

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4635

To amend the Communications Act of 1934 to provide for greater access to in-State television broadcast programming, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2014

Mr. ADERHOLT introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Communications Act of 1934 to provide for greater access to in-State television broadcast programming, and for other purposes.

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 “Orphan County Tele-  
5       communications Rights Act of 2014”.

1 **SEC. 2. MODIFICATION OF LOCAL TELEVISION MARKETS.**

2 (a) IN GENERAL.—Part I of title III of the Commu-  
3 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended  
4 by adding at the end the following:

5 **“SEC. 343. MODIFICATION OF LOCAL TELEVISION MAR-**  
6 **KETS.**

7 “(a) IN GENERAL.—The adjacent underserved coun-  
8 ty of a television broadcast station may file with the Com-  
9 mission a petition for the inclusion of such county in the  
10 local market of such station. Not later than 120 days after  
11 receiving such a petition, the Commission shall grant such  
12 petition by modifying the local market of such station by  
13 including such county in such market.

14 “(b) MULTIPLE MARKETS.—The Commission may  
15 determine under subsection (a) that a particular county  
16 is part of the local market of more than one television  
17 broadcast station affiliated with the same television net-  
18 work.

19 “(c) SINGLE PETITION.—A county may request the  
20 inclusion of such county in the local market of more than  
21 one television broadcast station in a single petition filed  
22 under subsection (a).

23 “(d) POINT OF CONTACT WITH COUNTY.—A county  
24 that files a petition under subsection (a) shall designate  
25 an official or body to communicate with the Commission  
26 about matters relating to such petition.

1       “(e) CARRIAGE DURING PENDENCY OF PRO-  
2 CEEDING.—During the pendency of a proceeding on a pe-  
3 tition under subsection (a) for the inclusion of a county  
4 in the local market of a television broadcast station, a mul-  
5 tichannel video programming distributor may not delete  
6 from carriage the signal of a television broadcast station—

7               “(1) that is affiliated with the same television  
8 network; and

9               “(2) the local market of which includes such  
10 county.

11       “(f) DEFINITIONS.—In this section:

12               “(1) ADJACENT MARKET.—

13                       “(A) IN GENERAL.—The term ‘adjacent  
14 market’ means, with respect to a television  
15 broadcast station, any designated market area  
16 adjacent to, and partially but not entirely in the  
17 same State as, the designated market area in  
18 which the station’s community of license is lo-  
19 cated.

20                       “(B) TREATMENT OF CERTAIN COUN-  
21 TIES.—In the case of a county that is not with-  
22 in the local market or the adjacent market (as  
23 defined in subparagraph (A)) of any network  
24 station licensed to a community in the State in  
25 which such county is located, such county shall

1 be considered to be within the adjacent market  
2 of any television broadcast station licensed to a  
3 community in the nearest designated market  
4 area—

5 “(i) that is located in whole or in part  
6 within such State; and

7 “(ii) with respect to which the com-  
8 munity of license of at least one network  
9 station is located both in such designated  
10 market area and in such State.

11 “(2) ADJACENT UNDERSERVED COUNTY.—The  
12 term ‘adjacent underserved county’ means, with re-  
13 spect to a television broadcast station, a county  
14 within the station’s adjacent market that is both—

15 “(A) located in the same State as the sta-  
16 tion’s community of license; and

17 “(B) not within the local market of any  
18 other station that is both affiliated with the  
19 same television network and located in the same  
20 State.

21 “(3) CABLE OPERATOR.—The term ‘cable oper-  
22 ator’ has the meaning given such term in section  
23 602.

24 “(4) COUNTY.—The term ‘county’ means a  
25 county, parish, or similar political subdivision of a

1 State of the type generally used in determining the  
2 boundaries of designated market areas.

3 “(5) DESIGNATED MARKET AREA.—The term  
4 ‘designated market area’ has the meaning given such  
5 term in section 122(j)(2)(C) of title 17, United  
6 States Code.

7 “(6) LOCAL MARKET.—The term ‘local market’  
8 means, with respect to a television broadcast sta-  
9 tion—

10 “(A) for purposes of carriage of such sta-  
11 tion by satellite carriers, the local market of  
12 such station as determined under section  
13 122(j)(2) of title 17, United States Code; and

14 “(B) for purposes of carriage of such sta-  
15 tion by cable operators, the television market of  
16 such station as determined under section  
17 614(h)(1)(C).

18 “(7) MULTICHANNEL VIDEO PROGRAMMING  
19 DISTRIBUTOR.—The term ‘multichannel video pro-  
20 gramming distributor’ has the meaning given such  
21 term in section 602.

22 “(8) NETWORK STATION.—The term ‘network  
23 station’ has the meaning given such term in section  
24 119(d) of title 17, United States Code.

1           “(9) SATELLITE CARRIER.—The term ‘satellite  
2 carrier’ has the meaning given such term in section  
3 119(d) of title 17, United States Code.

4           “(10) TELEVISION BROADCAST STATION.—The  
5 term ‘television broadcast station’ has the meaning  
6 given such term in section 325(b).

7           “(11) TELEVISION NETWORK.—The term ‘tele-  
8 vision network’ has the meaning given such term in  
9 section 339(d).”.

10       (b) EFFECT FOR PURPOSES OF CABLE CARRIAGE.—  
11 Section 614(h)(1)(C) of the Communications Act of 1934  
12 (47 U.S.C. 534(h)(1)(C)) is amended—

13           (1) by moving the margin of clause (iv) two ems  
14 to the left; and

15           (2) by adding at the end the following:

16                   “(v) If the Commission modifies the local  
17 market of a television broadcast station under  
18 section 343 by including a county in such mar-  
19 ket, the Commission shall include within the  
20 television market of such station for purposes of  
21 this section all of the communities within such  
22 county.”.

23       (c) EFFECT FOR PURPOSES OF SATELLITE CAR-  
24 RIAGE.—Section 122(j)(2) of title 17, United States Code,  
25 is amended by adding at the end the following:

1           “(E) MODIFICATION BY FCC.—If the Fed-  
2           eral Communications Commission modifies the  
3           local market of a television broadcast station  
4           under section 343 of the Communications Act  
5           of 1934, such modification shall modify the  
6           local market of such station as determined  
7           under this paragraph.”.

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