### Federal Communications Commission

#### § 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 surveys are taken for more than two-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 surveys are taken for more than two-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

<table>
<thead>
<tr>
<th>State and community</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
</table>
| 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"
| St. Johnsbury       | 44°25'16" | 72°01'13"
| Windsor             | 43°28'38" | 72°23'32"
| Virginia:           |          |           |
| Bristol             | 36°35'48" | 82°11'04"
| Charlottesville     | 38°01'52" | 78°28'50"
| Goldvein            | 38°26'54" | 77°39'19"
| Hampton             | 37°01'32" | 76°20'32"
| Harrisonburg        | 38°27'01" | 78°52'07"
| Lynchburg           | 37°24'51" | 79°08'37"
| Norfolk             | 36°51'10" | 78°17'21"
| Norton              | 36°56'05" | 82°37'31"
| Petersburg          | 37°13'40" | 77°24'15"
| Portsmouth          | 36°50'12" | 78°17'54"
| Richmond            | 37°36'15" | 77°26'09"
| Roanoke             | 37°16'13" | 79°56'44"
| Stoughton           | 38°09'02" | 79°04'34"
| Virgin Islands:     |          |           |
| Charlotte Amalie    | 18°20'36" | 64°55'53"
| Christianssted      | 17°44'44" | 64°42'21"
| Washington:         |          |           |
| Bellingham          | 48°45'02" | 122°28'36"
| Kennewick           | 46°12'28" | 119°08'32"
| Lakewood Center     | 47°07'37" | 122°31'15"
| Pasco               | 46°13'50" | 119°52'27"
| Pullman             | 46°43'42" | 117°10'46"
| Richland            | 46°16'36" | 119°16'21"
| Seattle             | 47°36'32" | 122°20'12"
| Spokane             | 47°39'32" | 117°25'33"
| Tacoma              | 47°14'59" | 122°26'15"
| Yakima              | 46°36'09" | 120°30'39"
| West Virginia:      |          |           |
| Bluefield           | 37°15'29" | 81°13'20"
| Charleston          | 38°21'01" | 81°37'52"
| Clarksburg          | 39°16'50" | 80°20'38"
| Grandview           | 37°49'28" | 81°04'20"
| Huntington          | 38°25'12" | 82°26'33"
| Morgantown          | 39°37'41" | 79°57'28"
| Oak Hill            | 37°58'31" | 81°06'45"
| Parkersburg         | 39°15'57" | 81°33'46"
| Weston              | 39°02'19" | 80°28'05"
| Wheeling            | 40°04'03" | 80°43'20"
| Wisconsin:          |          |           |
| Eau Claire          | 44°48'31" | 91°29'49"
| Fond Du Lac         | 43°46'35" | 88°26'50"
| Green Bay           | 44°30'48" | 88°00'50"
| Janesville          | 42°40'52" | 89°01'39"
| Kenosha             | 42°35'04" | 87°49'14"
| La Crosse           | 43°48'48" | 91°15'02"
| Madison             | 43°04'23" | 89°22'55"
| Milwaukee           | 43°02'19" | 87°54'15"
| Rhinelander         | 45°38'09" | 89°24'50"
| Superior            | 46°43'14" | 92°06'07"
| Wausau             | 44°57'30" | 89°37'40"
| Wyoming:            |          |           |
| Casper              | 42°51'00" | 106°19'22"
| Cheyenne            | 41°08'09" | 104°49'07"
| Rawlins             | 41°47'23" | 107°14'37"
| Riverton            | 43°01'29" | 108°23'03"

§ 76.54 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 in-
clude the name of the survey organiza-
tion and a description of the proce-
dures to be used. Objections to survey
organizations or procedures shall be
served on the party sponsoring the sur-
vey within twenty (20) days after re-
ceipt of such notice.

(d) Signals of television broadcast
stations not encompassed by the sur-
veys (for the periods May 1970, Novem-
ber 1970 and February/March 1971) used
in establishing appendix B of the Mem-
orandum Opinion and Order on Reconsid-
eration 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 inde-
pendent professional audience surveys
which cover three separate, consecu-
tive four-week periods and are other-
wise comparable to the surveys used in
compiling the above-referenced appen-
dix B: Provided, however, That such
demonstration shall be based upon au-
dience 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 sta-
tion’s local market, as defined by
§76.55(e) of this chapter, must provide
written notice to all television broad-
cast stations that are assigned to the
same local market as the intended sub-
scriber at least 60 days before com-
mencing retransmission of the signifi-
cantly viewed station. Such satellite
carriers must also provide the notifica-
tions 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 sta-
tion(s) as listed in the consolidated
database maintained by the Federal
Communications Commission.

(f) Satellite carriers that retransmit
the signal of a significantly viewed te-
levision broadcast station to a sub-
scriber located outside such station’s
local market must list all such sta-
tions 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 net-
work 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 condi-
tions provided in paragraphs (g)(3) and
(g)(4) of this section apply.

(1) Local service requirement. A sat-
ellite carrier may retransmit to a sub-
scriber 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 com-
pliance 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 sig-
nal of a significantly viewed station
only if such carrier also retransmits in
HD format the signal of a station lo-
cated in the local market of such sub-
scriber and affiliated with the same
network whenever such format is avail-
able 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 sub-
scriber the significantly viewed station
in HD format, and does not restrict a
satellite carrier from retransmitting to
a subscriber a significantly viewed sta-
tion in standard definition (SD) for-
mat.

(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
§ 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. Has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of the Communications Act of 1934, as amended; or

2. Is owned and operated by a municipality and transmits noncommercial programs for educational programs for educational purposes, as defined in §73.621 of this chapter, for at least 50 percent of its broadcast week.

(b) Qualified local noncommercial educational (NCE) television station. A qualified local NCE television station is a qualified NCE television station:

1. That is licensed to a community whose reference point, as defined in §76.53, is within 80.45 km (50 miles) of the principal headend, as defined in §76.5(pp), of the cable system; or

2. That is licensed to a community whose reference point, as defined in §76.53, is within 80.45 km (50 miles) of the principal headend, as defined in §76.5(pp), of the cable system; or

(c) Qualified noncommercial educational (NCE) television station.

2. Is owned and operated by a municipality and transmits noncommercial programs for educational programs for educational purposes, as defined in §73.621 of this chapter, for at least 50 percent of its broadcast week.

(3) This definition includes:

1. The translator of any NCE television station with five watts or higher power serving the franchise area,

2. A full-service station or translator if such station or translator is licensed to a channel reserved for NCE use pursuant to §73.606 of this chapter, or any successor regulations thereto, and

3. Such stations and translators operating on channels not so reserved but otherwise qualified as NCE stations.

Note to Paragraph (a): For the purposes of §76.55(a), “serving the franchise area” will be based on the predicted protected contour of the NCE translator.

(b) Qualified local noncommercial educational (NCE) television station.