

What is a waiver?

A waiver is the obsolete process where a local TV station audited the direct broadcast satellite company's subscriber requests for reception of network programming from another city. On November 7, 2003 the Dish network began carrying the Albany stations on a new satellite. DirecTV followed with the Albany stations on June 4, 2004. If you live in the Albany TV market, waivers are not required to obtain access to Albany stations from either satellite company. Sometimes the term "your local stations" is used to imply access specifically to the Albany TV stations; sometimes it is intended to mean the networks such as CBS, NBC, ABC, and Fox. It can be confusing because the satellite companies use the term both ways.

New Waiver Rules

In December 2004 Congress eliminated the waiver process for satellite viewers located in local-in-local markets. The Albany Market is defined by Nielsen as the counties of Albany, Schenectady, Rensselaer, Saratoga, Montgomery, Columbia, Fulton, Greene, Schoharie, Warren, Washington, and Hamilton in NY plus Berkshire, MA and Bennington, VT. The TV stations in the Albany market are now available from both Dish network and DirecTV. This means that viewers in these counties no longer need waivers to watch network programming via satellite because the WRGB signal is available from the satellite. The original reason for waivers, to obtain network TV via satellite instead of over the air, is no longer valid. For this reason, WRGB no longer grants waivers within the 14 Albany market counties. If you wish to watch CBS programs via satellite it is the responsibility of your programming provider to deliver WRGB to you via satellite.

DirecTV viewers in Southern Columbia County and some of Berkshire County:

The DirecTV 7S Satellite uses spot beams to send signals to Albany area viewers. The spot beam is aimed at a small area on the earth. DirecTV feels that the signal strength of the spot beam is too weak in Southern Columbia County and some of Berkshire County. If you are in these areas, DirecTV won't sell you the local Albany stations. They do not have a solution for reception of Albany stations at this time. Dish network does not use spot beam technology for the Albany stations. DirecTV users may want to switch to Dish Network, use CATV, or install an outdoor TV antenna. The inability to receive a signal from the satellite is not a valid reason for an over-the-air waiver. In the past WRGB would grant waivers in locations where reception was possible, but difficult, knowing that WRGB would soon be available from the satellite vendor and would be an acceptable solution for both the viewer and WRGB. That consideration is no longer valid. WRGB has made measurements of the signal of DirecTV's spot beam signal in Berkshire County and Columbia County. The signal quality measures approximately the same as here is Niskayuna. We have advised

DirecTV of the results of our satellite signal tests. We don't know why they continue to deny delivery of WRGB to you. In summary, DirecTV has two problems, they feel that they have a flawed satellite, and will not accept WRGB's measurements that prove that the satellite is working normally.

Satellite Reception Difficulties:

Some viewers have complained to WRGB that their satellite installer was unable to receive a signal from the satellite that carries the Albany Market stations. These satellites are located further west than the satellites used for the basic programming tier. Please be aware that the Dish Network and DirecTV are independent companies with no affiliation to WRGB. We do not have any influence on their business. We are not able to help you obtain proper customer service from your programming provider. Satellite dish installers are usually independent contractors with varying degrees of expertise. If your installer is unable to acquire the satellite with WRGB's signal on it you should contact your satellite provider. Your dish may need to be placed in an unusual location such as on top of a small tower to see the satellite. In the event of satellite reception difficulties and you would like to watch CBS programming, your options are CATV or over the air reception. The old waiver process that was used to audit the over-the-air signal strength of WRGB has nothing to do with reception of satellite signals. Please do not expect that a waiver will be granted because of satellite problems.

History of Waivers:

The first TV stations that were transmitted via satellite did so in order to deliver their programming to distant cable systems. The signal sent by these stations was not scrambled. The video could be received with expensive dishes and commercially available analog receivers. In addition to a cable feed, ranches and small rural communities located in the middle of nowhere could watch network television for the first time. The availability of multiple TV programs was a boon to these disenfranchised viewers and helped the TV stations.

Other TV viewers around the country learned that they could watch these distant stations via satellite instead of their local affiliates. This activity threatened the essence of local TV and the television network franchise. For this reason, the network affiliates who wanted to transmit their signal via satellite were required by the networks to encrypt the signal. The encryption equipment blocked the viewing of network programming by individuals. Families in very rural areas complained to Congress about their loss of television. Congress allowed these unserved households to continue watching television via satellite if they could not receive TV over the air and purchased the proper decryption equipment. Congress did not set a legal standard for over the air reception, so the satellite companies often accepted any request, even if the reasoning was flawed.

Lawsuits over Ineligible Reception:

At this point ABC, CBS, NBC and Fox noticed that there was unusual importation of distant TV signals and sued to stop the practice. The case was decided in favor of the networks and their affiliates. An appeal was filed, but the satellite companies were awarded only a "grandfathering period" to switch off unlawfully imported networks.

Congress Acts again:

Congress has attempted to put order into the process. The next law controlling unserved TV households was called the Satellite Home Viewer Act, or SHVA. For the first time, a broadcaster was required to audit the satellite companies to insure that distant signals were given to those who truly qualified. This audit process is known as "waivers". The SHVA set over-the-air signal guidelines for an unserved household. It did not set standard measurement methods, nor an appeal process. Some viewers even tried to put the broadcasters in the no-win position of arguing with the viewer over waivers.

SHVIA replaces SHVA:

The Satellite Home Viewer Improvement Act or SHVIA replaced the SHVA rules. The SHVIA law created a process for subscribers to request waivers directly from the satellite provider instead of through the broadcaster. SHVIA standardized the testing procedure as five locations around the home, defined antenna heights at 20' for one story houses and the FCC standard of 30' in other cases. In cases of dispute, a viewer could request a signal test from their satellite provider. The satellite company would notify the broadcaster of the challenge and hire an independent signal tester to see if the home qualified for distant signals. Should the home be able to receive the signal over the air, the homeowner was required to pay the fees for the independent signal measurer. The SHVIA law expired at the end of 2004.

SHVERA replaces SHVIA

The latest update to the Satellite Home Viewing Act is called the Satellite Home Viewer Extension Reauthorization Act. The essence of this law is to acknowledge the expansion of Local-into-Local satellite coverage into all of the larger markets. The original argument for out-of-market reception via satellite is moot. If you live in the Albany Television Market, you must receive CBS from WRGB. The satellite companies have a limited time period to turn off all grandfathered out-of-market waivers in areas where local stations are available via satellite. Any access to distant programming that you have cannot be extended past that deadline.

High Definition:

WRGB was the first station in Albany to transmit HDTV over the air. As a part of the transition to digital television broadcasters are required to operate two transmitters, one analog and one digital. Our analog signal is on VHF channel 6; the digital transmitter is on UHF channel 39. VHF signals tend to travel beyond hills better than UHF. For this reason we have constructed a taller tower to make it possible for most locations that can receive channel 6 to receive our UHF HDTV signal. At some point in the future analog transmitters will be turned off. WRGB has opted to return to channel 6 after analog transmissions have ended. If you are considering installing an over the air antenna for HDTV, you may want to include channel 6 capability. The Dish Network does not have plans to carry the Albany local stations in Hi-Def via satellite; DirecTV has announced an HDTV local station plan for launch in 2006 that should include Albany stations. If you want CBS in HD, you must have your own over the air antenna, subscribe to Time Warner cable, or be located within one of the Adelphia franchise areas.

For help selecting an over the air antenna please see

<http://www.starkelectronic.com/cmig.htm>

and

<http://www.antennaweb.org>

In some cases, Antennaweb may not show reception of WRGB-DT. In order to make antenna suggestions, Antennaweb uses a modest antenna without a preamp, adds feedline loss, and assumes additional noise added by the TV set. The use of a high gain antenna such as a Channel Master 4228 with a low noise preamp usually results in reception, even in difficult areas.

Summation:

The new SHVERA law virtually eliminates the waiver process for local viewers. Only viewers outside of local-into-local markets, such as Utica, NY, who cannot receive network programming over the air are eligible for waivers. If you have further questions please call your satellite company.