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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)
)
Requirements for Digital Television Receiving)
Capability) ET Docket No. 05-24
)

ORDER

Adopted: August 15, 2006

Released: August 17, 2006

By the Commission:

1. By this action, we address a Petition for Reconsideration or Clarification of the Commission's *Second Report and Order* in ET Docket No. 05-24, submitted on behalf of PDI Communications Systems, Inc. (PDI) and a subsequent Supplement to Petition for Clarification also filed on behalf of PDI in this same matter.¹ In the *Second Report and Order*, the Commission amended its rules to advance to March 1, 2007 the date on which new broadcast television receivers with screen sizes 13-24" and certain other broadcast TV receiving devices that do not have screens, such as VCRs and video recorders, must include the capability to receive broadcast digital television signals (DTV tuner requirement), and required new receivers with screen sizes smaller than 13" to incorporate this capability on the same schedule.²

2. PDI's request concerns the application of the DTV tuner requirement to new broadcast television receivers with screen sizes less than 13", and specifically the application of that requirement to a specialized video system PDI manufactures and distributes for use in the healthcare industry. PDI asks that we clarify the rules as adopted in the *Second Report and Order* to state that the DTV tuner requirement does not apply to the viewing units included in specialized video systems such as the PDI system.³ Alternately, it asks that we modify the rules to provide that the Commission will consider favorably on a case-by-case basis, waivers for viewing units used in specialized video systems when the application of the rule would not advance the Commission's stated objectives in the *Second Report and Order*.⁴

3. In requesting this relief, PDI states that the viewing units in its video system rely upon commoditized analog tuner chips so that medical patients, typically those undergoing a procedure such as

¹ *Second Report and Order* in ET Docket No. 05-24, 20 FCC Rcd 18607 (2006); Petition for Reconsideration or Clarification (PDI Petition) submitted by John S. Logan on behalf of PDI Communications, Inc., January 20, 2006; and Supplement to Petition for Clarification (PDI Supplement) submitted by John S. Logan on behalf of PDI Communications, Inc., February 13, 2006.

² The requirement for including digital television reception capability in new television receiver products and the schedule by which that requirement is being implemented is set forth in Section 15.117(i) of the Commission's rules, 47 C.F.R. §§ 15.117(i),

³ PDI Petition at 2.

⁴ *Id.*

dialysis, can view video programming while they are being treated at a health care facility.⁵ It submits that the unique requirements of the health care setting foreclose the use of off-the-shelf consumer receivers. PDI indicates that the viewing units of its video system include a 10.5" screen in an enclosure designed solely for use with an articulated mechanical arm and that the individual viewing units function only as part of a larger system that is controlled by a central unit and typically serves an entire healthcare facility. PDI argues that the Commission should not consider these products to be television receivers to which the DTV tuner requirement applies because the individual viewing units: 1) receive power through the same coaxial cable that provides the video signal to the units, 2) have no place to attach an over-the-air antenna, instead receiving video signals only from a central unit through the specialized coaxial cable, and 3) can be used only as part of a larger video system that is designed and sold exclusively for the health care market.⁶

4. PDI further states that in accordance with safety guidelines issued by Underwriters Laboratories, the design feature whereby the viewing units are powered through the coaxial cable that provides programming is intended to lessen the risk of electrical shock to patients from current that might travel along a dialysis catheter or IV line.⁷ It submits that because the viewing units and the PDI video system as a whole must meet those safety standards, the design path for producing viewing units complying with the new DTV tuner requirement would require a time frame well beyond March 1, 2007. It states that if replacement units could not be manufactured and distributed during that time, a number of hospitals and clinics would have no ability to replace individual viewing units in an installed PDI system. In its supplement, PDI states that it would not be in a position to comply with the rules for another 18-24 months, *i.e.*, 6-12 months after date the DTV tuner requirements are scheduled to become effective for its viewing units.⁸

5. PDI also contends that requiring the PDI viewing units to comply with the DTV tuner requirement would not advance the goals which the Commission sought to advance in applying the tuner requirement to smaller screen video receivers in the *Second Report and Order*.⁹ It argues that the PDI viewing units are not consumer products and that the limited class of medical patients who use them cannot drive consumer demand for DTV receivers. It also contends that including DTV tuners in those products would add no value to the patients who use them, given that the viewing unit receives and selects signals from a central unit that provides analog signals processed from several sources, including satellite providers, cable providers, off-the-air broadcast stations, or even recorded media. PDI states that it understands that the DTV transition will end soon and is developing plans that will allow medical facilities to either convert existing PDI video systems to receive digital signals or to purchase new systems. PDI submits that because medical facility requirements prevent the use of DTV consumer receivers in these systems, it will take longer for PDI to complete these efforts than for those who manufacture and deliver off-the-shelf receivers.¹⁰

6. Upon examining PDI's petition, supplemental filing, and the accompanying attachments, we conclude that the viewing units in PDI's video system are television broadcast receivers as defined in Section 15.3(w) of the Commission's rules to which the DTV tuner requirement applies. In this regard, we observe that the petition indicates that the PDI viewing units can be used to receive off-the-air

⁵ *Id.* at 1.

⁶ *Id.* at 1 and 2.

⁷ *Id.* at 3.

⁸ PDI Supplement at 2.

⁹ PDI Petition at 4.

¹⁰ PDI Supplement at 2.

signals.¹¹ We further observe that the user manuals for the PERSONA⁹ and PERSONA 10 viewing unit models specifically indicate that the units' channel setup features are configured to autoprogram for reception of "air" signals.¹² In the broadcast reception mode, the cable providing both program signals and power connects to an antenna through the central system. The design feature by which the off-the-air signals are routed through the central system does not alter the fact that the video units can receive signals off-the-air (and apparently in some instances are used for that purpose).

7. We also do not find merit in PDI's argument that requiring its viewing units to include DTV tuners would not advance the Commission's goals in applying that requirement to smaller screen receivers. In the *Second Report and Order*, the Commission stated that, as it observed in first adopting the DTV tuner requirement, consumers must be able to receive digital TV signals for the DTV transition to move forward to a successful completion.¹³ To that end, the Commission's goal was to maximize the number of TV receivers on the market, with a final goal that all new television receiver products include a tuner as quickly as possible. While the PDI viewing units are different than most TV receivers with screens smaller than 13" in that they are designed to receive service from a separate antenna connected through a cable rather than an attached antenna, that does not alter the fact that the PDI units would not be able to receive off-the-air TV signals when analog TV service ends unless they include a DTV tuner.

8. If the PDI viewing units are not able to receive digital TV service after the transition ends, those patients who view off-the-air TV signals on them, as well as the health care providers who own and operate the systems, will lose the benefits of that service. In this regard, we recognize that when analog TV service ends those PDI systems that are configured with analog only viewing units will not be able to offer off-the-air TV service. Applying the DTV tuner requirement to new viewing units will include the PDI systems in the transition process and minimize the number of viewing units that will need to be replaced when analog service ends. We therefore will not exempt viewing units that are included in specialized video systems as described by PDI from the DTV tuner requirement.

9. We also conclude that it would be inconsistent with these goals to establish a process that would provide for favorable treatment of requests for waiver of the DTV tuner requirement for TV receivers used in specialized video systems. As indicated above, we believe it important to ensure that new TV receiver products include DTV reception as soon as possible.

10. We do, however, recognize PDI's position that the process for meeting the safety requirements for equipment used in medical facilities, coupled with PDI's position as a smaller manufacturer, may pose difficulties for PDI in meeting the March 1, 2007 effective date when all new TV receivers must comply with the DTV tuner requirement. In view of these circumstances, and pursuant to PDI's request that the Commission provide for a waiver of the rules in such cases, we find that a limited waiver of the DTV tuner requirement under the provisions of Section 1.3 is warranted to allow PDI additional time to bring the existing models of its viewing units into compliance. In this limited case of receivers used as part of a system intended for use in health care facilities, we find that providing an additional year for PDI Communications to bring its existing video system viewing unit models into compliance would serve the public interest without otherwise compromising our goals for ensuring that consumers are able to view broadcasters' digital television signals.

11. We therefore are denying PDI Communications Systems, Inc.'s requests that we: 1) determine that the DTV reception requirement in Section 15.117(i) of the Commission's rules does not

¹¹ PDI Petition at 3.

¹² "Installation Operating Instructions PERSONA⁹ Hospital-Grade Television Receiver" and "Installation Operating Instructions PERSONA 10 Hospital-Grade LCD Television Receiver" PDI Communication Systems, Inc.

¹³ *Second Report and Order*, at paragraph 6.

apply to its video system or 2) modify our rules to provide a waiver procedure by which parties may seek a waiver of the March 1, 2007 effective date of that requirement for monitors used in specialized video systems. As discussed above, we are, however, extending the date on which new units of the PERSONA 9 (Model PDI-P9TV) and PERSONA 10 (Model PDI-P10-LCD) viewing unit components of the PDI video system must comply with the DTV tuner requirement to March 1, 2008. That is, PDI Communications System, Inc. may continue to import and /or ship in interstate commerce units of its PERSONA 9 and PERSONA 10 viewing units that do not include the capability to receive broadcast television signals until February 28, 2008; on March 1, 2008 and thereafter new units of those products that are imported or shipped in interstate commerce must comply with the DTV tuner requirement.

12. Accordingly, IT IS ORDERED that pursuant to the authority contained in Sections 2(a), 4(i) and (j), 7, 151, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 152(a), 154(i) and (j), 157, 303, and 405, and Sections 1.3 and 1.106 of the Commission's rules, 47 C.F.R. §§ 1.3 and 1.106, the Petition for Reconsideration or Clarification submitted by John S. Logan on behalf of PDI Communications, Inc. IS DENIED IN PART AND GRANTED IN PART, as indicated herein.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary