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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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CN0103536

Ms. Sandi K. Wandersee  
148 Vista Villa  
Waseca, MN 56093

Dear Ms. Wandersee:

Senator Paul D. Wellstone has asked us to respond to your recent e-mail letter regarding the transition to digital television (DTV). You suggest that the Commission allow smaller stations the option of returning their digital channels now and delaying their conversion from analog to digital operation until the 2006 DTV transition deadline. You also express your concern that it may be necessary to purchase new equipment to receive DTV programming.

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. The Commission will include your letter in the record of the DTV periodic review proceedings and consider all views carefully.

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With respect to the need for new equipment, during the lengthy transition period to DTV, consumers who wish to rely on analog program service do not have to purchase digital television sets or converters for their current analog sets. These consumers will get many more years of service during the useful lives of their existing sets. Just as color television sets were very expensive when first introduced, new digital -television receivers are now expensive, but, by the end of the transition period, currently expected to be December 31, 2006, unless extended pursuant to statutory criteria, prices for new digital sets are expected to be more affordable. Additionally, converters can be used with existing televisions to view digital programs, so existing televisions will not be made obsolete by conversion to digital television. (Although viewers using such converters will be able to receive programming broadcast digitally, they will not have access to digital quality enhancements.) Equipment manufacturers estimate that the costs of converters will fall below \$100 before the end of the transition period.

I hope this is responsive to your concerns.

Sincerely,

  
Roy J. Stewart  
Chief, Mass Media Bureau

PAUL D. WELLSTONE  
MINNESOTA

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United States Senate  
WASHINGTON, DC 20510-2303

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September 19, 2001

MHB  
DTU  
3536

Paul A. Jackson  
Acting Director, Office of Legislative Affairs  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 8-C453  
Washington, DC 20554

Dear Mr. Jackson:

The attached communication is for your consideration and whatever action, if any, you might deem appropriate. I would appreciate it if you would respond to Sandi Wandersee directly regarding this matter.

Thank you very much for your time.

Sincerely,



Paul David Wellstone  
United States Senator

PDW:am

Enclosure

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**Sen. Wellstone -MN**

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**From:** nobody@w1.senate.gov[SMTP:nobody@w1.senate.gov]  
**Sent:** Friday, June 22, 2001 11:21 PM  
**To:** Sen. Wellstone -MN  
**Subject:** www\_email

Ms.  
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swandersee1@excite.com

Other  
RE: Support for modification of the DTV build out deadline  
Dear Senator Wellstone:

I am a supporter of the Trinity Broadcasting Network (TBN) and other independent stations, who, by government mandate, must build digital channels by May 2002. This does not allow enough time for them to attempt such an undertaking. They need time to raise the funds for the enormous expense of building and operating another channel.

Stations need more time. Also as a non-digital viewer, I would be required to purchase other means of viewing. I now have to have cable at such a ridiculous price per month for what we receive, just to even get the channels I have now.

I ask that you give the smaller stations an option of returning their digital channel now, which allows for an early auction of the retrieved frequency by the government; allowing them to convert to digital by Dec. 2006 for all analog stations.

I know we all have to keep up with technology, but please don't punish the independent stations by requesting change at an alarming pace and price. I appreciate your taking the time to look into this, and will be waiting to hear from you. Thank you, Sandi K. Wandersee

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