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Federal Communications Commission  
Washington, D.C. 20554

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AUG 27 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CN0102546

The Honorable Bob Graham  
United States Senator  
2252 Killearn Center Boulevard, Suite 300  
Tallahassee, FL 32309-3573

Dear Senator Graham:

Thank you for forwarding the recent letters from your constituents, Ms. Sandra L. Casey and Dr. and Mrs. Alva E. Wyatt, regarding the transition to digital television (DTV). They suggest 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 stated that it did not anticipate that the circumstance of "lack of equipment" would include the cost of such equipment. 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

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Page 2- The Honorable Bob Graham

Commission to extend the applicable construction deadlines for stations in smaller markets, citing costs and hardship, and those petitions are pending.

The Commission will include your constituents' letters 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

BOB GRAHAM  
FLORIDA

**United States Senate**  
WASHINGTON, DC 20510-0903

COMMITTEES:  
FINANCE  
ENVIRONMENT AND  
PUBLIC WORKS  
VETERANS AFFAIRS  
SELECT COMMITTEE ON  
INTELLIGENCE  
ENERGY AND NATURAL  
RESOURCES

July 26, 2001

Mr. Paul A. Jackson  
Director  
Federal Communications Commission  
Office of Legislative Affairs  
445 12th Street Southwest  
Washington, D.C. 20045

*MMB  
DN  
2546*

Dear Mr. Jackson:

Enclosed are letters from Ms. Sandra L. Casey and Dr. and Mrs. Alva E. Wyatt.

I would appreciate your reviewing the information that has been presented and providing me with your comments. Please address your reply to my state office:

**United States Senator Bob Graham**  
**2252 Killearn Center Boulevard, Suite 300**  
**Tallahassee, Florida 32309-3573**  
**Attention: Becky Liner**

**Telephone: (850) 907-1100**  
**Facsimile: (850) 894-3222**

Your cooperation and assistance are greatly appreciated. I look forward to hearing from you soon.

With kind regards,

Sincerely,



United States Senate

BG/bsl

Enclosure

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CMRA

~~2549003~~  
CSK

Ms. Sandra L. Casey  
990 Sunset Avenue  
Bartow, Florida 33830

June 27, 2001

The Honorable Bob Graham  
524 Hart Senate Office Building  
Washington, DC 20510

REF: 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 Graham:

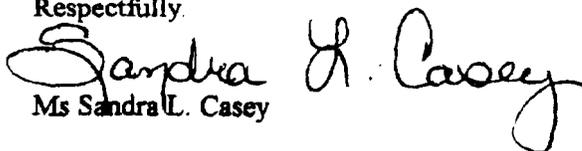
I am a supporter of the Trinity Broadcasting Network (TBN) and all smaller market and independent television stations around the country who, by government mandate, must build a digital channel by May 1, 2002. The government's plan simply does not provide sufficient time for such an undertaking, and 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 than 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,

  
Ms Sandra L. Casey

CM/M

~~2549017~~  
CSK

Dr. and Mrs. Alva E. Wyatt  
1050 Sunset Avenue  
Bartow, Florida 33830

June 27, 2001

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524 Hart Senate Office Building  
Washington, DC 20510

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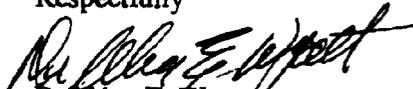
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Respectfully



Dr. Alva E. Wyatt

Mrs. Ruth C. Wyatt

