

Calendar No.

106TH CONGRESS
2^D SESSION

S. 2454

[Report No. 106-]

To amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2000

Mr. BURNS (for himself and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 21, 2000

Reported by Mr. MCCAIN, with an amendment in the nature of a substitute
[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROVISION OF DIGITAL DATA SERVICES BY**
2 **LOW-POWER TELEVISION STATIONS.**

3 Section 336 of the Communications Act of 1934 (47
4 U.S.C. 336) is amended—

5 (1) by redesignating subsection (h) as sub-
6 section (i); and

7 (2) by inserting after subsection (g) the fol-
8 lowing:

9 “(h) LPTV PROVISION OF DIGITAL DATA SERV-
10 ICES.—

11 “(1) IN GENERAL.—A low-power television sta-
12 tion may utilize its authorized spectrum to provide
13 digital data services to the public by subscription.

14 “(2) NOTICE REQUIRED.—Before providing
15 such services under paragraph (1), a low-power tele-
16 vision station shall provide notice to the Commission
17 in such form and at such time as the Commission
18 may require.

19 “(3) PROTECTION FROM INTERFERENCE.—The
20 Commission may not authorize any new service, tele-
21 vision broadcast station, or modification of any ex-
22 isting authority that would result in the displace-
23 ment of, or predicted interference with, a low-power
24 television station providing such services.

25 “(4) PROTECTION OF TELEVISION SIGNALS.—
26 The Commission shall prevent interference with tele-

1 vision signal reception from low-power television sta-
2 tions providing such services.

3 ~~“(5) DIGITAL DATA SERVICE DEFINED. In this~~
4 ~~subsection, the term ‘digital data service’ includes~~

5 ~~“(A) digitally based interactive broadcast~~
6 ~~service; and~~

7 ~~“(B) wireless Internet access, without re-~~
8 ~~gard to whether such access is~~

9 ~~“(i) provided on a one-way or a two-~~
10 ~~way basis;~~

11 ~~“(ii) portable or fixed; or~~

12 ~~“(iii) connected to the Internet via a~~
13 ~~band allocated to Interactive Video and~~
14 ~~Data Service; and~~

15 without regard to the technology employed in deliv-
16 ering such service, including the delivery of such
17 service via multiple transmitters at multiple loca-
18 tions.”.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “LPTV Pilot Project Dig-*
21 *ital Data Services Act”.*

1 **SEC. 2. PILOT PROJECTS FOR PROVISION OF DIGITAL DATA**
2 **SERVICES BY LOW-POWER TELEVISION STA-**
3 **TIONS.**

4 *Section 336 of the Communications Act of 1934 (47*
5 *U.S.C. 336) is amended—*

6 *(1) by redesignating subsection (h) as subsection*
7 *(i); and*

8 *(2) by inserting after subsection (g) the fol-*
9 *lowing:*

10 *“(h) PILOT PROJECTS FOR LPTV PROVISION OF DIG-*
11 *ITAL DATA SERVICES.—*

12 *“(1) IN GENERAL.—Within 60 days after receiv-*
13 *ing a request (made in such form and manner and*
14 *containing such information as the Commission may*
15 *require) under this subsection from a low-power tele-*
16 *vision station to which this subsection applies, the*
17 *Commission shall authorize the licensee or permittee*
18 *of that station to provide digital data service subject*
19 *to the requirements of this subsection as a pilot*
20 *project to demonstrate the feasibility of using low-*
21 *power television stations to provide high-speed wire-*
22 *less digital data service, including Internet access to*
23 *unserved areas.*

24 *“(2) STATIONS TO WHICH SUBSECTION AP-*
25 *PLIES.—The low-power television stations to which*
26 *this subsection applies are as follows:*

1 “(A) *KHLM-LP, Houston, Texas.*

2 “(B) *WTAM-LP, Tampa, Florida.*

3 “(C) *WWRJ-LP, Jacksonville, Florida.*

4 “(D) *WVBG-LP, Albany, New York.*

5 “(E) *KHHI-LP, Honolulu, Hawaii.*

6 “(F) *KPHE-LP (K19DD), Phoenix, Ari-*
7 *zona.*

8 “(G) *K34FI, Bozeman, Montana.*

9 “(H) *K65GZ, Bozeman, Montana.*

10 “(I) *WXOB-LP, Richmond, Virginia.*

11 “(J) *WIIW-LP, Nashville, Tennessee.*

12 “(3) *PROCEDURE GOVERNING PILOT*
13 *PROJECTS.—Notwithstanding any requirement of sec-*
14 *tion 553 of title 5, United States Code, the Commis-*
15 *sion shall promulgate regulations establishing the pro-*
16 *cedures, consistent with the requirements of para-*
17 *graphs (4) and (5), governing the pilot projects for*
18 *the provision of digital data services by certain low*
19 *power television licensees within 120 days after the*
20 *date of enactment of LPTV Digital Data Services Act.*
21 *The regulations shall set forth—*

22 “(A) *requirements as to the form, manner,*
23 *and information required for submitting requests*
24 *to the Commission to provide digital data service*
25 *as a pilot project;*

1 “(B) procedures for testing interference to
2 digital television receivers caused by any pilot
3 project station or remote transmitter;

4 “(C) procedures for terminating any pilot
5 project station or remote transmitter or both that
6 causes interference to any analog or digital full-
7 power television stations, class A television sta-
8 tion, television translators or any other users of
9 the core television band;

10 “(D) specifications for reports to be filed
11 quarterly by each low power television licensee
12 participating in a pilot project;

13 “(E) procedures by which a low power tele-
14 vision licensee participating in a pilot project
15 shall notify television broadcast stations in the
16 same market upon commencement of digital data
17 services and for ongoing coordination with local
18 broadcasters during the test period; and

19 “(F) procedures for the receipt and review
20 of interference complaints on an expedited basis
21 consistent with paragraph (5)(D).

22 “(4) INTERFERENCE; COMPLIANCE WITH OTHER
23 REQUIREMENTS.—A low-power television station to
24 which this subsection applies may not provide digital
25 data service unless—

1 “(A) *the provision of that service, including*
2 *any remote return-path transmission in the case*
3 *of 2-way digital data service, does not cause any*
4 *interference in violation of the Commission’s*
5 *rules (as those rules were in effect on the date of*
6 *enactment of the LPTV Pilot Project Digital*
7 *Data Services Act), regarding interference caused*
8 *by low power television stations to full-service*
9 *analog or digital television stations, class A tele-*
10 *vision stations, or television translator stations;*
11 *and*

12 “(B) *the station complies with the Commis-*
13 *sion’s regulations governing safety, environ-*
14 *mental, and sound engineering practices, and*
15 *any other Commission regulation under para-*
16 *graph (3) governing pilot program operations.*

17 “(5) *SPECIAL RULES.—*

18 “(A) *IMPOSITION OF LIMITS ON DDS.—The*
19 *Commission may limit the provision of digital*
20 *data service by a low-power television station to*
21 *which this subsection applies if the Commission*
22 *finds that—*

23 “(i) *the provision of 2-way digital*
24 *data service by that station causes any in-*

1 *terference that cannot otherwise be rem-*
2 *edied; or*

3 *“(ii) the provision of 1-way digital*
4 *data service by that station causes any in-*
5 *terference.*

6 *“(B) MOVEMENT, MODIFICATION, AND USE*
7 *OF BOOSTER OR AUXILIARY TRANSMITTER LOCA-*
8 *TIONS.—*

9 *“(i) IN GENERAL.—Except as provided*
10 *in clauses (ii) and (iii), the Commission*
11 *shall grant any such station, upon applica-*
12 *tion (made in such form and manner and*
13 *containing such information as the Com-*
14 *mission may require) by the licensee or per-*
15 *mittee of that station, authority to move the*
16 *station to another location, to modify its fa-*
17 *cilities to operate on a different channel, or*
18 *to use booster or auxiliary transmitting lo-*
19 *cations, in order—*

20 *“(I) to operate within television*
21 *channels 2 through 51, inclusive; or*

22 *“(II) to demonstrate the utility of*
23 *low-power television stations to provide*
24 *high-speed 2-way wireless digital data*
25 *service.*

1 “(ii) *INTERFERENCE.*—*The Commis-*
2 *sion shall not grant the authority requested*
3 *under clause (i) if operations pursuant to*
4 *that grant of authority would cause inter-*
5 *ference to the allowable or protected service*
6 *areas of full service digital television sta-*
7 *tions, National Television Standards Com-*
8 *mittee assignments, or television translator*
9 *stations.*

10 “(iii) *COMPLIANCE WITH EXISTING*
11 *REGULATIONS REQUIRED.*—*The Commission*
12 *may not grant the authority requested*
13 *under clause (i) unless the grant of author-*
14 *ity is consistent with Commission regula-*
15 *tions in effect on the date of enactment of*
16 *the LPTV Pilot Project Digital Data Serv-*
17 *ices Act, relating to the movement, modi-*
18 *fication, and use of non-class A low power*
19 *television transmission facilities.*

20 “(C) *QUARTERLY REPORTS.*—*The Commis-*
21 *sion shall require quarterly reports from each*
22 *station authorized to provide digital data serv-*
23 *ices under this subsection that include—*

1 “(i) information on the station’s expe-
2 rience with interference complaints and the
3 resolution thereof;

4 “(ii) information on the station’s mar-
5 ket success in providing digital data service;
6 and

7 “(iii) such other information as the
8 Commission may require in order to ad-
9 minister this subsection.

10 “(D) *EXPEDITIOUS RESOLUTION OF COM-*
11 *PLAINTS.—The Commission shall resolve any*
12 *complaints of interference with television recep-*
13 *tion caused by any station providing digital*
14 *data service authorized under this subsection*
15 *within 60 days after the complaint is received by*
16 *the Commission.*

17 “(6) *FEEES.—The Commission shall assess and*
18 *collect from any low-power television station author-*
19 *ized to provide digital data service under this sub-*
20 *section an annual fee or other schedule or method of*
21 *payment comparable to any fee imposed under the*
22 *authority of this Act on providers of similar services.*
23 *Amounts received by the Commission under this*
24 *paragraph may be retained by the Commission as an*
25 *offsetting collection to the extent necessary to cover the*

1 *costs of developing and implementing the pilot pro-*
2 *gram authorized by this subsection, and regulating*
3 *and supervising the provision of digital data service*
4 *by low-power television stations under this subsection.*
5 *Amounts received by the Commission under this*
6 *paragraph in excess of any amount retained under*
7 *the preceding sentence shall be deposited in the Treas-*
8 *ury in accordance with chapter 33 of title 31, United*
9 *States Code.*

10 *“(7) DIGITAL DATA SERVICE DEFINED.—In this*
11 *subsection, the term ‘digital data service’ includes—*

12 *“(A) digitally-based interactive broadcast*
13 *service; and*

14 *“(B) wireless Internet access, without re-*
15 *gard to—*

16 *“(i) whether such access is—*

17 *“(I) provided on a one-way or a*
18 *two-way basis;*

19 *“(II) portable or fixed; or*

20 *“(III) connected to the Internet*
21 *via a band allocated to Interactive*
22 *Video and Data Service; and*

23 *“(ii) the technology employed in deliv-*
24 *ering such service, including the delivery of*

1 *such service via multiple transmitters at*
2 *multiple locations.*

3 “(8) *NO EXTRATEXTUAL TRUNCATION OF AU-*
4 *THORITY.—Nothing in this subsection limits the au-*
5 *thority of the Commission under any other provision*
6 *of law.”.*

7 **SEC. 3. ANNUAL REPORTS TO CONGRESS ON PILOT**
8 **PROJECTS.**

9 *The Federal Communications Commission shall sub-*
10 *mit a report to the Congress on June 30, 2001, and June*
11 *30, 2002, evaluating the utility of using low-power tele-*
12 *vision stations to provide high-speed digital data service.*
13 *The reports shall be based on the pilot projects authorized*
14 *by section 336(h) of the Communications Act of 1934 (47*
15 *U.S.C. 336(h)).*

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