

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Third Periodic Review of the
Commission's Rules and Policies
Affecting the Conversion
To Digital Television

MB Docket No. 07-91

REPLY COMMENTS OF DIRECTV, INC.

DIRECTV, Inc. ("DIRECTV") respectfully submits these reply comments in response to the Commission's *Notice of Proposed Rulemaking* in their third periodic review of the digital television ("DTV") transition.¹ DIRECTV appreciates the opportunity to provide the Commission with its perspective on its own digital transition – the "migration" from carrying broadcasters' analog signals to carrying their digital signals.

DIRECTV carries over twelve hundred broadcast television stations. Thus, when the Commission considers issues related to the readiness of multichannel video programming distributors ("MVPDs") to migrate stations from analog to digital carriage, it must understand that satellite carriers such as DIRECTV face a task that is orders of magnitude greater than that faced by a cable system carrying a dozen or so broadcast stations. While DIRECTV can migrate *most* stations before February 2009, it

¹ *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, Notice of Proposed Rulemaking, 22 FCC Rcd. 9478, ¶¶ 124-25 (rel. May 18, 2007) ("*Notice*").

nonetheless faces, through no fault of its own, the daunting prospect of having to migrate the last remaining stations simultaneously. The Commission can help avoid such an eventuality by (1) requiring stations to submit digital transition plans sufficiently early to allow DIRECTV to migrate as many stations as possible prior to the transition date; and (2) permitting DIRECTV a reasonable window after the transition date to complete its migration.

DIRECTV would also like to take this opportunity to respond to the Commission's questions regarding if, and how, it passes through Program System Information Protocol ("PSIP") information. DIRECTV provides the relevant information (ratings, programming schedules, and the like) to its subscribers through a proprietary (and superior) technology rather than through PSIP. Because consumers already receive this vital information, there is no need for the Commission to make any changes in this regard.

I. The Commission Should Help Prevent a Bottleneck on February 19, 2009.

In order to transition from carriage of a broadcaster's analog signal to its digital signal, DIRECTV will have to manually replace equipment at local receive facilities. The work required can vary from station to station.² But, in all cases, DIRECTV must deploy a technical team to change out equipment, and must also conduct testing after the equipment is installed to ensure that the station will be properly received by its customers. For these reasons, DIRECTV must migrate each station *separately* – that is, it

² For stations that deliver signals to DIRECTV over the air, this can involve installing new digital receivers and/or new antennas. For stations that deliver signals to DIRECTV over fiber, this can involve installing new equipment and/or requisitioning additional fiber capacity.

generally cannot upgrade an entire local market in advance of a particular station migrating from analog to digital carriage.

In order to ensure a smooth transition on February 17, 2009, DIRECTV intends to migrate the substantial majority of stations in advance of that date. It has already migrated those stations whose digital signal it carries today. And it can switch out equipment at any time between now and 2009 for stations that it does not yet carry but that already deliver a “good quality” digital signal to DIRECTV.³

There are, however, four classes of television stations for whom DIRECTV cannot change out equipment ahead of time (unless they have made arrangements to deliver a digital signal to DIRECTV by alternative means such as fiber).

- Stations that have been assigned their post-transition channel, but that have not yet completed construction of their digital facilities.⁴ DIRECTV can, of course, switch out equipment once they have completed construction. But to the extent such stations do not complete construction until immediately prior to the transition, the switch out of equipment could be problematic.
- Stations that have commenced transmitting on their post-transition channel, but who do not deliver a good quality digital signal to DIRECTV over the air. In many cases, these are stations that will need to increase power in order to comply with new DTV Table Appendix B.⁵

³ DIRECTV recognizes that the Commission has yet to establish the technical definition of a “good quality” digital signal for mandatory carriage purposes, and agrees with commenters urging it to do so (although perhaps not with some of the suggestions made in such comments). *See, e.g.*, University of North Carolina Comments at 10 (suggesting that “MVPDs should not be permitted to drop stations for the remainder of the three-year cycle, through December 31, 2011, merely because the transition necessitates a temporary reduction in service as equipment is altered or changed out.”).

⁴ *See Notice*, ¶ 22 (“[t]his [category] would include a station that has not built anything and has a CP or extension of its ‘checklist’ deadline”).

⁵ *See Notice*, ¶ 22 (“[This category could include] a station that has constructed a reduced facility and is operating pursuant to Special Temporary Authority (“STA”). In addition to turning off their analog service, these stations may need to make changes to match their post-transition facilities as specified in the new DTV Table Appendix B. The difficulty faced by these stations will depend on the type of change and degree of change required to complete their authorized construction.”); *id.*, ¶ 22 n.49 (“We expect that relatively minor adjustments to operating power can be done easily, perhaps through the use of in-house engineers.... Changes involving more significant power changes and/or changes to transmitting antennas may require more time and effort. For example, a number of stations currently have a top-mounted analog antenna and a side-mounted digital antenna, and to provide full digital

- Stations that are transmitting on a digital channel that is different than their post-transition channel. DIRECTV believes this category includes stations that will return to their analog in-core channel⁶ and stations that must move to a completely new in-core channel for post-transition operations.⁷
- Stations that are not transmitting in digital format at all because they will “flash cut” to digital transmissions.⁸

In each of these cases, DIRECTV cannot switch out equipment for the simple reason that the station in question cannot yet provide it a good quality digital signal.

It is, of course, possible that some or even most of the stations in the first several categories will be able to deliver a good quality digital signal to DIRECTV before February 2009. Yet some stations – including all stations in the last two categories – will commence transmissions on their post-transition channel on February 19, 2009 itself. This means that, at least in theory, DIRECTV would have to migrate a significant number of channels throughout the country in a single night. This is simply not feasible.

The Commission should take two simple steps to prevent such an eventuality. First, it should adopt NCTA’s proposal for each station to “publicly declare the details of its transition plans as soon as possible and by no later than December 1, 2007, the proposed date for broadcast television stations to submit their ‘DTV Transition Status Report’ to the Commission.”⁹ Indeed, DIRECTV believes that the Commission should

service will need to re-mount the digital antenna to the top of the tower. According to Capitol Broadcasting, it may take a crew approximately two to three weeks to complete the installation once the necessary hardware and crew are on site, assuming the same tower site and good weather.... Also, if an entirely new transmission line and/or antenna must be installed, additional time will be needed to order the transmission line and antenna and have it delivered to the site. According to Capitol Broadcasting, it may take up to six months to design, order, receive and install a new antenna.”).

⁶ Notice, ¶ 24.

⁷ Notice, ¶ 28.

⁸ Notice, ¶ 29.

⁹ NCTA Comments at 4-5.

consider an earlier deadline for such reports. The earlier broadcasters provide this critical information to MVPDs, the better chance there is that MVPDs will be able to switch out the equipment for each station prior to the cessation of analog broadcasts.

Even so, it would appear that many stations simply will not be ready for migration prior to February 17, 2009. The Commission should thus issue a reasonable schedule under which satellite operators can switch out equipment for these stations. Of course, DIRECTV does not know how many stations will fall into this category, and will not know until it has had the chance to review broadcasters' Status Reports. Accordingly, it cannot know whether it will need several days, several weeks, or several months to complete the migration of the remaining stations. DIRECTV has every incentive to ensure continuity of service to its customers, and will do so as quickly as it can. The Commission, however, should allow satellite operators a reasonable period of time to make the switch assuming good faith efforts and all deliberate speed.

II. DIRECTV Provides Program Guide Information Through an Alternative to PSIP.

The Commission asks whether MVPDs – and in particular satellite carriers – pass through PSIP data to their subscribers or whether they use alternate means to deliver this information.¹⁰ DIRECTV provides such vital information, including ratings and program guide information, but it does not rely on passing through PSIP to do so. Indeed, DIRECTV's system is incompatible with PSIP, and in order to "pass through" PSIP data, DIRECTV would have to fundamentally redesign many aspects of its system architecture and operational procedures.

¹⁰ *Notice*, ¶ 119 ("If satellite carriers are not passing through PSIP information, is the information otherwise being reflected adequately in the electronic program guide and signal they provide to subscribers?").

Well before PSIP was promulgated, DIRECTV had already deployed a state-of-the-art program guide (far better than that contemplated by PSIP),¹¹ and had developed a proprietary mechanism for delivering practically all PSIP-related information to that guide.¹² DIRECTV now delivers hundreds of digital broadcast channels to its customers in 60 local markets – and will soon deliver many more digital stations in many more markets – using its proprietary technology. Thus, there is no reason for the Commission to make any changes in this regard.

¹¹ For example, DIRECTV’s approach provides more information regarding each program, aggregated information for the entire market, and data on up to two weeks of programming.

¹² As DIRECTV understands it, the latest version of PSIP contains certain “force tuning” functions that DIRECTV’s system does not support.

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In order to ensure a smooth digital transition for its tens of millions of subscribers, DIRECTV requests that the Commission (1) require broadcasters to submit digital transition plans sufficiently early to allow satellite carriers to migrate as many stations as possible prior to the transition date; and (2) afford satellite carriers a reasonable window after the transition date to complete the migration.

Respectfully Submitted,

William M. Wiltshire
Michael Nilsson
HARRIS, WILTSHIRE & GRANNIS LLP
1200 Eighteenth Street, NW
Washington, DC 20036
(202) 730-1300

Counsel for DIRECTV, Inc.

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/s/ _____
Susan Eid
Senior Vice President, Government Affairs
Stacy R. Fuller
Vice President, Regulatory Affairs
DIRECTV, INC.
444 North Capitol Street, NW, Suite 728
Washington, DC 20001
(202) 715-2330