

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Statement of U.S. Senator Russ Feingold
For the Senate Judiciary Committee Hearing on
"The Satellite Home Viewer Extension Act"

As Submitted to the Hearing Record

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Mr. Chairman, I want to thank you for convening this hearing on the Satellite Home Viewer Extension Act. Also, I appreciate the efforts of the witnesses who are here today to provide us with their insight and expertise on the issues surrounding satellite broadcasting services. With many provisions of the Satellite Home Viewer Improvement Act (SHVIA) set to expire at the end of 2004, this is an important and timely topic for this Committee to consider.

Direct broadcasting services (DBS) have provided television programming choices to millions across the country, particularly in rural areas of the country that do not receive over-the-air broadcast signals. When SHVIA was enacted in 1999, satellite providers were for the first time given permission under the copyright laws to retransmit local signals to their customers. This has enabled the satellite industry to develop as a strong competitor to cable. In addition, in some rural areas with limited cable access, satellite provides a much needed alternative to poor over-the-air reception.

One concern that I hear from my constituents, particularly on the western side of the Wisconsin, is that the local television stations provided by DBS are not Wisconsin stations. SHVIA permits DBS companies to provide local broadcast television signals to all subscribers who reside in the local station's Designated Market Area (DMA), as defined by Nielsen Media Research. The Minneapolis-St. Paul DMA extends into a number of Wisconsin counties, so for these individuals, local programming is not from Wisconsin - it's from Minnesota. But many of my constituents tell me that they would prefer to receive Wisconsin news, sports, and other programming. More specifically, most Wisconsin residents, even if they live near the Minnesota border, are Packer fans not Viking fans. So they aren't happy when their local station, as defined by Nielsen, doesn't show their local team.

In the area of cable television, the FCC has some discretion in modifying the market to best serve the needs of the customers to receive local programming, but as I understand it, this is not the case for satellite. So I urge the Committee to consider proposals that would allow some flexibility in the stations that DBS companies can provide through the local to local license.

I also believe that the Committee should do whatever it can to minimize disruptions in service to consumers who now receive distant signals. As local signals become available to satellite subscribers in more and more markets, I believe it is only fair to ask subscribers to make a choice between local and distant signals. But I also believe that consumers now legally receiving distant signals should be able to continue to do so rather than switching to local signals if that is what they prefer. Similarly, it seems to me that the grandfather provision contained in SHVIA should be extended.

With the availability of DBS and increased competition, more and more consumers have a true choice in their source of video programming, which should lead to lower prices and better services. I believe that maintaining and encouraging true competition in the marketplace is the only viable solution to the continuous and troubling rise in cable and satellite television rates across this country over the past few years. Congress should continue to promote

competition between the cable and satellite industries. SHVIA has done that and we should both extend it and improve it

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