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FISCAL IMPACT REPORT

SPONSOR Cervantes **DATE TYPED** 2/24/05 **HB** HJM 76

SHORT TITLE Dona Ana in Single-State Market Area **SB** _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
Economic Development Department (EDD)

SUMMARY

Synopsis of Bill

House Joint Memorial 76 requests the New Mexico Congressional Delegation initiate and proceed with legislation to create a single-state designated marketing area and provide for the convenient access of the Albuquerque television broadcasting signals for Dona Ana county residents".

Significant Issues

The memorial finds that "Dona Ana county TV viewers "currently receive only El Paso, Texas, television broadcast signals" due to "antiquated" FCC restrictions and that those viewers should be able to receive both Albuquerque and El Paso broadcasts.

The AGO provided the following:

The Cable Television Consumer Protection Act of 1992 amended several sections of the Communications Act of 1934 to impose "must-carry" provisions on cable television operators. Those provisions require cable operators to carry "local commercial television stations" who are broadcasting within the operator's television market as deter-

House Joint Memorial 76 -- Page 2

mined by the Federal Communications Commission (FCC) A designated market area (DMA) is a geographic market designation that defines each television market exclusive of others, based on measured viewing. Television stations may file complaints with the FCC asking that agency to impose mandatory carriage rights on cable operators. The FCC will consider signal strength and viewership when deciding those complaints. This memorial presumes that the FCC has determined that the DMA for El Paso includes Dona Ana County.

It is uncertain that the special federal legislation called for by this memorial is an appropriate means of over-riding the Nielson DMA determination of the El Paso market area. Television stations broadcasting from Albuquerque may file complaints with the FCC in order to impose mandatory carriage rights if they believe their DMA should include Dona Ana County.

DW/lg