

INSTRUCTIONS FOR FCC 383

DIGITAL CHANNEL ELECTION
FOR TELEVISION BROADCAST STATION:
FIRST ROUND CONFLICT DECISION

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as "licensees") participating in the channel election process in order to identify an in-core Digital Television (DTV) Channel for post-transition DTV operation. Specifically, the purpose of this FCC Form 383, First Round Conflict Decision Form, is for first round electors that were notified by the Commission that their channel election results in an interference conflict to make a decision concerning their interference conflict. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. No fee is required for submission of this form.
- B. This FCC Form must be filed by [REDACTED]. All TV broadcast licensees required to make a first round conflict decision in the digital channel election process must file this FCC Form. Licensees that do not submit this FCC Form by the deadline will be assigned a channel by the Commission for post-transition DTV operation. (Such assignment may be made at the end of the channel election process.)
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73, "Television Broadcast Services".
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User's

Guide, which can be accessed from the electronic filing web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. If engineering information is being provided by the licensee on Schedule B, its authorized engineering representative, if any, must also sign the form, as indicated. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee's disability or absence from the United States. See 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. See 47 C.F.R. § 73.3564(b).

INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

2. **Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the licensee must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC channel. Single channel broadcasters should indicate "Not Applicable," where appropriate.

Contact Information.

4. **Item 4: Contact Representative.** If the licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees making a conflict decision must select "5.a." Licensees filing an amendment to their conflict decision form must select "5.b." This FCC Form, whether as a conflict decision or amendment, will not be accepted after the filing deadline.

**INSTRUCTIONS FOR SECTION II:
CONFLICT DECISION**

1. **Item 1: FCC Letter Reference Number.** Licensees must indicate the reference number of the FCC Letter that notified them about their interference conflict.

First Round Conflict Decision.

2. **Item 2: Conflict Decision.** First round electors that were notified by the Commission that their channel election results in an interference conflict are required to make a decision concerning their interference conflict. Such first round electors have three choices:
- Decide to keep their first round election and certify that they have resolved their interference conflict by (i) negotiating a conflict resolution or settlement agreement and/or (ii) reducing facilities or other technical modification;
 - Decide not to keep their first round election and change their election to their assigned in-core DTV channel; or
 - Decide not to keep their first round election and make no election at this time, and instead elect to participate in the second round of elections.

Licensees deciding to keep their first round election must select "2.a." Licensees demonstrating resolution of their interference conflict by negotiating a conflict resolution or settlement agreement must select "2.a.i." and complete Schedule A. Licensees must list on Schedule A the name(s), call sign(s) and facility ID numbers of all parties to the agreement. Submission of Schedule A constitutes certification that all parties listed have agreed to the negotiated conflict resolution agreement. The Commission may request submission of a copy of the Negotiated Conflict Resolution Agreement signed by all parties, if needed. The agreement must also comply with 47 C.F.R. § 73.623(g). All parties to the Negotiated Conflict Resolution Agreement must supply their proposed facility's engineering information upon request.

Licensees demonstrating resolution of their interference conflict by submitting technical engineering data must select "2.a.ii." and complete Schedule B - DTV Engineering. Licensees must select both "2.a.i." and "2.a.ii" if applicable.

Licensees deciding to change their election back to their assigned DTV channel must select "2.b." Licensee must input its new channel election (i.e., assigned DTV channel), where indicated. Post-transition rights to in-core channel(s) assigned to the licensee for this station but not elected will be released if the Commission tentatively designates the channel elected.

Licensees deciding not to keep their first round election and instead make no election at this time must select "2.c." By doing so, licensees immediately release the post-transition rights to their assigned channel(s) for this station in order to participate in the second round of elections. This option is

available only to one-in-core licensees and two low-VHF licensees (*i.e.*, those with two currently assigned channels in 2 through 6).

International Coordination.

3. Item 3: International Coordination Pending Issue.

Licensee must answer whether it is electing a channel that is subject to a pending international coordination issue. This is not a broad inquiry as to whether the channel is subject to coordination, but rather a narrow question to determine whether an international coordination issue is preventing the licensee from obtaining its desired facilities. If yes, licensee must attach as an Exhibit to this form an explanation about its pending international coordination issue.

collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (██████████), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of ██████████.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to participate in the digital channel election process.

We have estimated that each response to this collection of information will take from ██████████. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the

INSTRUCTIONS FOR FCC 383 SCHEDULE A

SCHEDULE A
FOR NEGOTIATED CONFLICT RESOLUTION AGREEMENT:

SCHEDULE A INSTRUCTIONS

- A. This Schedule A is to be used with FCC Form 383, the Digital Channel Election for Television Broadcast Station: First Round Conflict Decision Form. Complete this Schedule if involved in a negotiated conflict resolution agreement.
- B. Submission of this Schedule constitutes certifications that all parties listed in Item 1 have agreed to the negotiated conflict resolution agreement.
1. **Item 1: List of Parties to Agreement.** Licensee/permittee must provide the name(s), call sign(s) and facility ID number(s) of all parties involved in the negotiated conflict resolution agreement.
 2. **Item 2: Additional Submissions.** Licensees/permittees must provide a signed copy of the Negotiated Conflict Resolution Agreement and/or engineering information to the FCC upon request.

NOTE: The negotiated conflict resolution agreement is valid only upon Commission approval. The Commission will review the negotiated arrangement for anti-competitive effects and significant levels of interference that would affect service to viewers. The negotiated conflict resolution agreement must also comply with 47 C.F.R. § 73.623(g).

See the FCC 383 Main Form Instructions for public burden estimate.

INSTRUCTIONS FOR FCC 383 SCHEDULE B

SCHEDULE B FOR DTV ENGINEERING DATA:

SCHEDULE B INSTRUCTIONS

- A. This Schedule B is to be used with FCC Form 383, the Digital Channel Election for Television Broadcast Station: First Round Conflict Decision Form. Complete this Schedule if you are reducing or otherwise modifying facilities to eliminate an interference conflict.

Tech Box

1. Licensee/permittee certifies that the facility specifications listed in the Tech Box demonstrates elimination of interference conflict.

The licensee/permittee must ensure that the facility specifications listed in items 1-10 of the Tech Box are accurate. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

Licensee/permittee will be required to submit an application for DTV allotment at the appropriate time and must comply with relevant Commission rules.

See the FCC 383 Main Form Instructions for public burden estimate.

FCC 383

DIGITAL CHANNEL ELECTION FORM FIRST ROUND CONFLICT DECISION

Must Be Filed by _____ [DATE] _____

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

2. FCC Registration Number	
Call Sign	Facility ID Number
Community of License: City	State

3. Currently Assigned Channels:

a. DTV Channel Not Applicable

b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative		Firm or Company Name
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Purpose of Form:

5. The purpose of the First Round Conflict Decision Form is for first round electors that were notified by the Commission that their channel election results in an interference conflict to make a decision concerning resolution of their interference conflict. **(SELECT ONE)**

a. Conflict Decision b. Amendment

SECTION II -- CONFLICT DECISION

All television broadcast licensees and permittees notified by the Commission about an interference conflict are required to file a conflict decision form. Licensees/permittees that do not submit a required conflict decision form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

- 1. By the filing of this form, licensee/permittee hereby acknowledges receipt from the Commission of information regarding the nature of its interference conflict.

(indicate FCC Letter reference number here)

First Round Conflict Decision:

- 2. Licensee/permittee makes the following decision about its interference conflict: **(SELECT ONE)**

- a. Licensee/permittee decides to maintain its first round channel election and certifies that it has resolved its interference conflict(s), as demonstrated by its submission of: **(Select at least one and all that apply)**

- (i) a negotiated conflict resolution agreement. Licensee/permittee must complete **Schedule A.**

- (ii) technical engineering data. Licensee/permittee must complete **Schedule B - DTV Engineering.**

- b. Licensee/permittee decides not to maintain its first round channel election and changes its election for final DTV operation to its currently assigned in-core DTV channel:

(indicate channel number).

NOTE: Post-transition rights to the in-core NTSC channel currently assigned to the licensee/permittee for this station are released upon licensee/permittee receipt of a Commission tentative channel designation.

- c. Licensee/permittee decides not to maintain its first round channel election and makes no channel election in the first round; accordingly, licensee/permittee elects to participate in the second round of elections.

NOTE: Post-transition rights to in-core channel(s) currently assigned to the licensee/permittee for this

International Coordination:

- 3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue?

YES NO

If yes, licensee/permittee must attach an explanation as an Exhibit to this form.

Exhibit No.

SECTION III

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

CONFLICT DECISION FORM SCHEDULE A

SCHEDULE FOR NEGOTIATED CONFLICT RESOLUTION AGREEMENT

Licensees/permittees must complete this Schedule if they are involved in a negotiated conflict resolution or settlement agreement to resolve an interference conflict. The purpose of this Schedule is for licensees/permittees to provide details concerning their negotiated conflict resolution agreement.

1. Licensee/permittee has entered into a negotiated conflict resolution agreement with the following licensee(s)/permittee(s): (provide name(s) and call sign(s) as necessary)

	Licensee/Permittee Name	Call Sign	Facility ID. No.
a.			
b.			
c.			
d.			
e.			
f.			
g.			

2. Licensee/permittee must provide a copy of the Negotiated Conflict Resolution Agreement and/or engineering information to the FCC upon request.

FCC 383

CONFLICT DECISION FORM SCHEDULE B

SCHEDULE FOR DTV ENGINEERING DATA

Licenses seeking to resolve an interference conflict by reducing or otherwise modifying facilities must complete this Schedule. The purpose of this Schedule is for licensees/permittees to demonstrate how they will eliminate their interference conflict(s).

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: _____

2. Zone: I II III

3. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " N S Latitude
 _____ ° _____ ' _____ " E W Longitude

4. Antenna Structure Registration Number: _____

Not applicable FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: _____ meters

6. Overall Tower Height Above Ground Level: _____ meters

7. Height of Radiation Center Above Ground Level: _____ meters

8. Height of Radiation Center Above Average Terrain: _____ meters

9. Maximum Effective Radiated Power (average power): _____ kW

10. Antenna Specifications:

a.

Manufacturer	Model
--------------	-------

b. Electrical Beam Tilt: _____ degrees Not Applicable

c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No. _____

d. Polarization: Horizontal Circular Elliptical

TECH BOX

e. Directional Antenna Relative Field Values: Not applicable (Nondirectional)

Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No.

PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Schedule B-DTV Engineering Data on behalf of the applicant, and that after such praperation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name		Relationship to Applicant (e.g., Consulting Engineer)	
Signature		Date	
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

INSTRUCTIONS FOR FCC 384

DIGITAL CHANNEL ELECTION
FOR TELEVISION BROADCAST STATION:
SECOND ROUND ELECTION

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as "licensees") participating in the channel election process in order to identify an in-core Digital Television (DTV) Channel for post-transition DTV operation. Specifically, the purpose of this FCC Form 384, Second Round Election Form, is for licensees without a currently assigned in-core channel (*i.e.*, channels 2-51), as well as those licensees that released their assigned in-core channel(s) in the first round, to make a channel election for their final DTV operation. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. No fee is required for submission of this form.
- B. This FCC Form must be filed by [REDACTED]. All TV broadcast licensees required to participate in the second round of elections of the digital channel election process must file this FCC Form. Licensees that do not submit this FCC Form by the deadline will be assigned a channel by the Commission for post-transition DTV operation. (Such assignment may be made at the end of the channel election process.)
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73 "Television Broadcast Services".
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing

web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee's disability or absence from the United States. See 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. See 47 C.F.R. § 73.3564(b).

INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

- Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the licensee must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC

webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC (analog) channel. Single channel broadcasters should indicate "Not Applicable," where appropriate. (Stations must indicate their currently assigned channels even if they have released post-transition rights to such channels.)

Contact Information.

4. **Item 4: Contact Representative.** If the Licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees making a channel election must select "5.a." Licensees filing an amendment to their channel election must select "5.b." This FCC Form, whether as a channel election or amendment, will not be accepted after the filing deadline.

**INSTRUCTIONS FOR SECTION II:
CHANNEL ELECTION**

NOTE: Licensees that received a tentative channel designation through the first round of elections may not make a second round election and must not file this form.

Second Round Channel Election.

1. **Item 1: Channel Election.** Second round electors have three choices. The licensee may (a) make a channel election based on available channels; (b) elect a negotiated channel pursuant to an agreement with another licensee(s); or (c) request that the Commission determine and select a "best available" channel for the licensee in this round. If making an election, licensee must input its desired channel number, where indicated.

Second round electors are licensees without a currently assigned in-core channel (*i.e.*, licensees that have neither a DTV nor an NTSC channel in 2 through 51), as well as those licensees that chose to make no election in the first round (and thereby released post-transition rights to their assigned in-core channel(s) for their stations). Licensees electing a channel must select "1.a.," and must indicate their desired channel number. Licensees making a channel election through a proposed negotiated channel election arrangement must select "1.b." Licensees requesting that the Commission determine and select a "best available" channel for them in this round must select "1.c."

Negotiated Channel Election Arrangements. Licensees making a channel election pursuant to a Negotiated Channel Election Arrangement must choose "1.b." on the form. Licensees must accordingly indicate the negotiated channel number on the form. Note that the negotiated channel election is valid only upon Commission approval.

Licensees must also complete Schedule A for negotiated channel election arrangements. Licensees participating in a negotiated channel election arrangement must provide on Schedule A the name(s) and call sign(s) of all parties (licensees/permittees) to the negotiated arrangement. Submission of Schedule A constitutes certification that all parties listed have agreed to the negotiated channel election arrangement. The Commission may request submission of a copy of the Negotiated Channel Election Arrangement signed by all parties, if needed. The Commission will review the negotiated arrangement for anti-competitive effects. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g). All parties to the Negotiated Channel Election Arrangement must supply their proposed facility's engineering information upon request.

Pending Channel Change Requests. Licensees for which the Commission has issued a Notice of Proposed Rulemaking with respect to a channel change request may elect the new channel proposed in the NPRM.

2. **Item 2: Contingent Channel Election.** Second round electors should also make a contingent channel election. The contingent channel election will become available for selection by the licensee only in the event the licensee chooses to resolve an interference conflict by rescinding its

original second round channel election in its conflict decision form as part of a negotiated conflict resolution or settlement agreement with another licensee(s). Licensees electing a contingent channel must select "1.a.," and must indicate their desired channel number. Licensees requesting that the Commission determine and select a "best available" contingent channel for them in this round must select "1.b."

International Coordination.

3. Item 3: International Coordination Pending Issue.

Licensee must answer whether it is electing a channel that is subject to a pending international coordination issue. This is not a broad inquiry as to whether the channel is subject to coordination, but rather a narrow question to determine whether an international coordination issue is preventing the licensee from obtaining its desired facilities.

If yes, licensee must attach as an Exhibit to this form an explanation about its pending international coordination issue.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to participate in the digital channel election process.

We have estimated that each response to this collection of

information will take from [REDACTED]. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project ([REDACTED]), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please **DO NOT SEND COMPLETED FORMS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of [REDACTED].

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

INSTRUCTIONS FOR FCC 384 SCHEDULE A
SCHEDULE A
FOR NEGOTIATED CHANNEL ELECTION ARRANGEMENTS:

SCHEDULE A INSTRUCTIONS

- A. This Schedule A is to be used with FCC Form 384, the Digital Channel Election for Television Broadcast Station: Second Round Election. Complete this Schedule if involved in a negotiated channel election arrangement.
- B. Submission of this Schedule constitutes certifications that all parties listed in Item 1 have agreed to the negotiated channel election arrangement.
1. **Item 1: List of Parties to Arrangement.** Licensee/permittee must provide the name(s), call sign(s) and facility ID number(s) of all parties involved in the negotiated channel election arrangement.
2. **Item 2: Additional Submissions.** Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.

NOTE: The negotiated channel election is valid only upon Commission approval. The Commission will review the negotiated arrangement for anti-competitive effects and significant levels of interference that would affect service to viewers. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g).

See the FCC Form 384 Main Form Instructions for public burden estimate.

FCC 384

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

DIGITAL CHANNEL ELECTION FORM SECOND ROUND ELECTION

Must Be Filed by _____ [DATE]

PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

2. FCC Registration Number	
Call Sign	Facility ID Number
Community of License: City	State

3. Currently Assigned Channels:

- a. DTV Channel Not Applicable
- b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative		Firm or Company Name
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Purpose of Form:

5. The purpose of the channel election process is for television broadcast licensees and permittees to select an in-core channel (i.e., channels 2 through 51) for their post-transition DTV operation. The purpose of the Second Round Election Form is for licensees/permittees without a currently assigned in-core channel, as well as those licensees that released post-transition rights to their only assigned in-core channel(s) in the first round, to make a channel election. **(SELECT ONE)**

- a. Channel Election b. Amendment

SECTION II -- CHANNEL ELECTION

DRAFT

All television broadcast licensees and permittees participating in the digital channel election process are required to file a channel election form. Licensees/permittees that do not submit a required channel election form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

Second Round Channel Election:

1. Channel Election (SELECT ONE):

a. Licensee/permittee makes the following channel election:

(indicate number of in-core channel preference for final DTV operation based on available channels here).

b. Licensee/permittee has entered into a Negotiated Channel Election Arrangement and, accordingly, makes the following channel election, subject to Commission approval:

(indicate in-core channel number for final DTV operation here).

Licensee/permittee must complete Schedule A.

c. Licensee/permittee requests that the Commission determine and select a "best available" channel for the licensee/permittee in this round, and hereby surrenders any rights to elect a channel for a post-transition DTV channel.

2. Contingent Channel Election: (SELECT ONE). (NOTE: The contingent channel election will become available for selection ONLY if the licensee/permittee chooses to resolve an interference conflict by rescinding its original second round channel election as part of a negotiated conflict resolution agreement with another licensee/permittee.)

a. Licensee/permittee makes the following contingent channel election:

(indicate number of in-core channel preference for final DTV operation based on available channels here).

b. Licensee/permittee requests that the Commission determine and select a "best available" contingent channel for the licensee/permittee in this round in the event a contingent channel election becomes necessary, and hereby surrenders any rights to elect a channel for a post-transition DTV channel in this circumstance.

International Coordination:

3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue?

YES NO

If yes, licensee/permittee must attach an explanation as an Exhibit to this form.

SECTION III

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

ELECTION FORM SCHEDULE A

SCHEDULE FOR NEGOTIATED CHANNEL ELECTION

Licensees involved in a negotiated channel election arrangement must complete this Schedule. The purpose of this Schedule is for licensees/permittees to provide details concerning their negotiated channel election arrangements.

- 1. Licensee/permittee has entered into a negotiated channel election arrangement with the following licensee(s)/permittee(s): (provide name(s) and call sign(s) as necessary)

	Licensee/Permittee Name	Call Sign	Facility I.D. No.
a.			
b.			
c.			
d.			
e.			
f.			
g.			

- 2. Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.

INSTRUCTIONS FOR FCC 385

DIGITAL CHANNEL ELECTION
FOR TELEVISION BROADCAST STATION:
SECOND ROUND CONFLICT DECISION

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as "licensees") participating in the channel election process in order to identify an in-core Digital Television (DTV) Channel for post-transition DTV operation. Specifically, the purpose of this FCC Form 385, Second Round Conflict Decision Form, is for second round electors that were notified by the Commission that their channel election results in an interference conflict to make a decision concerning their interference conflict. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. No fee is required for submission of this form.
- B. This FCC Form must be filed by [REDACTED]. All TV broadcast licensees required to make a second round conflict decision in the digital channel election process must file this FCC Form. Licensees that do not submit this FCC Form by the deadline will be assigned a channel by the Commission for post-transition DTV operation. (Such assignment may be made at the end of the channel election process.)
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73 "Television Broadcast Services".
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing

web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. If engineering information is being provided by the licensee on Schedule B, its authorized engineering representative, if any, must also sign the form, as indicated. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee's disability or absence from the United States. See 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. See 47 C.F.R. § 73.3564(b).

INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

- Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the

licensee must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC (analog) channel. Single channel broadcasters should indicate "Not Applicable," where appropriate. (Stations must indicate their currently assigned channels even if they have released post-transition rights to such channels.)

Contact Information.

4. **Item 4: Contact Representative.** If the licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees making a conflict decision must select "5.a." Licensees filing an amendment to their conflict decision form must select "5.b." This FCC Form, whether as a conflict decision or amendment, will not be accepted after the filing deadline.

**INSTRUCTIONS FOR SECTION II:
CONFLICT DECISION**

1. **Item 1: FCC Letter Reference Number.** Licensees must

indicate the reference number of the FCC Letter that notified them about their interference conflict.

Second Round Conflict Decision.

2. **Item 2: Conflict Decision.** Second round electors that were notified by the Commission that their channel election results in an interference conflict are required to make a decision concerning their interference conflict. Such second round electors have three choices:
- (a) Decide to keep their second round election and certify that they have resolved their interference conflict by (i) negotiating a conflict resolution or settlement agreement and/or (ii) reducing facilities or other technical modification;
 - (b) Decide to rescind their second round election and use their contingent channel election by entering into a negotiated settlement agreement with another licensee(s) to resolve the interference conflict; or
 - (c) Decide not to keep their second round election and make no election at this time and instead elect to participate in the third round of elections.

Licensees deciding to keep their first round election must select "2.a." Licensees demonstrating resolution of their interference conflict by negotiating a conflict resolution or settlement agreement must select "2.a.i." and complete Schedule A. Licensees must list on Schedule A the name(s), call sign(s) and facility ID numbers of all parties to the agreement. Submission of Schedule A constitutes certification that all parties listed have agreed to the negotiated conflict resolution agreement. The Commission may request submission of a copy of the Negotiated Conflict Resolution Agreement signed by all parties, if needed. The agreement must also comply with 47 C.F.R. § 73.623(g). All parties to the Negotiated Conflict Resolution Agreement must supply their proposed facility's engineering information upon request.

Licensees demonstrating resolution of their interference conflict by submitting technical engineering data must select "2.a.ii." and complete Schedule B - DTV Engineering. Licensees must select both "2.a.i." and "2.a.ii" if applicable.

Licensees deciding to rescind their second round channel election and use their contingent channel election by entering into a negotiated conflict resolution or settlement agreement with another licensee(s) to resolve the interference conflict must select "2.b." Licensee must input its new channel election (i.e., contingent channel), where indicated. Licensee must complete Schedule A. The licensee may only use its contingent channel as part of a negotiated conflict resolution or settlement agreement, and may not use its contingent channel if such election would result in an interference conflict.

Licensees deciding not to keep their second round election and instead make no election at this time must select "2.c."

International Coordination.

3. Item 3: International Coordination Pending Issue.

Licensee must answer whether it is electing a channel that is subject to a pending international coordination issue. This is not a broad inquiry as to whether the channel is subject to coordination, but rather a narrow question to determine whether an international coordination issue is preventing the licensee from obtaining its desired facilities.

If yes, licensee must attach as an Exhibit to this form an explanation about its pending international coordination issue.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to participate in the digital channel election process.

We have estimated that each response to this collection of information will take from [REDACTED]. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the

Federal Communications Commission, AMD-PERM, Paperwork Reduction Project ([REDACTED]), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of [REDACTED].

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

INSTRUCTIONS FOR FCC 385 SCHEDULE A

SCHEDULE A
FOR NEGOTIATED CONFLICT RESOLUTION AGREEMENT:

SCHEDULE A INSTRUCTIONS

- A. This Schedule A is to be used with FCC Form 385, the Digital Channel Election for Television Broadcast Station: Conflict Decision Form. Complete this Schedule if involved in a negotiated conflict resolution agreement.
- B. Submission of this Schedule constitutes certifications that all parties listed in Item 1 have agreed to the negotiated conflict resolution agreement.
1. **Item 1: List of Parties to Agreement.** Licensee/permittee must provide the name(s), call sign(s) and facility ID number(s) of all parties involved in the negotiated conflict resolution agreement.
 2. **Item 2: Additional Submissions.** Licensees/permittees must provide a signed copy of the Negotiated Conflict Resolution Agreement and/or engineering information to the FCC upon request.

NOTE: The negotiated conflict resolution agreement is valid only upon Commission approval. The Commission will review the negotiated arrangement for anti-competitive effects and significant levels of interference that would affect service to viewers. The negotiated conflict resolution agreement must also comply with 47 C.F.R. § 73.623(g).

See the FCC 385 Main Form Instructions for public burden estimate.

INSTRUCTIONS FOR FCC 385 SCHEDULE B**SCHEDULE B
FOR DTV ENGINEERING DATA:****SCHEDULE B INSTRUCTIONS**

- A. This Schedule B is to be used with FCC Form 385, the Digital Channel Election for Television Broadcast Station: Second Round Conflict Decision Form. Complete this Schedule if you are reducing or otherwise modifying facilities to eliminate an interference conflict.

Tech Box

1. Licensee/permittee certifies that the facility specifications listed in the Tech Box demonstrates elimination of interference conflict.

The licensee/permittee must ensure that the facility specifications listed in items 1-10 of the Tech Box are accurate. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

Licensee/permittee will be required to submit an application for DTV allotment at the appropriate time and must comply with relevant Commission rules.

See the FCC 385 Main Form Instructions for public burden estimate.

FCC 385

DIGITAL CHANNEL ELECTION FORM SECOND ROUND CONFLICT DECISION

Must Be Filed by _____ [DATE]

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

**PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM**

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)

Station/Facility Information

2. FCC Registration Number	
Call Sign	Facility ID Number
Community of License: City	State

3. Currently Assigned Channels:

- a. DTV Channel Not Applicable
- b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative		Firm or Company Name	
Mailing Address			
City	State or Country (if foreign address)	ZIP Code	
Telephone Number (include area code)		E-Mail Address (if available)	

Purpose of Form:

5. The purpose of the Second Round Conflict Decision Form is for second round electors that were notified by the Commission that their channel election results in an interference conflict to make a decision concerning resolution of their interference conflict. **(SELECT ONE)**

- a. Channel Election b. Amendment

SECTION II – CONFLICT DECISION

All television broadcast licensees and permittees notified by the Commission about an interference conflict are required to file a conflict decision form. Licensees/permittees that do not submit a required conflict decision form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

1. By the filing of this form, licensee/permittee hereby acknowledges receipt from the Commission of information regarding the nature of its interference conflict.

(indicate FCC Letter reference number here)

2. Second Round Conflict Decision:

Licensee/permittee makes the following decision about its interference conflict: **(SELECT ONE)**

- a. Licensee/permittee decides to maintain its second round channel election and certifies that it has resolved its interference conflict(s), as demonstrated by its submission of: **(Select at least one and all that apply)**
- (i) a negotiated conflict resolution agreement. Licensee/Permittee must complete **Schedule A.**
 - (ii) technical engineering data. Licensee/Permittee must complete **Schedule B - DTV Engineering**
- b. Licensee/permittee decides not to maintain its second round channel election but decides to resolve its interference conflict by entering into a negotiated conflict resolution agreement with another licensee/permittee, and changes its election for final DTV operation to its contingent second round channel election.

(indicate channel number)

Licensee/Permittee must complete **Schedule A.**

NOTE: Licensee/permittee's contingent second round channel election may not be used if such election would result in an interference conflict.

- c. Licensee/permittee decides not to maintain its second round channel election and makes no channel election in the second round; accordingly licensee/permittee elects to participate in the third round of elections.

International Coordination:

3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue? YES NO

If yes, licensee/permittee must attach an explanation as an **Exhibit** to this form.

SECTION III

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
(U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

CONFLICT DECISION FORM SCHEDULE A

SCHEDULE FOR NEGOTIATED CONFLICT RESOLUTION AGREEMENT

Licensees/permittees must complete this Schedule if they are involved in a negotiated conflict resolution or settlement agreement to resolve an interference conflict. The purpose of this Schedule is for licensees/permittees to provide details concerning their negotiated conflict resolution agreement.

1. Licensee/permittee has entered into a negotiated conflict resolution agreement with the following licensee(s)/permittee(s): (provide name(s) and call sign(s) as necessary)

	Licensee/Permittee Name	Call Sign	Facility I.D. No.
a.			
b.			
c.			
d.			
e.			
f.			
g.			

2. Licensee/permittee must provide a copy of the Negotiated Conflict Resolution Agreement and/or engineering information to the FCC upon request.

FCC 385

CONFLICT DECISION FORM SCHEDULE B

SCHEDULE FOR DTV ENGINEERING DATA

Licenses seeking to resolve an interference conflict by reducing or otherwise modifying facilities must complete this Schedule. The purpose of this Schedule is for licensees/permittees to demonstrate how they will eliminate their interference conflict(s).

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: _____

2. Zone: I II III

3. Antenna Location Coordinates: (NAD 27)

____ ° ____ ' ____ " N S Latitude
____ ° ____ ' ____ " E W Longitude

4. Antenna Structure Registration Number: _____

Not applicable FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: _____ meters

6. Overall Tower Height Above Ground Level: _____ meters

7. Height of Radiation Center Above Ground Level: _____ meters

8. Height of Radiation Center Above Average Terrain: _____ meters

9. Maximum Effective Radiated Power (average power): _____ kW

10. Antenna Specifications:

a. Manufacturer	Model
-----------------	-------

b. Electrical Beam Tilt: _____ degrees Not Applicable

c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685.

Exhibit No. _____

d. Polarization: Horizontal Circular Elliptical

TECH BOX

e. Directional Antenna Relative Field Values: Not applicable (Nondirectional)

Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No.

PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Schedule B-DTV Engineering Data on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name		Relationship to Applicant (e.g., Consulting Engineer)	
Signature		Date	
Mailing Address			
City		State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

INSTRUCTIONS FOR FCC 386

DIGITAL CHANNEL ELECTION
FOR TELEVISION BROADCAST STATION:
THIRD ROUND ELECTION

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as "licensees") participating in the channel election process in order to identify an in-core Digital Television (DTV) Channel for post-transition DTV operation. Specifically, the purpose of this FCC Form 386, Third Round Election Form, is for any licensees that have not received a tentative channel designation by this time to make a channel election. In addition, licensees that have received a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to international coordination issues may use this form to seek an alternate tentative channel designation. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. No fee is required for submission of this form.
- B. This FCC Form must be filed by [REDACTED]. All TV broadcast licensees required to participate in the third round of elections of the digital channel election process must file this FCC Form. Licensees that do not submit this FCC Form by the deadline will be assigned a channel by the Commission for post-transition DTV operation. (Such assignment may be made at the end of the channel election process.)
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73 "Television Broadcast Services".
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media

Bureau's Consolidated Database System (CDBS) online electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee's disability or absence from the United States. *See* 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rod 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. *See* 47 C.F.R. § 73.3564(b).

INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

2. **Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the licensee must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC (analog) channel. Single channel broadcasters should indicate "Not Applicable," where appropriate. (Stations must indicate their currently assigned channels even if they have released post-transition rights to such channels.)

Contact Information.

4. **Item 4: Contact Representative.** If the licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees making a channel election must select "5.a." Licensees filing an amendment to their channel election must select "5.b." This FCC Form, whether as a channel election or amendment, will not be accepted after the filing deadline.

INSTRUCTIONS FOR SECTION II:

CHANNEL ELECTION

NOTE: Except for licensees that have received a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to international coordination issues, as described in Item 3, licensees that received a tentative channel designation through the first or second round of elections may not make a third round election and must not file this form.

Third Round Channel Election.

1. **Item 1: Status.** Only the following types of licensees may make a channel election in the third round of elections: (a) licensees that have not received a tentative channel designation for post-transition DTV operations in either the first or second round of elections, or (b) licensees with a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to (or adversely affected by) international coordination issues. A licensee in status "1.b." must provide the number of its tentative channel designation. (If the alternate channel elected in this Third Round can be accommodated, post-transition rights to the licensee's tentative channel designation will be released.)
2. **Item 2: Channel Election.** Third round electors have three choices. The licensee may (a) make a channel election based on available channels; (b) elect a negotiated channel pursuant to an agreement with another licensee(s); or (c) request that the Commission determine and select a "best available" channel for the licensee in this round. If making an election, licensee must input its desired channel number, where indicated.

Licensees electing a channel must select "2.a.," and must indicate their desired channel number. If the licensee elects a channel that conflicts with a DTV channel tentatively designated for post-transition use by another station, the Commission will determine and select the best available channel for the licensee.

Licensees making a channel election through a proposed negotiated channel election arrangement must select "2.b."

Licensees requesting that the Commission determine and select a "best available" channel for them in this round must select "2.c."

Negotiated Channel Election Arrangements. Licensees making a channel election pursuant to a Negotiated Channel Election Arrangement must choose "2.b." on the form. Licensees must accordingly indicate the negotiated channel number on the form. Note that the negotiated channel election is valid only upon Commission approval.

Licensees must also complete Schedule A for negotiated channel election arrangements. Licensees participating in a negotiated channel election arrangement must provide on Schedule A the name(s) and call sign(s) of all parties (licensees/permittees) to the negotiated arrangement. Submission of Schedule A constitutes certification that all parties listed have agreed to the negotiated channel election arrangement. The Commission may request submission of a copy of the Negotiated Channel Election Arrangement signed by all parties, if needed. The Commission will review the negotiated arrangement for anti-competitive effects. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g). All parties to the Negotiated Channel Election Arrangement must supply their proposed facility's engineering information upon request.

Pending Channel Change Requests. Licensees for which the Commission has issued a Notice of Proposed Rulemaking with respect to a channel change request may elect the new channel proposed in the NPRM.

International Coordination.

3. **Item 3: International Coordination Pending Issue.** Licensee must answer whether it is electing a channel that is subject to a pending international coordination issue. This is not a broad inquiry as to whether the channel is subject to coordination, but rather a narrow question to determine whether an international coordination issue is preventing the licensee from obtaining its desired facilities. If yes, licensee must attach as an Exhibit to this form an explanation about its pending international coordination issue.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to participate in the digital channel election process.

We have estimated that each response to this collection of information will take from [REDACTED]. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project ([REDACTED]), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of [REDACTED].

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

INSTRUCTIONS FOR FCC 386 SCHEDULE A**SCHEDULE A
FOR NEGOTIATED CHANNEL ELECTION ARRANGEMENTS:****SCHEDULE A INSTRUCTIONS**

- A. This Schedule A is to be used with FCC Form 384, the Digital Channel Election for Television Broadcast Station: First Round Election. Complete this Schedule if involved in a negotiated channel election arrangement.
- B. Submission of this Schedule constitutes certifications that all parties listed in Item 1 have agreed to the negotiated channel election arrangement.
1. **Item 1: List of Parties to Arrangement.** Licensee/permittee must provide the name(s), call sign(s) and facility ID number(s) of all parties involved in the negotiated channel election arrangement.
 2. **Item 2: Additional Submissions.** Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.

NOTE: The negotiated channel election is valid only upon Commission approval. The Commission will review the negotiated arrangement for anti-competitive effects and significant levels of interference that would affect service to viewers. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g).

See the FCC Form 386 Main Form Instructions for public burden estimate.

FCC 386

DIGITAL CHANNEL ELECTION FORM THIRD ROUND ELECTION

Must Be Filed by [DATE]

FOR FCC USE ONLY	
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FOR COMMISSION USE ONLY FILE NO.

**PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM**

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

2. FCC Registration Number	
Call Sign	Facility ID Number
Community of License: City	State

3. Currently Assigned Channels:

- a. DTV Channel Not Applicable
- b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative	Firm or Company Name	
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Purpose of Form:

5. The purpose of the channel election process is for television broadcast licensees and permittees to select an in-core channel (i.e., channels 2-51) for their post-transition DTV operation. The purpose of the Third Round Election Form is for any licensee/permittee that has not received a tentative channel designation by this time to make a channel election. In addition, licensees/permittees with a tentative channel designation for a low VHF channel (i.e., 2-6) or a channel subject to international coordination issues may use this form to make an alternate channel election. **(SELECT ONE)**

- a. Channel Election b. Amendment

SECTION II -- CHANNEL ELECTION

All television broadcast licensees and permittees participating in the digital channel election process are required to file a channel election form. Licensees/permittees that do not submit a required channel election form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

Third Round Channel Election

1. Status: (SELECT ONE)

- Licensee/permittee has not received a tentative channel designation for post-transition DTV operation through the channel election process.
- Licensee/permittee has received a tentative channel designation for post-transition DTV operation, but requests an alternate election because its current tentative channel designation is for a low VHF channel or a channel subject to (or adversely affected by) international coordination issues.

(Licensee/permittee must provide the number of its tentative channel designation here.)

If the alternate channel elected below can be accommodated, post-transition rights to the tentative channel designation will be released.

2. Channel Election: (SELECT ONE)

- a. Licensee/permittee makes the following channel election:
(indicate number of in-core channel preference for final DTV operation based on available channels here).
- b. Licensee/permittee has entered into a Negotiated Channel Election Arrangement and, accordingly, makes the following channel election, subject to Commission approval:
(indicate in-core channel number for final DTV operation here).
Licensee/Permittee must complete Schedule A.
- c. Licensee/permittee requests that the Commission determine and select a "best available" channel for the licensee/permittee in this round, and hereby surrenders any rights to elect a channel for post-transition DTV operation.

International Coordination:

3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue? YES NO

If yes, licensee/permittee must attach an explanation as an Exhibit to this form.

SECTION III

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

ELECTION FORM SCHEDULE A

SCHEDULE FOR NEGOTIATED CHANNEL ELECTION

Licenseses/permittees involved in a negotiated channel election arrangement must complete this Schedule. The purpose of this Schedule is for licenseses/permittees to provide details concerning their negotiated channel election arrangements.

1. Licensee/permittee has entered into a negotiated channel election arrangement with the following licensee(s)/permittee(s): (provide name(s) and call sign(s) as necessary)

	Licensee/Permittee Name	Call Sign	Facility I.D. No.
a.			
b.			
c.			
d.			
e.			
f.			
g.			

2. Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.

**STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television

Increasingly, the American public is experiencing the benefits of the digital television transition—from high-definition video and audio, to more over-the-air services, such as multicasting and new low-cost entrants in the pay-television marketplace. Over the past three and a half years, this Commission, in partnership with each segment of the television industry, has demonstrated an unwavering commitment to leading the consumer adoption of DTV.

The results of our collective efforts are finally coming to bear. Broadcasters continue to build-out their over-the-air digital facilities; cable and satellite operators are carrying more digital and high-definition programming than ever before; broadcasters and cable programmers are producing more high-definition programming and introducing new channels every day; set manufacturers are churning out more digital and high-definition television sets, many with over-the-air tuners, and set prices are dropping dramatically; and finally, as a result, consumers are experiencing the wonders that digital and high-definition television have to offer.

In making this substantial progress, the national dialogue has shifted from wondering if the DTV transition would ever end to exploring when it should end. The importance of the end of the DTV transition for our country cannot be overstated. Completion of the transition will recoup a significant amount of spectrum for first-responder, public safety use and for innovative wireless broadband services—enhancing our homeland and economic security in the process.

We take today's actions, most notably to set channel election and replication and maximization deadlines not only to bring consumers more over-the-air digital services, but to help usher in the beginning of the end of the DTV transition. The government-industry partnership has excelled in the last several years to break the log-jam that was the DTV transition. That said, there is more work to be done to achieve our dual goals of bringing the benefits of digital and high-definition television to the American public and reclaiming valuable spectrum for public safety and wireless broadband services. This Commission stands ready continue to do its part.

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television

Today the Commission takes another step to advance the digital transition. As I have before, so will I commend again today my colleagues' commitment to move the transition forward. I will vote to approve the item.

But I want to focus for a moment on what is missing here. I want to focus, again, on what is missing in our work to advance the digital transition. When we launched this second periodic review a year and a half ago, we asked questions about the public interest obligations of DTV broadcasters and committed to address these issues promptly. And, remember please, it's not that we were just beginning last year to consider how the digital migration will serve the public interest. Rather, we were refreshing a record in Commission proceedings that dates back to 1999—five years ago. Yet, today, we move forward to consider issues from the second periodic—and still no action on the public interest.

The vast majority of television stations are already beginning to broadcast in digital and hundreds of stations across the country are multicasting. And yet, those broadcasters do not know what they must do to discharge their public interest obligations on their new channels. Worse, viewers are equally in the dark. We really can't delay any longer in bringing some certainty for both broadcasters and the public.

The digital transition holds the promise of reinventing free, over-the-air television by providing consumers new and valuable services and offering broadcasters new and valuable business opportunities. High definition programming, multicasting and datacasting will transform the television experience. There is a potential for this new digital reality to be a real boost for localism, competition and diversity. But if the American people are to realize the full benefits of DTV, we have to call the public interest issues forward and accord them the high priority they deserve. I urge the Commission to work together to complete action on these important public interest issues just as we have worked together on the mechanics of the digital transition.

**STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, MB Docket No. 03-15

Today we take another step in our effort to further advance the digital transition. I think the item strikes a fair balance between several competing interests: the desire to get more digital programming out to consumers, the need to reclaim the 700 MHz spectrum, the need for certainty regarding applicable rules, and the concern of broadcasters that they not be required to make excessive investments in temporary facilities. On this last point, I am concerned about the effect our replication and maximization deadlines will have on the smallest broadcasters, and I emphasize that I hope our waiver process will allow for flexibility where warranted.

I look forward to taking what appears now to be last critical step: resolving the pending petitions for reconsideration regarding the extent of broadcasters' "must carry" rights in the digital world. I hope we address this issue soon.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order

This item appropriately moves the digital television transition forward. It establishes a staggered channel election process to arrive at a final channel assignment for broadcasters. Along the way, we worked hard to ensure that broadcasters have as much ability as possible to make informed judgments consistent with our overarching goal of speeding the transition and bringing enhanced digital viewing to consumers. We recognize that further work is needed to address low power stations and international border coordination. We advance innovation through distributed transmission technologies. We open up technical avenues for enhancements to v-chip and closed captioning technologies. And we continue to monitor efforts to improve consumer information. Each of these steps advances the transition and adds further clarity, certainty, and transparency to the process.

While I'm pleased that we march on with the mechanics of the digital transition, I am puzzled why we have not yet provided broadcasters and the public with a concrete understanding of broadcasters' public interest obligations in the digital age.

This necessary piece of the transition continues to lag further and further behind. Congress made clear that broadcasters continue to have public interest obligations in the digital world, but left it up to the Commission to specify how those should be applied. As we continue to speed the arrival of the best possible digital television service to the public, several proceedings that could bring certainty continue to linger at the Commission. More than four years ago the Commission inquired generally how it should update broadcasters' public interest obligations for the digital age. In September 2000, the Commission followed with specific proceedings to update children's television obligations and to standardize and enhance broadcasters' disclosure of public files. In this periodic review, we sought additional comment on these proceedings and stated our goal of bringing them to a prompt conclusion. Yet no further action has been taken on any of those proceedings.

We've had more than ample time to bring the public interest into the transition. Parents are eager to know what opportunities the transition will bring to their children. Candidates should be able to use the Internet to quickly determine the political advertising landscape of a given station. Broadcasters should welcome the opportunity to showcase their local civic and public affairs coverage on their websites. The digital age offers tremendous opportunities for both broadcasters and the public. Multicasting and other new horizons in digital broadcasting should correspond to new horizons in serving the public interest.

A new era in broadcasting is taking shape now. The vast bulk of broadcasters are now broadcasting digitally, with hundreds broadcasting multiple programming streams. We owe it to the public and to broadcasters to devote sufficient time and resources of this Commission to establishing concrete, measurable public interest obligations to fulfill Congress's vision of this enhanced digital viewing experience. Let's not leave the public behind as we continue finalizing the blueprints for digital television.