

Federal Communications Commission

§ 76.54

State and community	Latitude	Longitude	State and community	Latitude	Longitude
South Carolina:			St. Johnsburg	44°25'16"	72°01'13"
Allendale	33°00'30"	81°18'26"	Windsor	43°28'38"	72°23'32"
Anderson	34°30'06"	82°38'54"	Virginia:		
Charleston	32°46'35"	79°55'53"	Bristol	36°35'48"	82°11'04"
Columbia	34°00'02"	81°02'00"	Charlottesville	38°01'52"	78°28'50"
Florence	34°11'49"	79°46'06"	Goldvein	38°26'54"	77°39'19"
Greenville	34°50'50"	82°24'01"	Hampton	37°01'32"	76°20'32"
Spartanburg	34°57'03"	81°56'06"	Harrisonburg	38°27'01"	78°52'07"
South Dakota:			Lynchburg	37°24'51"	79°08'37"
Aberdeen	45°27'31"	98°29'03"	Norfolk	36°51'10"	76°17'21"
Brookings	44°18'38"	96°47'53"	Norton	36°56'05"	82°37'31"
Florence	45°03'14"	97°19'35"	Petersburg	37°13'40"	77°24'15"
Lead	44°21'07"	103°46'03"	Portsmouth	36°50'12"	76°17'54"
Mitchell	43°42'48"	98°01'36"	Richmond	37°32'15"	77°26'09"
Pierre	44°22'06"	100°20'57"	Roanoke	37°16'13"	79°56'44"
Rapid City	44°04'52"	103°13'11"	Staunton	38°09'02"	79°04'34"
Reliance	43°52'45"	99°36'18"	Virgin Islands:		
Sioux Falls	43°32'35"	96°43'35"	Charlotte Amalie	18°20'36"	64°55'53"
Vermillion	42°46'52"	96°55'35"	Christiansted	17°44'44"	64°42'21"
Tennessee:			Washington:		
Chattanooga	35°02'41"	85°18'32"	Bellingham	48°45'02"	122°28'36"
Jackson	35°36'48"	88°49'15"	Kennewick	46°12'28"	119°08'32"
Johnson City	36°19'04"	82°20'56"	Lakewood Center	47°07'37"	122°31'15"
Kingsport	36°32'57"	82°33'44"	Pasco	46°13'50"	119°05'27"
Knoxville	35°57'39"	83°55'07"	Pullman	46°43'42"	117°10'46"
Lexington	35°38'58"	88°23'31"	Richland	46°16'36"	119°16'21"
Memphis	35°08'46"	90°03'13"	Seattle	47°36'32"	122°20'12"
Nashville	36°09'33"	86°46'55"	Spokane	47°39'32"	117°25'33"
Sneedville	36°31'46"	83°13'04"	Tacoma	47°14'59"	122°26'15"
Texas:			Yakima	46°36'09"	120°30'39"
Abilene	32°27'05"	99°43'51"	West Virginia:		
Amarillo	35°12'27"	101°50'04"	Bluefield	37°15'29"	81°13'20"
Austin	30°16'09"	97°44'37"	Charleston	38°21'01"	81°37'52"
Beaumont	30°05'20"	94°06'09"	Clarksburg	39°16'50"	80°20'38"
Belton	31°03'31"	97°27'39"	Grandview	37°49'28"	81°04'20"
Big Spring	32°15'03"	101°28'38"	Huntington	38°25'12"	82°26'33"
Bryan	30°38'48"	96°21'31"	Morgantown	39°37'41"	79°57'28"
College Station	30°37'05"	96°20'41"	Oak Hill	37°58'31"	81°08'45"
Corpus Christi	27°47'51"	97°23'45"	Parkersburg	39°15'57"	81°33'46"
Dallas	32°47'09"	96°47'37"	Weston	39°02'19"	80°28'05"
El Paso	31°45'36"	106°29'11"	Wheeling	40°04'03"	80°43'20"
Fort Worth	32°44'55"	97°19'44"	Wisconsin:		
Galveston	29°18'10"	94°47'43"	Eau Claire	44°48'31"	91°29'49"
Harlingen	26°11'29"	97°41'35"	Fond Du Lac	43°46'35"	88°26'52"
Houston	29°45'26"	95°21'37"	Green Bay	44°30'48"	88°00'50"
Laredo	27°30'22"	99°30'30"	Janesville	42°40'52"	89°01'39"
Longview	32°28'24"	94°43'45"	Kenosha	42°35'04"	87°49'14"
Lubbock	33°35'05"	101°50'33"	La Crosse	43°48'48"	91°15'02"
Lufkin	31°20'14"	94°43'21"	Madison	43°04'23"	89°22'55"
Midland	31°59'54"	102°04'31"	Milwaukee	43°02'19"	87°54'15"
Monahans	31°35'16"	102°53'26"	Rhineland	45°38'09"	89°24'50"
Nacogdoches	31°36'13"	94°39'20"	Superior	46°43'14"	92°06'07"
Odessa	31°50'49"	102°22'01"	Wausau	44°57'30"	89°37'40"
Port Arthur	29°52'09"	93°56'01"	Wyoming:		
Richardson	32°57'06"	96°44'05"	Casper	42°51'00"	106°19'22"
Rosenberg	29°33'30"	95°48'15"	Cheyenne	41°08'09"	104°49'07"
San Angelo	31°27'39"	100°26'03"	Rawlins	41°47'23"	107°14'37"
San Antonio	29°25'37"	98°29'06"	Riverton	43°01'29"	108°23'03"
Sweetwater	32°28'24"	100°24'18"			
Temple	31°06'02"	97°20'22"			
Texarkana	33°25'29"	94°02'34"			
Tyler	32°21'21"	95°17'52"			
Victoria	28°48'01"	97°00'06"			
Waco	31°33'12"	97°08'00"			
Westlaco	26°09'24"	97°59'33"			
Wichita Falls	33°54'34"	98°29'28"			
Utah:					
Logan	41°44'03"	111°50'11"			
Ogden	41°13'31"	111°58'21"			
Provo	40°14'07"	111°39'34"			
Salt Lake City	40°45'23"	111°53'26"			
Vermont:					
Burlington	44°28'34"	73°12'46"			
Rutland	43°36'29"	72°58'56"			

[37 FR 3278, Feb. 12, 1972, as amended at 37 FR 13866, July 14, 1972; 51 FR 18451, May 20, 1986; 51 FR 44608, Dec. 11, 1986; 54 FR 25716, June 19, 1989; 56 FR 49707, Oct. 1, 1991]

§ 76.54 Significantly viewed signals; method to be followed for special showings.

(a) Signals that are significantly viewed in a county (and thus are deemed to be significantly viewed within all communities within the

county) are those that are listed in Appendix B of the memorandum opinion and order on reconsideration of the Cable Television Report and Order (Docket 18397 *et al.*), FCC 72–530, and those communities listed in the Significantly Viewed List as it appears on the official website of the Federal Communications Commission.

(b) Significant viewing in a cable television or satellite community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of over-the-air television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure at least one standard error above the required viewing level. If surveys are taken for more than 2-weekly periods in any 12 months, all such surveys must result in an average figure at least one standard error above the required viewing level. If a cable television system serves more than one community, a single survey may be taken, provided that the sample includes over-the-air television homes from each community that are proportional to the population. A satellite carrier may demonstrate significant viewing in more than one community or satellite community through a single survey, provided that the sample includes over-the-air television homes from each community that are proportional to the population.

(c) Notice of a survey to be made pursuant to paragraph (b) of this section shall be served on all licensees or permittees of television broadcast stations within whose predicted noise limited service contour, as defined in § 73.622(e) of this chapter, the cable or satellite community or communities are located, in whole or in part, and on all other system community units, franchisees, and franchise applicants in the cable community or communities at least (30) days prior to the initial survey period. Such notice shall include the name of the survey organization and a description of the proce-

dures to be used. Objections to survey organizations or procedures shall be served on the party sponsoring the survey within twenty (20) days after receipt of such notice.

(d) Signals of television broadcast stations not encompassed by the surveys (for the periods May 1970, November 1970 and February/March 1971) used in establishing appendix B of the *Memorandum Opinion and Order on Reconsideration of Cable Television Report and Order*, FCC 72–530, 36 FCC 2d 326 (1972), may be demonstrated as significantly viewed on a county-wide basis by independent professional audience surveys which cover three separate, consecutive four-week periods and are otherwise comparable to the surveys used in compiling the above-referenced appendix B: *Provided, however*, That such demonstration shall be based upon audience survey data for the first three years of the subject station's broadcast operations.

(e) Satellite carriers that intend to retransmit the signal of a significantly viewed television broadcast station to a subscriber located outside such station's local market, as defined by § 76.55(e) of this chapter, must provide written notice to all television broadcast stations that are assigned to the same local market as the intended subscriber at least 60 days before commencing retransmission of the significantly viewed station. Such satellite carriers must also provide the notifications described in § 76.66(d)(5)(i) of this chapter. Such written notice must be sent via certified mail, return receipt requested, to the address for such station(s) as listed in the consolidated database maintained by the Federal Communications Commission.

(f) Satellite carriers that retransmit the signal of a significantly viewed television broadcast station to a subscriber located outside such station's local market must list all such stations and the communities to which they are retransmitted on their website.

(g) *Limitations on satellite subscriber eligibility.* A satellite carrier may retransmit a significantly viewed network station to a subscriber, provided the conditions in paragraphs (g)(1) and (g)(2) of this section are satisfied or one

of the two exceptions to these conditions provided in paragraphs (g)(3) and (g)(4) of this section apply.

(1) *Local service requirement.* A satellite carrier may retransmit to a subscriber the signal of a significantly viewed station if:

(i) Such subscriber receives local-into-local service pursuant to § 76.66; and

(ii) Such satellite carrier is in compliance with § 76.65 with respect to the stations located in the local market into which the significantly viewed station will be retransmitted.

(2) *HD format requirement.* Subject to the conditions in paragraphs (g)(2)(i) through (iv) of this section, a satellite carrier may retransmit to a subscriber in high definition (HD) format the signal of a significantly viewed station only if such carrier also retransmits in HD format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station, including when the HD signal is broadcast on a multicast stream.

(i) The requirement in paragraph (g)(2) of this section applies only where a satellite carrier retransmits to a subscriber the significantly viewed station in HD format, and does not restrict a satellite carrier from retransmitting to a subscriber a significantly viewed station in standard definition (SD) format.

(ii) For purposes of paragraph (g)(2) of this section, the term “HD format” refers to a picture quality resolution of 720p, 1080i, or higher.

(iii) For purposes of paragraph (g)(2) of this section, the local station’s HD signal will be considered “available” to the satellite carrier when the station:

(A) Elects mandatory carriage or grants retransmission consent;

(B) Provides a good quality HD signal to the satellite carrier’s local receive facility (LRF); and

(C) Complies with the requirements of §§ 76.65 and 76.66.

(iv) Notwithstanding the provisions of paragraph (g)(2)(iii) of this section, if the local station is willing to grant retransmission consent and make its HD signal available to the satellite carrier, but the satellite carrier does

not negotiate with the local station in good faith, as required by § 76.65, then the local station’s HD signal will be deemed “available” for purposes of paragraph (g)(2) of this section.

(3) *Exception if no network affiliate in local market.* The limitations in paragraphs (g)(1) and (g)(2) of this section will not prohibit a satellite carrier from retransmitting a significantly viewed network station to a subscriber located in a local market in which there are no network stations affiliated with the same television network as the significantly viewed station.

(4) *Exception if waiver granted by local station.* The limitations in paragraphs (g)(1) and (g)(2) of this section will not apply if, and to the extent that, the local network station affiliated with the same television network as the significantly viewed station has granted a waiver in accordance with 47 U.S.C. 340(b)(4).

(h) [Reserved]

(i) For purposes of paragraph (g) of this section, television network and network station are as defined in 47 U.S.C. 339(d).

(j) Notwithstanding the requirements of this section, the signal of a television broadcast station will be deemed to be significantly viewed if such station is shown to qualify for such status pursuant to 47 U.S.C. 341(a).

(k) Notwithstanding the other provisions of this section, a satellite carrier may not retransmit as significantly viewed the signal of a television broadcast station into the Designated Market Areas identified in 47 U.S.C. 341(b).

[37 FR 3278, Feb. 12, 1972, as amended at 37 FR 13866, July 14, 1972; 40 FR 48930, Oct. 20, 1975; 41 FR 32429, Aug. 3, 1976; 42 FR 19346, Apr. 13, 1977; 53 FR 17051, May 13, 1988; 56 FR 33392, July 22, 1991; 70 FR 76529, Dec. 27, 2005; 75 FR 72986, Nov. 29, 2010]

§ 76.55 Definitions applicable to the must-carry rules.

For purposes of the must-carry rules set forth in this subpart, the following definitions apply:

(a) *Qualified noncommercial educational (NCE) television station.* A qualified NCE television station is any television broadcast station which

(1)(i) Under the rules and regulations of the Commission in effect on March