

ORIGINAL

MM00-39

RECEIVED



Federal Communications Commission
Washington, D.C. 20554

AUG 27 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AUG 20 2001

EX PARTE OR LATE FILED

CN0102718

The Honorable Frank H. Murkowski
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

Thank you for forwarding the recent letter from your constituent, Ms. Danalee Orcutt, regarding the transition to digital television (DTV). She suggests that the Commission allow smaller market or publicly-supported stations the option of returning their digital channels now and delaying their conversion from analog to digital operation until the 2006 DTV transition deadline.

In establishing service rules for the DTV transition, the Commission expressly rejected requests that it allow smaller market and noncommercial stations to make an immediate transition to digital television at the end of the transition, eliminating the need to construct and operate a second facility during the transition. While sensitive to the economic challenges facing small market broadcasters and the funding problems facing noncommercial stations, the Commission rejected this approach as undermining its concurrent DTV and analog broadcasting policy, including simulcasting, which was premised on broadcasters operating an NTSC and a DTV station until the end of the transition. The Commission noted, however, that it could revisit this conclusion during any of its DTV periodic reviews.

There is a process stations may use to seek an extension of the DTV construction deadline. In the *Fifth Report and Order* with respect to DTV, the Commission noted that it will grant an extension of the construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the licensee's control if the licensee has taken all reasonable steps to resolve the problem expeditiously. Such circumstances include, but are not limited to, the inability to construct and place in operation a facility necessary for transmitting DTV, such as a tower, because of delays in obtaining zoning or FAA approvals, or similar constraints, or lack of equipment necessary to transmit a DTV signal. The Commission delegated authority to the Mass Media Bureau to grant two such six-month extensions of time, after which extension requests will be referred to the Commission.

The Commission is currently considering petitions for reconsideration of the *Report and Order* in the first DTV periodic review proceeding. Some of these petitions have asked the Commission to extend the applicable construction deadlines for stations in smaller markets, citing costs and hardship, and those petitions are pending.

No. of Copies rec'd 2
E1A500E

The Commission will include your constituent's letter in the record of the DTV periodic review proceedings and consider all views carefully. I hope this is responsive to your concerns.

Sincerely,



Roy J. Stewart
Chief, Mass Media Bureau

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:

RANKING MEMBER
ENERGY AND NATURAL RESOURCES

FINANCE

VETERANS' AFFAIRS
INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0202

(202) 224-6665

(202) 224-5301 FAX

222 WEST 7TH AVENUE, BOX 1
ANCHORAGE, AK 99513-7570
(907) 271-3735

101 12TH AVENUE, BOX 7
FAIRBANKS, AK 99701-6278
(907) 456-0233

P.O. Box 21647
JUNEAU, AK 99802-1647
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350
KENAI, AK 99611-7716
(907) 283-5808

540 WATER STREET, SUITE 101
KETCHIKAN, AK 99901-6378
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

July 31, 2001

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

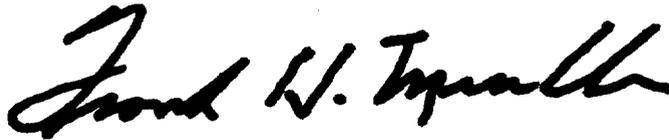
*MMB
DN
27/8*

Dear Chairman Powell:

Enclosed please find a letter which I received from Danalee Orcutt of Ketchikan, AK. She has contacted me regarding the requirement that television stations upgrade to digital broadcasts. I would appreciate it if you would address her concerns and questions.

Thank you for your time and attention to this matter.

Sincerely,



Frank H. Murkowski
United States Senator

Enclosure

AUG 8 9 28 AM '01

DANALEE ORCUTT, PO Box 7200, Ketchikan AK 99901-2200

01 JUL -2 AM 9:59

June 25, 2001

The Honorable Frank Murkowski
United States Senate
Washington, D.C. 20510

**SUBJECT: Support for Modification of the DTV Build-Out Deadline
of May 1, 2002, and the Early Return of the Digital Channel
Allowing for a Prompt Auction**

Dear Senator Frank Murkowski:

I am a supporter of the Trinity Broadcasting Network (TBN) and all smaller market and independent television stations around the country who, by government mandate, must build a digital channel by May 1, 2002. The government's plan simply does not provide sufficient time for such an undertaking, and is unfair to stations like TBN which are publicly supported and need a longer time to plan for the enormous expense of building and operating another channel.

At present, fewer than 200 of the more than 1600 television stations in the nation have built digital channels, and most of those are in the major television markets. Stations in the smaller markets simply need more time to complete their build-out. Also, there are very few viewers who have digital tuners that can receive this service, so Congress should not punish the independent stations by obligating them to spend the millions of dollars required to build and operate a digital station when no one is watching.

To accommodate the smaller market and independent stations, I am asking you to support giving those smaller stations an option of returning their digital channel now, which would allow for an early auction of the retrieved frequency by the government. Electing stations would then be relieved of the May 1, 2002 build-out deadline, and allowed to convert to a digital operation by the December 31, 2006 transition deadline for all analog stations.

I hope you will act to help in this important matter. I would appreciate a response.

Respectfully,

Danalee Orcutt
Danalee Orcutt

135770