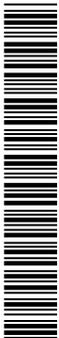
6 “(i) PRIVACY RIGHTS OF SATELLITE SUB-
7 SCRIBERS.—

8 “(1) NOTICE.—At the time of entering into an
9 agreement to provide any satellite service or other
10 service to a subscriber and at least once a year
11 thereafter, a satellite carrier shall provide notice in
12 the form of a separate, written statement to such
13 subscriber which clearly and conspicuously informs
14 the subscriber of—

15 “(A) the nature of personally identifiable
16 information collected or to be collected with re-
17 spect to the subscriber and the nature of the
18 use of such information;

19 “(B) the nature, frequency, and purpose of
20 any disclosure which may be made of such in-
21 formation, including an identification of the
22 types of persons to whom the disclosure may be
23 made;

24 “(C) the period during which such infor-
25 mation will be maintained by the satellite car-
26 rier;



1 “(D) the times and place at which the sub-
2 scriber may have access to such information in
3 accordance with paragraph (5); and

4 “(E) the limitations provided by this sec-
5 tion with respect to the collection and disclosure
6 of information by a satellite carrier and the
7 right of the subscriber under paragraphs (7)
8 and (9) to enforce such limitations.

9 In the case of subscribers who have entered into
10 such an agreement before the effective date of this
11 subsection, such notice shall be provided within 180
12 days of such date and at least once a year there-
13 after.

14 “(2) DEFINITIONS.—For purposes of this sub-
15 section, other than paragraph (9)—

16 “(A) the term ‘personally identifiable infor-
17 mation’ does not include any record of aggre-
18 gate data which does not identify particular
19 persons;

20 “(B) the term ‘other service’ includes any
21 wire or radio communications service provided
22 using any of the facilities of a satellite carrier
23 that are used in the provision of satellite serv-
24 ice; and



1 “(C) the term ‘satellite carrier’ includes, in
2 addition to persons within the definition of sat-
3 ellite carrier, any person who—

4 “(i) is owned or controlled by, or
5 under common ownership or control with,
6 a satellite carrier; and

7 “(ii) provides any wire or radio com-
8 munications service.

9 “(3) PROHIBITIONS.—

10 “(A) CONSENT TO COLLECTION.—Except
11 as provided in subparagraph (B), a satellite
12 carrier shall not use any facilities used by the
13 satellite carrier to collect programming selection
14 or subscription information from such a sub-
15 scriber to collect personally identifiable informa-
16 tion concerning any subscriber without the prior
17 written or electronic consent of the subscriber
18 concerned.

19 “(B) EXCEPTIONS.—A satellite carrier
20 may use such facilities to collect such informa-
21 tion in order to—

22 “(i) obtain information necessary to
23 render a satellite service or other service
24 provided by the satellite carrier to the sub-
25 scriber; or



1 “(ii) detect unauthorized reception of
2 satellite communications.

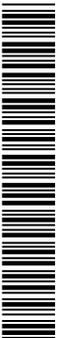
3 “(4) DISCLOSURE.—

4 “(A) CONSENT TO DISCLOSURE.—Except
5 as provided in subparagraph (B), a satellite
6 carrier shall not disclose personally identifiable
7 information concerning any subscriber without
8 the prior written or electronic consent of the
9 subscriber concerned and shall take such ac-
10 tions as are necessary to prevent unauthorized
11 access to such information by a person other
12 than the subscriber or satellite carrier.

13 “(B) EXCEPTIONS.—A satellite carrier
14 may disclose such information if the disclosure
15 is—

16 “(i) necessary to render, or conduct a
17 legitimate business activity related to, a
18 satellite service or other service provided
19 by the satellite carrier to the subscriber;

20 “(ii) subject to paragraph (9), made
21 pursuant to a court order authorizing such
22 disclosure, if the subscriber is notified of
23 such order by the person to whom the
24 order is directed;



1 “(iii) a disclosure of the names and
2 addresses of subscribers to any satellite
3 service or other service, if—

4 “(I) the satellite carrier has pro-
5 vided the subscriber the opportunity
6 to prohibit or limit such disclosure;
7 and

8 “(II) the disclosure does not re-
9 veal, directly or indirectly, the—

10 “(aa) extent of any viewing
11 or other use by the subscriber of
12 a satellite service or other service
13 provided by the satellite carrier;
14 or

15 “(bb) the nature of any
16 transaction made by the sub-
17 scriber over any facilities used by
18 the satellite carrier to collect pro-
19 gramming selection or subscrip-
20 tion information from such a
21 subscriber; or

22 “(iv) to a government entity as au-
23 thorized under chapters 119, 121, or 206
24 of title 18, United States Code, except that
25 such disclosure shall not include records



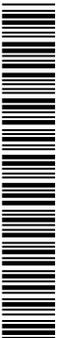
1 revealing satellite subscriber selection of
2 video programming from a satellite carrier.

3 “(5) ACCESS BY SUBSCRIBER.—A satellite sub-
4 scriber shall be provided access to all personally
5 identifiable information regarding that subscriber
6 which is collected and maintained by a satellite car-
7 rier. Such information shall be made available to the
8 subscriber at reasonable times and at a convenient
9 place designated by such satellite carrier. A satellite
10 subscriber shall be provided reasonable opportunity
11 to correct any error in such information.

12 “(6) DESTRUCTION OF INFORMATION.—A sat-
13 ellite carrier shall destroy personally identifiable in-
14 formation if the information is no longer necessary
15 for the purpose for which it was collected and there
16 are no pending requests or orders for access to such
17 information under paragraph (5) or pursuant to a
18 court order.

19 “(7) PENALTIES.—Any person aggrieved by
20 any act of a satellite carrier in violation of this sec-
21 tion may bring a civil action in a United States dis-
22 trict court. The court may award—

23 “(A) actual damages but not less than liq-
24 uidated damages computed at the rate of \$100



1 a day for each day of violation or \$1,000,
2 whichever is higher;

3 “(B) punitive damages; and

4 “(C) reasonable attorneys’ fees and other
5 litigation costs reasonably incurred.

6 The remedy provided by this subsection shall be in
7 addition to any other lawful remedy available to a
8 satellite subscriber.

9 “(8) RULE OF CONSTRUCTION.—Nothing in
10 this title shall be construed to prohibit any State
11 from enacting or enforcing laws consistent with this
12 section for the protection of subscriber privacy.

13 “(9) COURT ORDERS.—Except as provided in
14 paragraph (4)(B)(iv), a governmental entity may ob-
15 tain personally identifiable information concerning a
16 satellite subscriber pursuant to a court order only if,
17 in the court proceeding relevant to such court
18 order—

19 “(A) such entity offers clear and con-
20 vincing evidence that the subject of the infor-
21 mation is reasonably suspected of engaging in
22 criminal activity and that the information
23 sought would be material evidence in the case;
24 and



1 “(B) the subject of the information is af-
2 forded the opportunity to appear and contest
3 such entity’s claim.”.

4 (b) EFFECTIVE DATE.—Section 338(i) of the Com-
5 munications Act of 1934 (47 U.S.C. 338(i)) as amended
6 by subsection (a) of this section shall be effective 60 days
7 after the date of enactment of this Act.

8 **SEC. 207. RECIPROCAL BARGAINING OBLIGATIONS.**

9 (a) AMENDMENTS.—Section 325(b)(3)(C) of the
10 Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is
11 amended—

12 (1) by striking “Within 45 days” and all that
13 follows through “1999, the” and inserting “The”;

14 (2) by striking the second sentence;

15 (3) by striking “and” at the end of clause (i);

16 (4) in clause (ii)—

17 (A) by striking “January 1, 2006” and in-
18 serting “January 1, 2010”

19 (B) by striking the period at the end and
20 inserting “; and”; and

21 (5) by adding at the end the following new
22 clauses:

23 “(iii) until January 1, 2010, prohibit
24 a multichannel video programming dis-
25 tributor from failing to negotiate in good



1 faith for retransmission consent under this
2 section, and it shall not be a failure to ne-
3 gotiate in good faith if the distributor en-
4 ters into retransmission consent agree-
5 ments containing different terms and con-
6 ditions, including price terms, with dif-
7 ferent broadcast stations if such different
8 terms and conditions are based on com-
9 petitive marketplace considerations.”.

10 (b) DEADLINE.—The Federal Communications Com-
11 mission shall prescribe regulations to implement the
12 amendments made by subsection (a)(5) within 180 days
13 after the date of enactment of this Act.

14 **SEC. 208. UNSERVED DIGITAL CUSTOMERS.**

15 (a) INQUIRY REQUIRED.—Consistent with the digital
16 television service rules of Federal Communications Com-
17 mission in effect on the date of enactment of this Act,
18 and the propagation prediction models derived from Bul-
19 letin No. 69 of the Commission’s Office of Engineering
20 and Technology, the Commission shall initiate an inquiry
21 to recommend the appropriate methodologies for deter-
22 mining which consumers are in locations where the con-
23 sumer will be unable, on and after the date on which ana-
24 log television services are discontinued pursuant to the
25 provisions of section 309(j)(14) of the Communications



1 Act of 1934 (47 U.S.C. 309(j)(14)), to receive broadcast
2 digital television service signals that are transmitted from
3 a station's permanent digital television channel that are
4 of sufficient intensity to be able to receive and display dig-
5 ital television service using receiving terrestrial outdoor
6 antennas of reasonable cost and ease of installation. Such
7 methodologies shall be based on the current field strength
8 requirements for digital television stations in section
9 73.622(e)(1) of the Commission's regulations (47 CFR
10 622(e)(1)).

11 (b) REPORT REQUIRED.—The Federal Communica-
12 tions Commission shall submit a report on the results of
13 the inquiry required by subsection (a) to the Committee
14 on Energy and Commerce of the House of Representatives
15 and the Committee on Commerce, Science, and Transpor-
16 tation of the Senate not later than December 31, 2005.
17 Such report shall include—

18 (1) a proposal, using the best engineering prac-
19 tices for the broadcast television industry, for a pre-
20 dictive methodology for determining which
21 consumers—

22 (A) receive a digital signal of sufficient in-
23 tensity to be able to receive and display digital
24 television service using receiving terrestrial out-



1 door antennas of reasonable cost and ease of in-
2 stallation; or

3 (B) will receive such a signal after a local
4 station begins transmitting on its permanent
5 digital television channel;

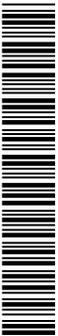
6 (2) an analysis of whether it is possible to iden-
7 tify the areas of the country within which consumers
8 will not, on and after the date on which analog tele-
9 vision services are discontinued pursuant to the pro-
10 visions of section 309(j)(14) of the Communications
11 Act of 1934 (47 U.S.C. 309(j)(14)), be able to re-
12 ceive a digital television signal of sufficient intensity
13 to be able to receive and display digital television
14 service using receiving terrestrial outdoor antennas
15 of reasonable cost and ease of installation; and

16 (3) if possible, an identification, on a county-by-
17 county or more localized basis, of such areas for
18 each television network.

19 **SEC. 209. REDUCTION OF REQUIRED TESTS.**

20 Section 339(c)(4) of the Communications Act of 1934
21 (47 U.S.C. 339(c)(4) is amended by inserting after sub-
22 paragraph (C) the following new subparagraph:

23 “(D) REDUCTION OF VERIFICATION BUR-
24 DENS.—Within one year after the date of enact-
25 ment of the Satellite Home Viewer Extension



1 and Reauthorization Act of 2004, the Commis-
2 sion shall by rule exempt from the verification
3 requirements of subparagraph (A) any request
4 for a test made by a subscriber to a satellite
5 carrier—

6 “(i) to whom the retransmission of
7 the signals of local broadcast stations is
8 available under section 122 of title 17,
9 United States Code, from such carrier; or

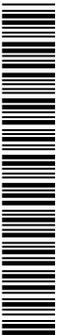
10 “(ii) for whom the predictive model
11 required by paragraph (3) predicts a signal
12 intensity that exceeds the signal intensity
13 standard in effect under section
14 119(d)(11)(A) of such title by such num-
15 ber of decibels as the Commission specifies
16 in such rule.”.

17 **SEC. 210. CARRIAGE OF CERTAIN ADDITIONAL STATIONS.**

18 Section 340 of the Communications Act of 1934, as
19 added by section 202(a) of this Act, is amended by insert-
20 ing at the end of subsection (c) the following new para-
21 graph:

22 “(3) CARRIAGE OF CERTAIN ADDITIONAL STA-
23 TIONS.—

24 “(A) ADDITIONAL STATIONS AUTHOR-
25 IZED.—In addition to the signals that are eligi-



1 ble to be carried under subsection (a) and para-
2 graph (2) of this subsection, a satellite carrier
3 is also authorized to retransmit to subscribers
4 in no more than two counties in a State that
5 are in a local market principally comprised of
6 counties in another State, the signals of any tel-
7 evision station located in the capital city of the
8 State in which such counties are located, if the
9 total number of television households in the two
10 counties combined did not exceed 10,000 for
11 the year 2003 according to Nielson Media Re-
12 search.

13 “(B) TREATMENT AS SIGNIFICANTLY
14 VIEWED; LIMITATIONS.—Such signals shall be
15 deemed, solely for purposes of this section, to
16 be significantly viewed in such two counties. In
17 total, a satellite carrier that carries one or more
18 additional signals under this paragraph may re-
19 transmit no more than four television broadcast
20 stations in such counties pursuant to this para-
21 graph. All rules applicable to carriage of sta-
22 tions pursuant to subsection (a) or paragraph
23 (2) of this subsection shall apply to carriage of
24 stations pursuant to this paragraph.”.

