

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

In the matter of

DTV Consumer Education Initiative

MB Docket No. 07-148

REPLY COMMENTS OF CHRIS LLANA

I had not planned to comment on this proposed initiative (as an interested consumer living hundreds of miles beyond the beltway), but after reading the comments from members of the industry's DTV Transition Coalition, I fear the Commission's action in this proceeding will be our last best chance to prevent a national train wreck.

That fear was reinforced after watching the webcasts of the Senate Special Committee on Aging's hearing on the DTV transition, and last week's NTIA DTV Expo and FCC Consumer Education Workshop. As the GAO's Mark Goldstein observed in his refreshingly honest and forthright testimony at the Senate hearing, "There is no one in charge."

Anyone who has read the record in the Commission's Third Periodic Review docket cannot help but realize we're not going to have to wait until February 18, 2009, for the freight cars to start piling up. The analog shut-down by necessity is going to start very soon.

The NAB is proposing that stations be allowed to reduce analog service up to a year before the formal end of the transition. That means the country's over-the-air analog TV viewers could start finding some channels

going dark beginning February 2008. The same NAB proposal would permit analog service to be shut-down entirely six months before the statutory last-date for analog broadcast authority.

I support those NAB proposals. There are difficult physical changes that broadcasters must make before final full-power digital signals can be in place, and full-power analog in many cases cannot be maintained while those changes are being effected. Digital ramps up while analog ramps down—it's a *transition* that's been on-going for more than ten years. It was never supposed to be an overnight switch-over.

So it's time that members of Congress, FCC officials, and industry spokespersons stop perpetuating the myth that full analog service will run through February 17, 2009. "*When consumers wake up on February 18 . . .*" is the constant refrain. That misconception is compounding the education problem, and if not recognized and acknowledged by the Commission, will color their decision-making to the detriment of consumers.

The same applies for statements to the public that lump low-power and translator stations in with full-power stations. The transition is not as simple as one date.

The government has the duty to tell the American public about the transition in a forthright and timely manner so that people can assess *all* of their options and decide *for themselves* what actions they will take in response. And then take those actions *before* they are harmed.

They need a reasonable amount of time to do this. It's not a simple thing—people need to research, plan, and budget. And given that *some* analog service will likely start disappearing for *some* Americans within a

few months, it is imperative that candid, unbiased information be broadly and pro-actively disseminated NOW, and not sometime next year.

Transition education should have begun long ago; there has already been a great deal of harm (a.k.a. market failures) visited upon ill-informed American consumers.

We've been hearing a lot of rosy self-congratulatory predictions about a successful transition lately. Listen to those and we'll have a complacent disaster. Better to pay attention to the likes of Adelstein, Copps, and Goldstein.

Going forward from where we are today, I offer the following suggestions:

1. DTV transition education is needed by *all* TV viewers, not just by over-the-air viewers, and not just by the so-called "at-risk" populations.
2. On-air PSAs will reach *all* TV viewers; PSAs and longer-format education programming should be the *primary* focus for transition education efforts. There are no "hard to reach" TV viewers.
3. *Actual* education of the public needs to start *now*. Industry lobbyists, government officials, and private advocacy groups talking among themselves about the best way to educate the public only delays needed *action*.
4. A baseline education program consisting of PSAs and other actions must be *mandated* to ensure that basic, unbiased information reaches the American public in a timely manner.

5. Because DTV transition education has been neglected for so long, government leaders must make this program a top priority *in fact*, instead of merely paying lip service.

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1. There is a pressing need to educate *all* TV viewers.

The transition to a new digital TV standard is for *everyone*, not just “rural Americans, minorities, older Americans, lower-income families, and persons with disabilities.” Well-educated financially-secure white city-dwellers will also be “left behind” if no one tells them about the transition basics. It’s also presumptuous, arrogant, and paternalistic to imply that people in any of the often-cited list of “disadvantaged” population groups are unable to understand a well-written national PSA and make decisions for themselves.

There will be people across the spectrum that need help in understanding the complexities of the transition, for whatever reasons. These include some members of Congress, some Commission staffers, and some advocates asking for funds to conduct DTV education outreach programs.

There are also people across the spectrum who will have the interest and aptitude to quickly pick up on the message. These will include people living in rural areas, minorities, older Americans, lower income individuals, and people with disabilities.

Target the whole country and you will enlighten people in every situation, and they in turn can spread the word to their less-savvy friends, neighbors, and relatives.

Some have suggested that the education campaign need only be targeted at over-the-air viewers. Every member of the public must be told what is happening and what his or her options are. Are cable subscribers not entitled to that knowledge? Should the government decide that cable subscribers will never change the way they get their programming, that they have opted out, made their choice for life?

We frequently hear that over-the-air viewers may elect to subscribe to cable or satellite as their solution to the change to digital TV. Going the other way is just as likely. The transition is all about change and new options. Remember also the reports of a resurgence of interest in antennas.

Suppose you're a basic-tier cable subscriber and you hear about the transition and the awesome widescreen picture quality of HDTVs, and you're told that if you have cable you won't have to do anything—your cable provider will take care of everything. So you run out and buy a big HDTV and find the picture looks the same, only now there are black bars on the sides.

You think okay, at the end of the transition the picture will change to widescreen high-resolution, but that never happens. Shouldn't cable subscribers be told they can get free high-definition broadcast network programming if they dump cable and buy an antenna?

What about the analog cable subscriber who doesn't care about picture quality, but who hears from her sister-in-law that she'll need a converter box to keep watching, so she goes out to buy one and is told by the salesman that she really needs a new digital TV?

Should the government decide who should be told about the transition and who doesn't need to know? Should cable subscribers get a different message than over-the-air viewers?

Sending out a consistent message to everyone makes it easy to get a focused program underway quickly, and gives everyone the chance to make their own decisions without one or another industry's biases foisted on them.

It's odd that the public television association comments suggest "that a targeted program is critical to address those Americans who receive their television over the air and to make sure that those groups most likely to be adversely affected by the analog shutoff . . . are not left behind." To support this they cite statistics on over-the-air viewers that take us right back to that offensive stereotyping, and in the end are nothing more than red herrings.

To wit: APTS says over-the air-viewers "are less likely to own a personal computer (54.2 percent vs. 71.5 percent) . . . are less likely to be college graduates (17.5 percent vs. 24.1 percent)," etc. From these statistics they conclude that "The Commission is remiss in failing to target outreach efforts toward at-risk populations."

What does that mean? That the FCC should focus on educating people who don't own computers because 46% of over-the-air viewers don't own a computer? Or that people who don't own a computer are "at-risk" of not being able to comprehend a PSA? What about the 30% of cable subscribers who don't own a computer, or the 54% of over-the-air viewers who *do* own a computer?

And "at-risk" of what? We're talking about *education* in this proceeding—telling people what's going to happen, and letting them know

what their options are. If we do that intelligently, if the people designing the baseline education efforts have true expertise, and are unbiased, then the American public will “get it,” and can help each other.

There were also comments that suggested including written information on the transition with new digital TVs would be an ineffective educational tool because the purchaser would by that act be ready for the end of the transition.

First, buying a digital TV is just one part of journey. Many HDTV owners who have no high-definition programming still believe they are seeing HD. Having a DTV transition tutorial included with their owner’s manual would go a long way to steering people to their many HD programming options. If they’ve purchased a 4:3 aspect digital TV, they may consider returning the set after learning more about the transition.

Second, an enthusiastic new HDTV owner armed with a good knowledge of the transition might easily spread the word to five or ten others. This word-of-mouth transition education, complete with personal demonstrations and one-on-one help, would be the most effective educational tool we have. But it will only work if the new HDTV owner is well-informed. And right now, that’s typically not the case.

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2. On-air PSAs will reach *all* TV viewers and should be the *primary* focus.

PSAs and longer format education programming should be the *primary* focus for transition education efforts. There are no “hard to reach” TV viewers.

This should be a self-evident truth. At Congressional hearings on the transition, when industry and advocacy group witnesses run on about targeting “at-risk” populations with tailored outreach programs so they won’t be “left behind,” a frustrated member always feels compelled to state what should be obvious—that the best way to reach TV viewers is through TV PSAs and educational TV programming.

Reaches every one of them.

Everything else should be considered *supplemental*.

Public television’s allegations that the FCC’s proposals “do nothing to target at-risk groups, such as low-income Americans and older Americans, who disproportionately receive their television over the air” is ludicrous on its face. Last time I checked low-income and older TV viewers watched television.

Last July (not so long ago) APTS applauded Congressman Eliot’s proposed “National Digital Television Consumer Education Act” which included a requirement for television broadcasters to air two minutes of public service announcements per day about the DTV transition, beginning November 1. (Perhaps they had 20 million reasons to like the proposal.)

And yet APTS complains that public television (a.k.a. educational television) has much less time than commercial stations to devote to non-program material, citing its standard length for an hour-long program as 56 minutes 48 seconds. I timed a couple of half-hour PBS programs—“The Nightly Business Report” clocked in at 25 minutes, with five minutes split between slick commercials for sponsors and slick self-promotions for the station. “Hometime” program content ran less than that—24:40.

There is time available for PSAs.

Educational/public television get a substantial portion of its funding from the Federal and state governments, as well as \$millions from viewer contributions (*all* of whom need to know about the transition). In addition, the Federal government provides it with free (extremely valuable) spectrum.

PBS stations spend huge sums of that public money to buy programs that educate and other programs that entertain. Many excellent programs are produced by PBS stations; there are also other locally-produced programs of dubious quality and limited interest that still manage to receive air time. APTS' argument that they have too little time available for PSAs is folly.

PBS stations tout their educational mission. They *should* have been airing educational PSAs all along. (I've never seen one on my PBS channel.) They should go further and produce a series of 25-minute programs on the DTV transition (it's too complex to fully explain in a 60 second PSA) and air those on every one of its stations as many times as needed.

Instead, APTS urges the Commission to focus its efforts on encouraging Congress to appropriate more money to fund grants to stations for consumer education. APTS has been lobbying Congress for years for \$millions for it to manage an education campaign.

For example, not too long ago they were asking for funds to run a new "independent quasi-governmental corporation to comprehensively oversee the public relations aspects of the cessation of analog broadcasting"—dubbed "SwitchCoUSA."

At a July 12, 2005 Senate hearing, APTS' John Lawson called for a "well-funded" campaign to educate consumers about the transition. He warned that if the government failed to do that, the transition would have to be postponed! "APTS stands ready to lead this initiative with key industry partners," Lawson exclaimed, "provided that adequate resource support is provided."

There's not going to be any more money, and consumer education is needed *now*. But it does show you where APTS's true priorities are, and consumer education is not at the top. And that's nothing less than shameful.

PSAs can deliver a consistent *uniform* message to everyone. The messages must *educate* rather than *market* products and services. The transition is what it is; there is just one. What it *isn't* is a business or marketing plan. The several TV industries are certainly free to advertise and promote their transition-related products and services in many different ways, but the Commission's goal should be to ensure the American public hears a single unbiased educational message unencumbered with commercial sales pitches.

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### 3. Direct education of the public must begin *now*.

At the FCC's Consumer Education Workshop this past week, Chairman Martin referred to the "*upcoming* digital transition." This of course is a misnomer; the *transition* has been going on for *ten years*.

In fact, we are in the final stages of the transition, hardly the time to start telling the American public about it. At the workshop, there seemed to

be a lack of urgency about the task of educating the public, with the exception being prescient warnings from Commissioners Copps and Adelstein.

I listened to the webcast of the Workshop; on its face there wasn't much I could see that was accomplished except for people to get acquainted and for them to look at demonstrations of converter boxes. In fact, it was billed as just the first of a series of workshops to discuss how best to deliver the transition message to the public.

When is the education going to start? It is a question that members of Congress have been asking and no one is willing to tell them. As near as I can tell, not earlier than April 2008—six months from now!

As I mentioned in my introduction, the NAB is proposing that stations be allowed to reduce analog service beginning in February in order for some stations to be able to start converting their facilities to a full-power final digital channel configuration.

Certainly all stations cannot do this at once—there are not enough tower crews, and equipment manufacturers do not have the capacity to fill all orders at the same time. If we're going to be all-digital on February 18, 2009, then analog must begin giving way well in advance of that date.

And if that's the case, the American TV-watching public *needs* to know about it, and deserves to know about it *soon*.

So why are the people charged with doing the educating still saying we have *17 months* left to get the job done?

The consumer electronics industry does not have the capacity or lead time to supply a spike in demand for digital TV sets or for converter boxes.

The longer you wait to educate, the greater demand will spike. If people do not feel they have a sufficient amount of time to digest news of the transition, they will react by running out to buy a new TV set or a converter box instead of researching (talking to friends, relatives, etc.) and contemplating their options.

The education campaign is by now years late, so we've already started up that curve. The longer you wait, the greater the chances that consumers will find empty shelves. It would be good to avoid a panic situation.

James Yager, testifying for the NAB at the House hearing on the DTV transition last March, said it would be hard to start airing PSAs sooner than 2008. Doing so would cause consumer "confusion," he said, and starting a DTV transition education program as early as last May would cause "tremendous confusion." He declared that he didn't want to create "panic."

Unfortunately, exactly the opposite is true. Why would early education cause panic? That defies logic. The longer the public remains uninformed (or misinformed), the greater the likelihood there will be panic as stations begin to reduce analog service.

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4. The Commission must *mandate* a minimum number of PSAs containing consistent basic transition information.

There's a saying among those responsible for crafting nuclear non-proliferation treaties: *trust but verify*. In other words, make sure you establish a failsafe.

There's not going to be a second chance on this one—time is running out. If we're not absolutely sure the industry has gotten religion and is

dedicated to fully and honestly informing consumers about all aspects of the transition, it would be wise to set up a safety net while we have the time.

So you have to ask yourself, do you trust them?

Read the industry comments and it's clear they're all opposed to any government requirement for public service announcements. They're all touting what a wonderful *voluntary* educational campaign they have planned (and all the web sites they've put up). And they all say trust us, we've got it covered—every stakeholder has a powerful vested interest in ensuring a smooth transition and there's no evidence of a "market failure."

Market failure? Like keeping analog-only TVs on the market long after the end of the transition was established. Like failing to inform consumers about the transition so they would continue to buy them? Like continuing to market digital 4:3 TVs when programming is all moving to widescreen format, and not warning potential purchasers?

It's instructive to note that this isn't the first time the industry pledged to educate consumers, and we know how that turned out. To wit:

On March 24, 2004, CERC representatives met with Rick Chessen and eight other Media Bureau staffers to describe the information generally provided to consumers on high-definition and other TVs by CERC members. The CERC representatives also discussed what other consumer education measures might be useful if implemented by retailers on a "voluntary" basis, and "expressed the view that in the present dynamic environment, mandated uniform terminology and/or labeling would not be advisable."

In Reply Comments (MB Docket 04-210) dated September 7, 2004, the CEA engaged the NAB in a tit-for-tat refusal by both to educate the public. Referring to a recent Media Bureau meeting attended by both industries, CEA said "broadcaster representatives rejected suggestions that they air PSAs. The broadcaster representatives explained to the FCC that they were unwilling to air PSAs regarding DTV because of the large volume of PSA requests that broadcasters receive."

They continue (at 4):

"In light of the broadcast industry's general reluctance to air PSAs aimed at educating over-the-air viewers, its insistence that the Commission impose government warning labels on analog-only sets is seriously misplaced. It is unfortunate that NAB seeks to thrust upon others the primary burden of educating consumers, especially when CEA and other parties have devoted substantial resources toward this critical effort.

"CE manufacturers have every incentive to ensure that consumers are well informed about the capabilities of the products they purchase. Misinformed consumers result in disappointed purchasers, product returns, and economic loss. CEA has consistently opposed imposition of mandatory government labels not just based on a lack of evidence that labels would help more than hurt education efforts, but because labels for sets by their nature would be cursory and uninformative."

In Reply Comments (ET Docket 05-24) dated May 2, 2005, the CEA (at 10) had this to say:

"To further show its dedication to educating U.S. consumers regarding the DTV transition, CEA and its members have agreed to support an advisory label for sets with analog-only broadcast tuners when a firm cut-off date for analog broadcasting has been adopted by Congress.

"CEA and DTV equipment manufacturers remain committed to leading the way in providing point-of-sale educational materials and overall HDTV promotion and DTV transition education. In order to achieve maximum results, we need and (once again) call for involvement from all transition leaders, especially broadcasters."

In Reply Comments (ET Docket 05-24) dated May 2, 2005, CERC (at 21) had this to say: ". . . once a 'hard date' is set, a mandated consumer advisory label would be appropriate." And (at 22):

"Specifically, the practice of trying to persuade a customer to buy a more expensive product than the one that attracted him or her to the store, and whose additional features might not be needed by that particular customer, is one of which a dim view is generally taken."

and:

"One an unambiguous date has been set, CERC and its members pledge that, in addition to any mandated product labeling requirements, they will advise consumers accurately, conspicuously, and consistently, via prominent store signage and store web-site notices, that:

- (1) The analog tuner feature of TV receivers will no longer be supported by terrestrial broadcasts as of that date, and
- (2) Consumers wishing to continue to receive such broadcast stations after that date will need either a TV with a built-in DT or HDTV tuner, or converter box for any TV that lacks a built-in DTV tuner."

In Reply Comments (ET Docket 05-24) dated May 2, 2005, the NAB (at 4-5) had this to say:

"Second, as MSTV and NAB explained in their initial comments, the alleged preference of the 'market' for analog-only sets is in reality a market failure brought about by the decisions of manufacturers and retailers to *not* educate consumers about the approaching shutdown of analog transmissions and the related importance of DTV-reception capability."

On May 26, 2005, the House Subcommittee on Telecommunications and the Internet held a hearing on a staff draft of the DTV Transition Act of 2005. During the hearing Congressman Markey declared that both Republicans and Democrats had agreed on an effective consumer education program. The draft bill included the following:

From July 1 to December 31, 2008—

“(i) each television broadcaster shall air, at a minimum, two 60-second public service announcements, one during the 8–9 a.m. hour and one during the 8–9 p.m. hour;

At the hearing, Gary Shapiro (CEA) declared in his opening statement: “We’ve done it right, quite frankly.” He went on to say:

“We have a whole range of promotional materials; we’ve done a phenomenal amount of research about this, and I think we’re safe in saying this transition has been a success.

“. . . and with a hard date set, soon, then we can start putting labels on sets, just as you’ve proposed. We do need 180 days or so from the manufacturer perspective to get the labels and to put them in the right place and we have some comments about that on some of the technical details, but we’re ready to go forward if you set the hard date, and that will allow us to promote even more.”

In Circuit City’s (McCollough) opening statement:

“So if you want to get the transition momentum going, and I think without having to drag customers kicking and screaming along the way, you have to start with a date by which the transition will be unequivocally 100% complete. If you’ll do that, if you’ll set such a date, and it becomes law, that same day I’ll make the call and start putting signs up in stores or changing our internet, doing everything we can to tell the customers, when we know the day.”

In response to a question, McCollough added:

“My opinion is all you need to do is set a firm date and the market will take care of itself. The day you set the firm date, we will begin

putting signs on the shelf, changing our internet site, labeling televisions, and making consumers aware of what will happen. I think if you just get out of their way, they'll make an intelligent decision."

At a July 12, 2005 Senate hearing on the same subject, Shapiro once again assured members that the CEA was making a lot of effort to educate the public, and saying broadcasters were not.

In Reply Comments (ET Docket 05-24) dated August 10, 2005, CEA/CERC (at 10) had this to say relative to a Commission proposal to put digital tuners in TVs sooner rather than later:

"APTS goes on to propose a constructive program for public education, *including* the sort of public service announcements that have been sorely and conspicuously lacking in the broadcast industry as a whole. CEA and CERC believe that this sort of activity, more than any mandated wrenching of product development and production, will be most beneficial to the DTV Transition overall."

In Reply Comments (ET Docket 05-24) dated August 10, 2005, Panasonic (at 8) had this to say:

"Panasonic also agree with the CEA and CERC Comments that once Congress has set a date certain for analog broadcasting shut-off, then manufacturers and retailers can and should move to label 'analog-only' products—on the product and in retail stores—to indicate that such products do not have built-in DTV broadcast tuners."

The next year, on March 29, 2006, representatives from Panasonic (including Chief Technology Officer & President, Panasonic Technologies and other senior executives) met with Commissioner Adelstein, Commissioner Copps' Senior Legal Adviser, Media Bureau Chief Gregg, and nine other FCC staff members in three separate meetings to assure the Commission of its continued support for the transition. Panasonic announced that it would be participating in the industry's voluntary

labeling program for analog-only TVs, applying labels to analog TVs no later than July 30, 2006.

As it turns out, however, by that date Panasonic had stopped making analog-only TVs—so no labels. Did they know that would happen when they made their commitment?

On March 15, 2006 (more than 18 months ago), the CEA issued a press release on DTV consumer education. Here are some excerpts:

“The Consumer Electronics Association (CEA®) today announced a broad-based, member-driven voluntary effort to help inform consumers about the nation's transition from analog to digital television (DTV). The effort will include a voluntary labeling program for TVs that have only analog TV tuners, as well as general consumer education about the transition to digital.”

“The Consumer Advisory Label will be placed prominently on analog only TVs.”

“CEA also will continue its award-winning efforts to educate consumers about the DTV transition. . . . CEA will also reach out to consumer advocacy and other organizations representing hard to reach populations to ensure the educational materials reach a broader audience.”

Promises, promises.

First the industry said they had to wait until a hard date was set before launching an education campaign. After the date was set, we got yet more promises, and then they reneged.

Now they're saying they need to wait until converter boxes become *generally available*. The NTIA's program RFP specified April 2008 as the beginning of the operational period for coupon distribution, versus the

January 1 date specified by Congress (something Kneuer has been trying to keep secret).

So the industry seems to be *saying* no real information will air in PSAs at least for another six months. What happens then? More promises?

As the Commission is well aware, the industry's voluntary analog labeling program never happened. Their lobbying effort to keep analog TVs on store shelves as long as possible, however, was a success, as was their efforts to head off a mandatory labeling requirement.

Only months after the March 1, 2007 ban on the import of analog TVs went into effect, when a wide selection of analog-only TVs was still in stores, did the Commission act to impose a labeling requirement. Even after that regulation went into effect, labels were generally still not displayed. It was only after FCC enforcement agents started issuing large monetary penalties that labels started to show up widely.

As Commissioner Adelstein noted at the recent Senate Select Committee on Aging DTV hearing, the FCC found vast non-compliance in response to its label requirements, while large numbers of analog TVs were being dumped on the market.

And what of the more general education effort repeatedly promised by the industry over the last three years? Best Buy released a study last week that showed almost 90% of consumers still do not have a good understanding of high-definition television. Even among people who already own HDTV sets, 42% admitted they understand little to nothing at all about HDTV.

Is this the success the industry has been claiming for years?

At last weeks' NTIA and FCC events, some of the same industry players were saying their education efforts *are just getting started*. As the record shows, they've been telling the government at least since 2004 that they were educating full speed.

Should we trust them now with another promised education campaign, when they won't tell us what their PSAs will say or when Americans will start seeing them on their televisions?

Here's what *we are* seeing:

At the recent Senate Aging DTV hearing, Senator McCaskill reported on her own investigative field trip to local electronics stores. When she asked the salesperson about converter boxes, they told her to buy cable or satellite service. They didn't know about the boxes, which NTIA and industry have been telling Congress would be available January 1.

McCaskill noted that the cable industry's vaunted \$200 million transition education campaign just tells people to buy more cable services and doesn't mention the converter box coupon program.

The U.S. Public Interest Research Group's Amina Fazlullah reported on that organization's undercover investigation into electronics retailers' "alarming" practices in the Washington, D.C. area. Salespeople and managers at the five stores they visited all provided inaccurate and misleading information (which is consistent with my own forays). PIRG investigators were told the only way to get digital service would be to buy an HDTV or a useless HD tuner (and they were told all digital signals were HD).

Other PIRG investigators were not told about the coupon program, or they were told that a new digital TV *would cost less* than a digital-to-analog converter box! They also reported that sales people in some stores did not know what the analog warning labels were for, and those labels were often displayed incorrectly (for example, under a digital TV).

The Commission is going to have to require mandatory PSAs, at a minimum, to ensure that the American public will get at least a baseline of honest and unbiased information about the transition. The broadcast industry gets large chunks of extremely valuable spectrum and in return is supposed to incur certain public interest obligations.

In specifying the content of PSAs, the Commission would not be telling broadcasters what they had to do with their property, it would be directing broadcasters what to do with the government's property. Free speech arguments do not apply in this case. This is a contract.

If broadcasters balk, the government should take back the spectrum and auction it to the highest bidder. Broadcasters would then have the right to refuse making PSAs.

If the Commission leaves PSA content to the industry, we will have only *commercials*—slick persuasive advertisements with phrases like “government-mandated changes” or “as directed by Congress.”

If they are all vetted through industry-coordination (i.e. the Coalition), nothing that offends any of the triad will see the light of day (or night).

Will we see a message that tells consumers that TVs with 4:3 aspect ratio displays will not match ubiquitous digital widescreen programming? Not as long as TV manufacturers continue to build 4:3 CRT digital TVs.

Will consumers be harmed? If viewing programming on their new 4:3 digital TVs either with black bars top and bottom, or with the sides of the picture chopped off, or worse—with a “postage-stamp” picture (with black bars on all sides), I would call that being harmed. I would also call that a market failure.

Broadcasters are opposing an Active Format Description (AFD) instruction requirement, something that might make the 4:3 experience slightly less disastrous. But can you imagine a consumer’s reaction when “postage-stamp” pictures appear on his new digital TV? Is anyone going to warn him not to buy a 4:3 TV?

How about channel selection? Any PSAs about that? Many Americans will continue to select channels as always—push the buttons on the remote for the usual channel number (an integer). Until the end of the transition, that will give them an analog broadcast, even on their new HDTV. There will be no HD and no multi-cast channels without decimal channel entry.

It’s a simple habit that will be hard to overcome for many people, including senior citizens. Repeated PSAs will be needed, but it’s not the sort of thing that industry marketing people think of, especially if they aren’t digital over-the-air consumers themselves. Certainly cable advertising won’t touch that; they have their own channel numbers.

PSIP has made it simple for people to tune in their regular network programming by punching the old analog branded channel number, even

though the station is actually broadcasting digital on *another* channel. In perhaps most cases, the networks will have VHF analog channel branding and a final digital channel assignment that will not uncommonly be high-UHF.

If the consumer wants to buy an antenna for free over-the-air high-definition programming, and knows that his stations are VHF, he will likely buy a VHF antenna—and get nothing. What he really needs is a nice UHF antenna, perhaps a compact UHF-only model in lieu of a combination antenna with its large VHF element array. If left to their own devices, will industry marketing people produce a PSA for this situation? Not likely.

There are many of these important ancillary transition issues that are likely to be left out of a *marketing* campaign (from non-tech oriented sales and advertising people), certainly from the cable TV people, and especially from anyone who does not own an HDTV and experienced some of these issues themselves.

Many of the outreach organizations the FCC tapped as partners in its Consumer Education Workshop appeared to be new to the digital transition. It is therefore important that the Commission's Media Bureau take the leadership role in shaping a mandated baseline PSA campaign.

Longer educational programming is also needed; broadcasters are always free to expand on mandated basics.

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5. The Chairman must *personally* make the education of the American public his top priority.

The Commission's natural constituencies have been telecommunications *businesses* and their lobbying associations. You don't

have to look further than the myriad notices of TV industry ex-parte meetings to understand this—it is an inside-the-beltway culture. These are the people the Commissioners and FCC staffers come into contact with every day, but the Commission is going to have to start working harder to have some empathy for the ordinary TV viewer in middle America.

The Chairman, the other Commissioners, and the staff who are involved in bringing the public up to speed must all have personal experience with and sincere enthusiasm for digital/HD television. TV is part of the American culture; for middle America, television is their link to a larger and often more engaging world of entertainment, news, and education.

For the Washington power elite, this is often not the case. If the people in charge of the education of American TV viewers are indifferent to the spectacular high-definition widescreen images that digital television brings, if they can find no reason to personally embrace it, then the transition will stumble.

When a Commissioner suggests that cable TV revenues be redirected to expanding broadband data services instead of upgrading equipment to offer digital/HD programming, it suggests that the DTV transition is not a top priority.

When another Commissioner announces that he's still an analog cable subscriber, that tells the public he thinks there's no real advantage to switching to digital.

When the head of the Commission's Consumer and Governmental Affairs Bureau repeatedly tells a Congressional committee she doesn't know the answer to their DTV transition questions and will have to take them

back to the Media Bureau for answers, that doesn't inspire confidence that the FCC is serious about digital TV consumer education.

And when she says we're switching to digital *because Congress mandated it*, and the benefits are spectrum for first responders, multi-cast channels, and spectrum for other wireless services, but she says nothing of the jaw-dropping improvement in picture quality, one wonders if she even has an HDTV in her own home. You're not going to sell digital TV to the ordinary American consumer by saying do it because *Congress mandated it*.

When the moderator for one of the FCC's Consumer Education Workshop panels (the Deputy Bureau Chief of the Consumer and Governmental Affairs Bureau) admits that her "primary focus isn't on DTV outreach," what does that tell the people she's trying to motivate to spread the word?

The Congressional leadership has dropped the ball on consumer education, and the NTIA's mismanagement of the coupon program has caused irreparable harm to the transition. It's up to the Commission to make things right. May the force be with you.

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Chris Llana  
Chapel Hill, NC  
chris@dtvprimer.com