



take to compel broadcasters, cable operators and other multichannel video programming distributors (“MVPDs”), and consumer electronics manufacturers and retailers, to commit time and resources to a national consumer education campaign. With respect to MVPDs, the Commission is asked to consider requiring the insertion of “periodic notices in customer bills that inform consumers about the digital television transition and their customers’ future viewing options, with civil penalties for noncompliance,” as a license condition or through customer service or other consumer protection or public interest requirements.<sup>2</sup>

NCTA strongly agrees with the goals of widespread communications efforts for consumers outlined by Congressmen Dingell and Markey. And, as discussed below, a lot has happened since – indeed, because of – their letter. The affected industries have ramped up their marketing and public education efforts, including developing “what you need to know” guides and other consumer materials and resources. The cable industry’s commitment to increasing public awareness and understanding of the DTV transition far exceeds inserting notices in customer bills as contemplated by Congressmen Dingell and Markey. On September 6, 2007, the cable industry launched a \$200 million digital TV transition consumer education campaign, highlighted by English and Spanish language television commercials that began airing this month. The campaign also includes community outreach through brochures, websites, local programming, system-originated messaging and other communications with the public. This multi-faceted program will help facilitate a smooth transition for cable customers who receive broadcast signals over cable, as well as informing many non-cable customers.

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<sup>2</sup> NPRM at ¶ 2, referencing letter from Congressmen Dingell and Markey.

In light of the efforts by cable and other affected industries, we believe there is no need for the Commission to intervene by adopting consumer education mandates to promote the digital transition.

### **DISCUSSION**

Over two years ago, the cable industry acknowledged that cable and other affected industries have an important role to play in ensuring that the transition from analog to digital broadcasting is successful for all American consumers.<sup>3</sup> Since that time, the industry has lived up to this commitment as one of the founding members of the DTV Transition Coalition, a consortium of the broadcast, cable, satellite and consumer electronics industries, as well as a variety of consumer and public interest organizations, whose aim is to ensure that millions of American consumers are as informed and prepared as possible for the coming transition to digital broadcasting.<sup>4</sup> The Coalition's main goal is to develop and implement a unified message that can be reinforced across multiple media platforms, equipment outlets and other forums.

In the interest of expanding this consumer education commitment, on September 6, 2007, NCTA, on behalf of its member companies which serve 65 million U.S. households and provide hundreds of program networks, launched a comprehensive and multifaceted consumer education campaign.<sup>5</sup> The campaign seeks to reach all cable customers and millions of non-cable viewers with useful information about the transition to digital television. The general consumer awareness messages disseminated by cable are conveyed in a manner to ensure consistency with

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<sup>3</sup> See e.g. Testimony of Kyle McSlarrow, President and CEO, National Cable & Telecommunications Association, Inc., Before the Committee on Commerce, Science, and Transportation on Completing the Transition to Digital Television, July 12, 2005 (“we committed to providing a constructive solution for an early return of the spectrum that would ensure all cable customers would face a seamless transition at no cost to the government”).

<sup>4</sup> The DTV Transition Coalition is a consortium of public and private organizations whose mission is to inform American consumers about the transition to digital television. For more information, see [www.dtvtransition.org](http://www.dtvtransition.org).

<sup>5</sup> “Cable Launches \$200 Million Digital TV Transition Consumer Education Campaign”, NCTA News Release, September 6, 2007; see also Letter from Kyle McSlarrow, President & CEO, NCTA, to Chairmen John D. Dingell and Edward J. Markey and Ranking Members, September 6, 2007.

the DTV Transition Coalition's written and website materials. And to avoid potential consumer confusion between broadcasting and cable, the cable industry is providing a more specific message that is directly relevant to cable customers.

The focal point of cable's campaign is the commitment to air \$200 million of English and Spanish language advertising on cable and broadcast television stations and networks, with ads to run in markets nationwide from now through February 2009. In addition, the cable industry expects to fully participate in the development and airing of more public service announcements created by the DTV Transition Coalition.

As described in the attached news release, the central goal of any DTV education campaign is to reach and educate those Americans who own an analog TV which receives over-the-air signals only. Thus, the commercials attempt to send three simple messages: 1) the digital transition takes place in February, 2009; 2) if you have a TV hooked up to cable, your provider will manage the transition for you; and, 3) if you have an analog TV receiving over-the-air signals only (regardless of whether you have other TVs hooked up to cable), you will have to take some action, about which you can learn more by visiting [www.dtvtransition.org](http://www.dtvtransition.org) or [espanol.dtvtransition.org](http://espanol.dtvtransition.org) or the toll-free DTV hotline established by the National Telecommunications & Information Administration.

In addition to airing TV commercials, beginning in 2008, cable operators throughout the country will send educational messages and reminders about the transition to their customers through monthly statements on invoices and "bill stuffers" in cable bills. These notices will be supplemented by the following actions and commitments made by NCTA on behalf of the cable industry to facilitate a successful transition for cable viewers:

- NCTA has revamped its website ([www.ncta.com](http://www.ncta.com)) to highlight the digital transition and has launched English and Spanish-language websites linked to our homepage that provide consumers with easy-to-understand information, tips and other information about the transition.
- Links on the NCTA websites direct users to other government, consumer and industry websites that provide useful consumer information about the transition.
- In 2008, brochures about the transition will be distributed at community and public events.
- A customer communication “tool kit” will be sent to cable systems nationwide before the end of 2007. It will include:
  - invoice messages to be included on billing statements
  - electronic messages for digital cable boxes
  - on-screen scrolls for local origination channels
  - telephone “on-hold” messaging for customer call centers
  - sample emails to be sent to broadband customers
  - website “banners” for MSO and network websites
- Employee communications materials to educate employees about the DTV transition will be distributed to NCTA member companies.
- Local origination and on-demand programming will be created to provide a brief tutorial on the benefits of the digital transition, and how cable can help customers navigate through it.
- Original research on consumer perceptions of the transition will be conducted, and the results will be shared publicly and with other members of the DTV Transition Coalition.

U.S. Commerce Secretary Carlos M. Gutierrez applauded the cable industry’s efforts to inform and educate the public about the February 17, 2009 transition to digital television as “exactly the cooperation needed to help the public become more aware of their options for transitioning way in advance.”<sup>6</sup>

In light of these voluntary actions, NCTA believes there is no need for the Commission to mandate that cable providers insert periodic notices in customers’ bills informing them of the

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<sup>6</sup> “Gutierrez Applauds the National Cable & Telecommunications Association’s \$200 Million Consumer Education Campaign for Digital Television”, Statement by U.S. Secretary of Commerce, Carlos Gutierrez, September 6, 2007.

DTV transition. The cable industry has already committed to do so on a monthly basis beginning in 2008. And given the cable industry's long history of communicating directly with its customers and providing subscriber notices in billing statements on a host of subject matter, we see no need for the government to provide a standard text or list of points to be conveyed. As noted above, cable companies will track the widely-agreed upon language and message points developed by the DTV Transition Coalition.

Similarly, given the progress that has been made to date, there is no reason for the Commission to impose reporting requirements on DTV.gov partners regarding their consumer education outreach efforts. Information on the broadcast, cable, and consumer electronics industry initiatives is readily available, for example, from their trade association websites and other publicly-available sources.

Finally, with regard to the question raised in the Notice about the reference in the Congressional letter to notifying customers of their "future viewing options," cable operators will inform customers in bill notices and other educational messages as to their options and choices for viewing programming on either an analog or digital TV set after the transition date.

## **CONCLUSION**

The cable industry is voluntarily doing its part to help ensure that the transition to digital broadcasting is successful for all American consumers. There is no reason to add a layer of bureaucracy by a government mandate for consumer education rules. As the cable industry's consumer education campaign fully rolls out, we look forward to continuing to work with the Commission, the National Telecommunications and Information Administration (NTIA) in the U.S. Department of Commerce, Congress and all affected industries in preparation for the February 17, 2009 transition date.

Respectfully submitted,

**/s/ Daniel L. Brenner**

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September 17, 2007



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# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 6, 2007

CONTACT: Rob Stoddard/Brian Dietz  
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## **Cable Launches \$200 Million Digital TV Transition Consumer Education Campaign**

*English and Spanish language TV commercials to air this fall;  
Spots can be viewed at [www.ncta.com/DTVSpots](http://www.ncta.com/DTVSpots)*

With the nation's broadcast television system switching to new digital technology in 18 months, the U.S. cable industry is this week launching an extensive consumer education campaign, including English and Spanish language TV advertising valued at \$200 million, designed to reach millions of cable and non-cable viewers with useful information about the digital TV change. The new ads can be viewed at [www.ncta.com/DTVSpots](http://www.ncta.com/DTVSpots).

The campaign was announced today in the attached letter from National Cable & Telecommunications Association (NCTA) President & CEO Kyle McSlarrow to leaders of the House and Senate Commerce Committees, and copied to all Members of Congress.

“As many have pointed out, the simplest and most direct route to communicating with television viewers is through television itself. Thus, we are making a substantial commitment to air \$200 million of English and Spanish language advertising on cable and broadcast television stations and networks. That advertising campaign will start this week and will not conclude until February 2009,” McSlarrow said in the letter.

In addition to the TV advertising, McSlarrow also announced the creation of English and Spanish language informational website material, and other commitments for cable companies to communicate with consumers about the digital transition. These commitments are highlighted in the attached letter.

# # #

*NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation's cable television households and more than 200 cable program networks. The cable industry is the nation's largest broadband provider of high-speed Internet access after investing more than \$110 billion over ten years to build a two-way interactive network with fiber optic technology. Cable companies also provide state-of-the-art digital telephone service to millions of American consumers.*



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President and CEO

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September 6, 2007

The Honorable John Dingell  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

The Honorable Joe Barton  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

The Honorable Ed Markey  
Chairman  
Subcommittee on Telecommunications  
& the Internet  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

The Honorable Fred Upton  
Ranking Member  
Subcommittee on Telecommunications  
& the Internet  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Chairmen and Ranking Members,

In just 18 months, the United States will embark on a dramatic change in over-the-air broadcast television. A successful transition to an all digital broadcast system will make valuable spectrum available for public safety and increased wireless broadband services, and deliver significant benefits to television viewers.

However, as I testified before your Committee in 2005, the cable industry agrees with your assessment that all of the affected industries – not just the broadcast industry – have an important role to play in educating and assisting all consumers about the transition. Thus, we are proud to have been one of the founding members of the DTV Transition Coalition, working with the broadcast, consumer electronics, and satellite industries as well as many, many other consumer and interested organizations to educate the millions of Americans who will be affected by the digital transition. We are committed to helping the DTV Transition Coalition develop and implement a unified message that can be reinforced across multiple platforms.

We also agree that consumer education should start sooner rather than later. Thus, I'm pleased to inform you that the National Cable & Telecommunications Association (NCTA), on behalf of our member companies which provide hundreds of networks and video service to 65 million U.S. households, will launch this week a substantial and multifaceted consumer education campaign designed to reach all cable customers and millions of non-cable viewers with useful information about the transition.

As many have pointed out, the simplest and most direct route to communicating with television viewers is through television itself. Thus, we are making a substantial commitment to air \$200 million of English and Spanish language advertising on cable and broadcast television stations and networks. That advertising campaign will start this week and will not conclude until February 2009.

The enclosed DVD includes the first four commercials that will begin airing this week and through the fall on both English and Spanish-language broadcast networks and cable systems. These and subsequent spots will be distributed to cable operators and networks for airing in markets nationwide from now through February 2009. And we fully expect to participate in the development and airing of more public service announcements created by the DTV Transition Coalition.

Because, as I mentioned above, it is important for all affected industries to provide a consistent message directed toward general consumer awareness of the transition, we have intentionally tracked both the language and websites of the DTV Transition Coalition. And, because we also have a responsibility to avoid consumer confusion, we have also attempted to provide a more specific message that is directly relevant to cable customers.

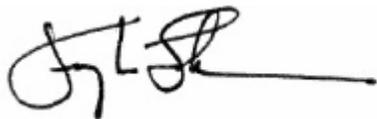
The central goal of any DTV education campaign is to reach and educate those Americans who own an analog TV which receives over-the-air signals only. Thus, these commercials attempt to send three simple messages: 1) the digital transition takes place in February, 2009; 2) if you have a TV hooked up to cable, your provider will manage the transition for you; and, 3) if you have an analog TV receiving over-the-air signals only (regardless of whether you have other TVs hooked up to cable), you will have to take some action, about which you can learn more by visiting [www.dtvtransition.org](http://www.dtvtransition.org) or [espanol.dtvtransition.org](http://espanol.dtvtransition.org) or the toll-free DTV hotline established by the National Telecommunications & Information Administration.

In addition, NCTA has taken the following actions and makes the following commitments on behalf of the cable industry to do our part to ensure a seamless transition for our television viewers:

- NCTA has revamped our website ([www.ncta.com](http://www.ncta.com)) to highlight the digital transition, and today is launching English and Spanish-language websites linked to our homepage that provide consumers with easy-to-understand information, tips and other information about the transition.
- Links on the websites direct users to other government, consumer and industry websites that provide useful consumer information about the transition.
- In 2008, educational messages and reminders about the transition will be sent to all cable customers through monthly statements on invoices and “bill stuffers” in cable bills.
- In 2008, brochures about the transition will be distributed at community and public events.
- A customer communication “tool kit” will be sent to cable systems nationwide before the end of 2007. It will include:
  - invoice messages to be included on billing statements
  - electronic messages for digital cable boxes
  - on-screen scrolls for local origination channels
  - telephone “on-hold” messaging for customer call centers
  - sample emails to be sent to broadband customers
  - website “banners” for MSO and network websites
- Employee communications materials to educate employees about the DTV transition will be distributed to NCTA member companies.
- Local origination and on-demand programming will be created to provide a brief tutorial on the benefits of the digital transition, and how cable can help customers navigate through it.
- Original research on consumer perceptions of the transition will be conducted, and the results will be shared publicly and with other members of the DTV Transition Coalition.

Finally, I appreciate the many constructive suggestions made by you and Members of the Committee, many of which you will see reflected in our commitments listed above. Our industry intends to continue to play a leading role in the DTV Transition Coalition and we look forward to continuing to work with you, the NTIA, and the FCC to ensure a successful digital transition.

Sincerely,

A handwritten signature in black ink, appearing to read 'KLS', with a long horizontal line extending to the right.

Kyle McSlarrow

cc: Members, Committee on Energy and Commerce, United States House of Representatives