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Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CN0102638

The Honorable James M. Inhofe
United States Senate
453 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for forwarding the recent letter from your constituent, Ms. Zelda Rowlett, regarding the transition to digital television (DTV). She suggests that the Commission allow smaller or publicly-supported stations the option of returning their digital channel 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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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 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

United States Senate

MMP
DTN
2638

Respectfully Referred to:

Aug 30 10 30 AM '01
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Please Respond To:

Office of Senator Jim Inhofe
453 Russell Building
Washington, D.C. 20510
(202) 224-4721

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with the return of the enclosure, will be appreciated by



James M. Inhofe, U.S.S.

Author: nobody@wl.senate.gov at Internet
Date: 6/25/2001 12:50 PM
Normal
TO: webform at Inhofe-DC
Subject: www_email

----- Message Contents

<APP>SCCMAIL
<PREFIX>Miss</PREFIX>
<FIRST>Zelda</FIRST>
<LAST>Rowlett</LAST>
<ADDR1>1717 E. 71st Pl. #2515</ADDR1>
<ADDR2></ADDR2>
<CITY>Tulsa</CITY>
<STATE>OK</STATE>
<ZIP>74136</ZIP>
<HPHONE></HPHONE>
<WPHONE></WPHONE>
<EMAIL>brazlnut75@hotmail.com</EMAIL>
<MSG>Dear Senator Inhofe:

I am a supporter of Trinity Broadcasting Network and agree that they should build a digital channel but not by May 1, 2002. This is not enough time and it is unfair to smaller stations like TBN which are publicly supported and need a longer time to plan for the enormous expense.

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 markets. Stations in smaller markets simply need more time. Congress should not punish the 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. This action would relieve stations of the May 1, 2002 build-out deadline and would allow stations to convert to a digital operation by Dec. 31, 2006 for all analog stations.

Thank you for considering this serious matter at hand. God Bless.

Sincerely yours,

Zelda Rowlett</MSG>
<TOPIC>Telecommunications</TOPIC>
</APP>