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Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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The Honorable Nick J. Rahall, II
Member, U.S. House of Representatives
106 Main Street
Beckley, WV 25801-4698

Dear Congressman Rahall:

Thank you for forwarding the recent letter from your constituent, Mr. Michael Estep, regarding the transition to digital television (DTV). He suggests that the Commission allow stations the option of returning their digital channels now and delaying their conversion from analog to digital operation.

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.

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DATE

Page 2—The Honorable Nick J. Rahall, II

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

NICK J. RAHALL II
3d DISTRICT, WEST VIRGINIA

COMMITTEE ON RESOURCES
DEMOCRATIC LEADER
ENERGY AND MINERAL RESOURCES

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS AND TRANSIT
RAILROADS
AVIATION

Email: nrahall@mail.house.gov
Internet: http://www.house.gov/rahall

Congress of the United States
House of Representatives
Washington, DC 20515-4803

2307 RAYBURN BUILDING, WASHINGTON, DC 20515-4803
(202) 225-3452

106 MAIN ST., BECKLEY, WV 25801-4698
(304) 252-5000

845 FIFTH AVE., ROOM 152
HUNTINGTON, WV 25701-2086
(304) 522-NICK

601 FEDERAL ST., ROOM 1005
BLUEFIELD, WV 24701-3033
(304) 325-6222

R K BUILDING, 45 WASHINGTON AVE
LOGAN, WV 25601-3900
(304) 752-4934

101 NORTH COURT ST., P.O. BOX 5
LEWISBURG, WV 24901-0005
(304) 647-3228

August 2, 2001

MMB
DTV
2739

William E. Kennard, Chairman
Federal Communications Commission
445-12th Street, S. W.
Washington, DC 20554

Dear Mr. Kennard:

I am writing to you on behalf of Mr. Michael Estep, regarding the concerns he has raised in his inquiry of me. Please refer to enclosure..

Since this matter is under your jurisdiction, I am referring it to you for your full consideration. Once you have reviewed the information, please contact me at the Beckley office at the address listed above.

Please feel free to call upon me anytime that I can be of assistance.

With warm regard, I am

Sincerely,



NICK J. RAHALL, II
Member of Congress

NJR/jlj

Enclosures

Belle

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WASHINGTON FIELD

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JUL 20 2001

Received

Cleveland District Office

Michael C. Estep
P.O. Box 1622
Oceana, WV 24870
July 1, 2001

The Honorable Nick Joe Rahall
House Office Building
United States House of Representatives
Washington, DC 20515

RE: 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 Representative Rahall:

My name is Mike Estep and I live in Wyoming County, West Virginia.

I am a supporter of the Trinity Broadcasting Network (TBN) and I am writing
you concerning your support for the above referenced modification.

TBN is in the business of proclaiming the gospel of Christ around the world, and
operates from the gifts and offerings of supporters like myself. As I understand it, they
will have to spend approximately 145 million dollars to build digital channels when less
than 2 % of the people have Digital TV. This money could be used far more efficiently
elsewhere.

I ask your support for modification of the DTV Build-out Deadline of May 1, 2002.
I am praying that God will give you Wisdom in making your decision.

Sincerely,

Michael Estep

Michael Estep