

**APPENDIX D:**

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**List of Stations identified as Ready to Commence Post-Transition Operations**

Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
68433	WXMI	GRAND RAPIDS	MI	17	19	19
24784	WGVU-TV	GRAND RAPIDS	MI	35	11	11
29706	WHTV	JACKSON	MI	18	34	34
24783	WGVK	KALAMAZOO	MI	52	5	5
11033	WLLA	KALAMAZOO	MI	64	45	45
74094	WSYM-TV	LANSING	MI	47	38	38
36533	WLAJ	LANSING	MI	53	51	51
21259	WLUC-TV	MARQUETTE	MI	6	35	35
455	WADL	MOUNT CLEMENS	MI	38	39	39
67781	WTLJ	MUSKEGON	MI	54	24	24
72052	WEYI-TV	SAGINAW	MI	25	30	30
67792	WAQP	SAGINAW	MI	49	48	48
49579	KAWB	BRAINERD	MN	22	28	28
132606	KCGE-DT	CROOKSTON	MN		16	16
4691	KDLH	DULUTH	MN	3	33	33
35525	KQDS-TV	DULUTH	MN	21	17	17
9629	WCCO-TV	MINNEAPOLIS	MN	4	32	32
36395	KMWB	MINNEAPOLIS	MN	23	22	22
35906	KXLT-TV	ROCHESTER	MN	47	46	46
35907	KPXM	ST. CLOUD	MN	41	40	40
68594	KTCA	ST. PAUL	MN	2	34	34
71558	KSMN	WORTHINGTON	MN	20	15	15
19593	KBSI	CAPE GIRARDEAU	MO	23	22	22
41110	KRCG	JEFFERSON CITY	MO	13	12	12
48521	KNLJ	JEFFERSON CITY	MO	25	20	20
11291	WDAF-TV	KANSAS CITY	MO	4	34	34
41230	KCTV	KANSAS CITY	MO	5	24	24
53843	KCPT	KANSAS CITY	MO	19	18	18
64444	KCWE	KANSAS CITY	MO	29	31	31
59444	KSHB-TV	KANSAS CITY	MO	41	42	42
33337	KPXE	KANSAS CITY	MO	50	51	51
33336	KSMO-TV	KANSAS CITY	MO	62	47	47
21251	KTVO	KIRKSVILLE	MO	3	33	33
4326	KMOS-TV	SEDALIA	MO	6	15	15
51102	KOZK	SPRINGFIELD	MO	21	23	23
3659	KSFY-TV	SPRINGFIELD	MO	27	28	28
999	KTAJ-TV	ST. JOSEPH	MO	16	21	21
35693	KTVI	ST. LOUIS	MO	2	43	43
35417	KPLR-TV	ST. LOUIS	MO	11	26	26
48525	KNLC	ST. LOUIS	MO	24	14	14
56524	KDNL-TV	ST. LOUIS	MO	30	31	31
43197	WMAH-TV	BILOXI	MS	19	16	16
43203	WABG-TV	GREENWOOD	MS	6	32	32
60830	WBUY-TV	HOLLY SPRINGS	MS	40	41	41
21250	WDAM-TV	LAUREL	MS	7	28	28
24314	WGBC	MERIDIAN	MS	30	31	31
16539	WNTZ	NATCHEZ	MS	48	49	49
35694	KTVQ	BILLINGS	MT	2	10	10
5243	KSVI	BILLINGS	MT	6	18	18

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Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
35724	KULR-TV	BILLINGS	MT	8	11	11
35567	KRTV	GREAT FALLS	MT	3	7	7
34412	KFBB-TV	GREAT FALLS	MT	5	8	8
68717	KMTF	HELENA	MT	10	29	29
35455	KPAX-TV	MISSOULA	MT	8	7	7
69300	WUNF-TV	ASHEVILLE	NC	33	25	25
70149	WASV-TV	ASHEVILLE	NC	62	45	45
65074	WGPX	BURLINGTON	NC	16	14	14
30826	WBTW	CHARLOTTE	NC	3	23	23
74070	WSOC-TV	CHARLOTTE	NC	9	34	34
49157	WCCB	CHARLOTTE	NC	18	27	27
32326	WCNC-TV	CHARLOTTE	NC	36	22	22
10645	WTVI	CHARLOTTE	NC	42	11	11
69292	WUND-TV	EDENTON	NC	2	20	20
21245	WFPX	FAYETTEVILLE	NC	62	36	36
72064	WFMY-TV	GREENSBORO	NC	2	51	51
25544	WUPN-TV	GREENSBORO	NC	48	33	33
54452	WLXI-TV	GREENSBORO	NC	61	43	43
57838	WNCT-TV	GREENVILLE	NC	9	10	10
69149	WUNK-TV	GREENVILLE	NC	25	23	23
65919	WHKY-TV	HICKORY	NC	14	40	40
37971	WPXU-TV	JACKSONVILLE	NC	35	34	34
12793	WAXN-TV	KANNAPOLIS	NC	64	50	50
35385	WTWB-TV	LEXINGTON	NC	20	19	19
35385	WCWG	LEXINGTON	NC	20	19	19
64611	WRAZ	RALEIGH	NC	50	49	49
20590	WRPX	ROCKY MOUNT	NC	47	15	15
48666	WECT	WILMINGTON	NC	6	44	44
72871	WSFX-TV	WILMINGTON	NC	26	30	30
69332	WUNJ-TV	WILMINGTON	NC	39	29	29
10133	WRAY-TV	WILSON	NC	30	42	42
53921	WXII-TV	WINSTON-SALEM	NC	12	31	31
414	WXLV-TV	WINSTON-SALEM	NC	45	29	29
53324	KBME-TV	BISMARCK	ND	3	22	22
41427	KFYR-TV	BISMARCK	ND	5	31	31
55684	KXMA-TV	DICKINSON	ND	2	19	19
53315	KJRE	ELLENDALE	ND	19	20	20
22129	WDAY-TV	FARGO	ND	6	21	21
61961	KVLY-TV	FARGO	ND	11	44	44
53313	KSRE	MINOT	ND	6	40	40
49134	KXJB-TV	VALLEY CITY	ND	4	38	38
53318	KWSE	WILLISTON	ND	4	51	51
55683	KXMD-TV	WILLISTON	ND	11	14	14
47987	KHNE-TV	HASTINGS	NE	29	28	28
47975	KLNE-TV	LEXINGTON	NE	3	26	26
72362	KSNK	MCCOOK	NE	8	12	12
65528	WOWT-TV	OMAHA	NE	6	22	22
53903	KETV	OMAHA	NE	7	20	20
47974	KYNE-TV	OMAHA	NE	26	17	17

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Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
51491	KPTM	OMAHA	NE	42	43	43
17683	KDUH-TV	SCOTTSDLUFF	NE	4	7	7
48406	WPXG	CONCORD	NH	21	33	33
51864	WNEU	MERRIMACK	NH	60	34	34
23142	WWSI	ATLANTIC CITY	NJ	62	49	49
9739	WMCN-TV	ATLANTIC CITY	NJ		44	44
7623	WGTW-TV	BURLINGTON	NJ	48	27	27
48481	WNJS	CAMDEN	NJ	23	22	22
48477	WNJN	MONTCLAIR	NJ	50	51	51
43952	WMBC-TV	NEWTON	NJ	63	18	18
74215	WXTV	PATERSON	NJ	41	40	40
20818	WFME-TV	WEST MILFORD	NJ	66	29	29
61111	WMGM-TV	WILDWOOD	NJ	40	36	36
35313	KOB-TV	ALBUQUERQUE	NM	4	26	26
55528	KNME-TV	ALBUQUERQUE	NM	5	35	35
993	KNAT-TV	ALBUQUERQUE	NM	23	24	24
1151	KAZQ	ALBUQUERQUE	NM	32	17	17
55049	KASY-TV	ALBUQUERQUE	NM	50	45	45
55516	KRWG-TV	LAS CRUCES	NM	22	23	23
18338	KENW	PORTALES	NM	3	32	32
32311	KASA-TV	SANTA FE	NM	2	27	27
60793	KCHF	SANTA FE	NM	11	10	10
76268	KWBQ	SANTA FE	NM	19	29	29
84215	KNMD-TV	SANTA FE	NM		9	9
35870	KVVU-TV	HENDERSON	NV	5	9	9
69677	KVBC	LAS VEGAS	NV	3	2	2
35042	KLAS-TV	LAS VEGAS	NV	8	7	7
11683	KLVX	LAS VEGAS	NV	10	11	11
67089	KINC	LAS VEGAS	NV	15	16	16
10179	KVWB	LAS VEGAS	NV	21	22	22
10195	KFBT	LAS VEGAS	NV	33	29	29
10179	KVMY	LAS VEGAS	NV	21	22	22
10195	KVCW	LAS VEGAS	NV	33	29	29
63768	KBLR	PARADISE	NV	39	40	40
59139	KTVN	RENO	NV	2	13	13
60307	KRNV	RENO	NV	4	7	7
63331	KOLO-TV	RENO	NV	8	9	9
48360	KRXI-TV	RENO	NV	11	44	44
73363	WNYT	ALBANY	NY	13	12	12
13933	WYPX	AMSTERDAM	NY	55	50	50
23337	WBNG-TV	BINGHAMTON	NY	12	7	7
62210	WICZ	BINGHAMTON	NY	40	8	8
74034	WSKG-TV	BINGHAMTON	NY	46	42	42
64547	WGRZ-TV	BUFFALO	NY	2	33	33
7780	WIVB-TV	BUFFALO	NY	4	39	39
54176	WKBW	BUFFALO	NY	7	38	358
71905	WNLO	BUFFALO	NY	23	32	32
415	WUTV	BUFFALO	NY	29	14	14
67784	WNYO-TV	BUFFALO	NY	49	34	34

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Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
74156	WRNN-TV	KINGSTON	NY		48	48
57476	WPTZ	NORTH POLE	NY	5	14	14
46755	WCFE-TV	PLATTSBURGH	NY	57	38	38
67993	WTBY-TV	POUGHKEEPSIE	NY	54	27	27
73964	WROC	ROCHESTER	NY	8	45	45
57274	WXXI-TV	ROCHESTER	NY	21	16	16
413	WUHF	ROCHESTER	NY	31	28	28
73263	WMHT	SCHENECTADY	NY	17	34	34
73264	WCWN	SCHENECTADY	NY	45	43	43
60553	WFTY-TV	SMITHTOWN	NY	67	23	23
74151	WTVH	SYRACUSE	NY	5	47	47
73113	WSYR-TV	SYRACUSE	NY	9	17	17
53734	WCNY-TV	SYRACUSE	NY	24	25	25
58725	WNYS-TV	SYRACUSE	NY	43	44	44
40758	WSYT	SYRACUSE	NY	68	19	19
60654	WKTV	UTICA	NY	2	29	29
57837	WUTR	UTICA	NY	20	30	30
16747	WWTI	WATERTOWN	NY	50	21	21
49421	WEAO	AKRON	OH	49	50	50
72958	WBNX-TV	AKRON	OH	55	30	30
50147	WOUB-TV	ATHENS	OH	20	27	27
50141	WOUC-TV	CAMBRIDGE	OH	44	35	35
67893	WDLI-TV	CANTON	OH	17	39	39
43870	WOAC	CANTON	OH	67	47	47
21158	WWHO	CHILLICOTHE	OH	53	46	46
46979	WLWT	CINCINNATI	OH	5	35	35
65666	WCET	CINCINNATI	OH	48	34	34
60556	WQHS-TV	CLEVELAND	OH	61	34	34
50781	WCMH-TV	COLUMBUS	OH	4	14	14
56549	WSYX	COLUMBUS	OH	6	13	13
71217	WBNS-TV	COLUMBUS	OH	10	21	21
74137	WTTE	COLUMBUS	OH	28	36	36
66185	WOSU-TV	COLUMBUS	OH	34	38	38
65690	WDTN	DAYTON	OH	2	50	50
41458	WHIO-TV	DAYTON	OH	7	41	41
73155	WKEF	DAYTON	OH	22	51	51
411	WRGT-TV	DAYTON	OH	45	30	30
8532	WUAB	LORAIN	OH	43	28	28
41893	WMFD-TV	MANSFIELD	OH	68	12	12
11118	WSFJ-TV	NEWARK	OH	51	24	24
25065	WPTO	OXFORD	OH	14	28	28
66190	WPBO	PORTSMOUTH	OH	42	43	43
39746	WOIO	SHAKER HEIGHTS	OH	19	10	10
73354	WNWO-TV	TOLEDO	OH	24	49	49
19190	WUPW	TOLEDO	OH	36	46	46
72062	WFMJ-TV	YOUNGSTOWN	OH	21	20	20
61216	WHIZ-TV	ZANESVILLE	OH	18	40	40
35666	KTEN	ADA	OK	10	26	26
50194	KWET	CHEYENNE	OK	12	8	8

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**List of Stations identified as Ready to Commence Post-Transition Operations**

Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
57431	KRSC-DT	CLAREMORE	OK	35	36	36
50198	KOET	EUFAULA	OK	3	31	31
35645	KSWO-TV	LAWTON	OK	7	11	11
66222	KFOR-TV	OKLAHOMA CITY	OK	4	27	27
67999	KTBO-TV	OKLAHOMA CITY	OK	14	15	15
35388	KOKH-TV	OKLAHOMA CITY	OK	25	24	24
50170	KOCB	OKLAHOMA CITY	OK	34	33	33
2566	KOPX	OKLAHOMA CITY	OK	62	50	50
7078	KTPX	OKMULGEE	OK	44	28	28
77480	KTUZ-TV	SHAWNEE	OK	30	29	29
35685	KTUL	TULSA	OK	8	10	10
11910	KOKI-TV	TULSA	OK	23	22	22
54420	KTFO	TULSA	OK	41	42	42
50588	KOAB-TV	BEND	OR	3	11	11
35183	KUCW	COOS BAY	OR	23	22	22
35189	KMTR	EUGENE	OR	16	17	17
50591	KEPB-TV	EUGENE	OR	28	29	29
8322	KLSR-TV	EUGENE	OR	34	31	31
8284	KOTI	KLAMATH FALLS	OR	2	13	13
21649	KATU	PORTLAND	OR	2	43	43
35380	KOIN	PORTLAND	OR	6	40	40
61551	KPIC	ROSEBURG	OR	4	19	19
31437	KTVC	ROSEBURG	OR	36	18	18
35187	KTWC	ROSEBURG	OR	46	45	45
10192	KWBP	SALEM	OR	32	33	33
10192	KRCW	SALEM	OR	32	33	33
39884	WFMZ-TV	ALLENTOWN	PA	69	46	46
23341	WTAJ-TV	ALTOONA	PA	10	32	32
20287	WATM-TV	ALTOONA	PA	23	24	24
60850	WBPH-TV	BETHLEHEM	PA	60	9	9
49711	WSEE-TV	ERIE	PA	35	16	16
13924	WPCB-TV	GREENSBURG	PA	40	50	50
73375	WOLF	HAZLETON	PA	56	45	45
73120	WJAC-TV	JOHNSTOWN	PA	6	34	34
23338	WLYH-TV	LANCASTER	PA	15	23	23
25453	KYW-TV	PHILADELPHIA	PA	3	26	26
51568	WTFX-TV	PHILADELPHIA	PA	29	42	42
12499	WPSG	PHILADELPHIA	PA	57	32	32
25454	KDKA-TV	PITTSBURGH	PA	2	25	25
65681	WTAE-TV	PITTSBURGH	PA	4	51	51
73910	WPXI	PITTSBURGH	PA	11	48	48
73907	WPMY	PITTSBURGH	PA	22	42	42
73875	WPGH-TV	PITTSBURGH	PA	53	43	43
55305	WTVE	READING	PA	51	25	25
73318	WNEP-TV	SCRANTON	PA	16	49	49
17010	WYOU	SCRANTON	PA	22	13	13
47929	WVIA-TV	SCRANTON	PA	44	41	41
64690	WQPX	SCRANTON	PA	64	32	32
71225	WBRE-TV	WILKES-BARRE	PA	28	11	11

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Facility ID	Call Sign	Community	State	Current NTSC Channel	Current DTV Channel	Post-Transition Channel
10213	WPMT	YORK	PA	43	47	47
61573	WVEO	AGUADILLA	PR	44	17	17
54443	WRFB	CAROLINA	PR	52	51	51
18410	WIDP	GUAYAMA	PR	46	45	45
53863	WIPM-DT	MAYAGUEZ	PR	3	35	35
2175	WQTO	PONCE	PR	26	25	25
29000	WVOZ-TV	PONCE	PR	48	47	47
52073	WAPA-TV	SAN JUAN	PR	4	27	27
28954	WTCV	SAN JUAN	PR	18	32	32
58340	WJPX	SAN JUAN	PR	24	21	21
50063	WPXQ	BLOCK ISLAND	RI	69	17	17
47404	WPRI-TV	PROVIDENCE	RI	12	13	13
56092	WSBE-TV	PROVIDENCE	RI	36	21	21
61003	WEBA-TV	ALLENDALE	SC	14	33	33
61007	WJWJ-TV	BEAUFORT	SC	16	44	44
10587	WCBD-TV	CHARLESTON	SC	2	50	50
21536	WCIV	CHARLESTON	SC	4	34	34
71297	WCSC-TV	CHARLESTON	SC	5	47	47
37176	WLTX	COLUMBIA	SC	19	17	17
60963	WOLO-TV	COLUMBIA	SC	25	8	8
61013	WRLK-TV	COLUMBIA	SC	35	32	32
61004	WHMC	CONWAY	SC	23	9	9
17012	WPDE-TV	FLORENCE	SC	15	16	16
61008	WJPM-TV	FLORENCE	SC	33	45	45
61010	WNTV	GREENVILLE	SC	29	9	9
60931	WNEH	GREENWOOD	SC	38	18	18
9054	WFXB	MYRTLE BEACH	SC	43	18	18
61009	WNSC-TV	ROCK HILL	SC	30	15	15
61011	WRET-TV	SPARTANBURG	SC	49	43	43
61012	WRJA-TV	SUMTER	SC	27	28	28
40902	WKTC	SUMTER	SC	63	39	39
17686	KHSD-TV	LEAD	SD	11	10	10
48660	KPRY	PIERRE	SD	4	19	19
17688	KOTA-TV	RAPID CITY	SD	3	2	2
41969	KCLO-TV	RAPID CITY	SD	15	16	16
41964	KPLO-TV	RELIANCE	SD	6	13	13
60728	KCSD	SIOUX FALLS	SD	23	24	24
55379	KDLT-TV	SIOUX FALLS	SD	46	47	47
61072	KUSD	VERMILLION	SD	2	34	34
59137	WRCB-TV	CHATTANOOGA	TN	3	13	13
65667	WTCI	CHATTANOOGA	TN	45	29	29
71353	WDSI	CHATTANOOGA	TN	61	40	40
72060	WFLI-TV	CLEVELAND	TN	53	42	42
28468	WNPX	COOKEVILLE	TN	28	36	36
40761	WEMT	GREENEVILLE	TN	39	38	38
60820	WPGD-TV	HENDERSONVILLE	TN	50	51	51
52628	WPXK	JELICO	TN	54	23	23
71082	WATE-TV	KNOXVILLE	TN	6	26	26
35908	WVLT-TV	KNOXVILLE	TN	8	30	30

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18267	WKOP-TV	KNOXVILLE	TN	15	17	17
19200	WTNZ	KNOXVILLE	TN	43	34	34
83931	WMAK	KNOXVILLE	TN		7	7
42061	WKNO	MEMPHIS	TN	10	29	29
11907	WPTY-TV	MEMPHIS	TN	24	25	25
68518	WLMT	MEMPHIS	TN	30	31	31
21726	WPXX-TV	MEMPHIS	TN	50	51	51
11117	WHTN	MURFREESBORO	TN	39	38	38
73188	WKRN-TV	NASHVILLE	TN	2	27	27
418	WZTV	NASHVILLE	TN	17	15	15
9971	WUXP-TV	NASHVILLE	TN	30	21	21
73310	WNAB	NASHVILLE	TN	58	23	23
18252	WETP-TV	SNEEDVILLE	TN	2	41	41
306	KRBC-TV	ABILENE	TX	9	29	29
59988	KTAB-TV	ABILENE	TX	32	24	24
60537	KFTH-TV	ALVIN	TX	67	36	36
1236	KACV-TV	AMARILLO	TX	2	8	8
68834	KPXD	ARLINGTON	TX	68	42	42
8564	KLRU	AUSTIN	TX	18	22	22
35867	KVUE	AUSTIN	TX	24	33	33
35920	KXAN-TV	AUSTIN	TX	36	21	21
33691	KEYE-TV	AUSTIN	TX	42	43	43
144	KNVA	AUSTIN	TX	54	49	49
22589	KFDM-TV	BEAUMONT	TX	6	21	21
12896	KITU-TV	BEAUMONT	TX	34	33	33
83715	KEYU	BORGER	TX		31	31
12523	KVEO	BROWNSVILLE	TX	23	24	24
58835	KPXB	CONROE	TX	49	5	5
28324	KTBU	CONROE	TX	55	42	42
10188	KIII	CORPUS CHRISTI	TX	3	8	8
25559	KRIS-DT	CORPUS CHRISTI	TX	6	13	13
64877	KORO	CORPUS CHRISTI	TX	28	27	27
49324	KERA-TV	DALLAS	TX	13	14	14
17037	KDFI	DALLAS	TX	27	36	36
22201	KDAF	DALLAS	TX	33	32	32
35994	KXTX-TV	DALLAS	TX	39	40	40
73701	KMPX	DECATUR	TX	29	30	30
49326	KDTN	DENTON	TX	2	43	43
32621	KVAW	EAGLE PASS	TX	16	18	18
33764	KDBC-TV	EL PASO	TX	4	18	18
33716	KFOX-TV	EL PASO	TX	14	15	15
51708	KINT-TV	EL PASO	TX	26	25	25
68753	KTFN	EL PASO	TX	65	51	51
51517	KTXA	FORT WORTH	TX	21	18	18
64984	KTMD	GALVESTON	TX	47	48	48
42359	KTAQ	GREENVILLE	TX	47	46	46
34457	KGBT-TV	HARLINGEN	TX	4	31	31
12913	KLUJ-TV	HARLINGEN	TX	44	34	34
56079	KMBH	HARLINGEN	TX	60	38	38

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53117	KPRC-TV	HOUSTON	TX	2	35	35
12895	KETH-TV	HOUSTON	TX	14	24	24
51569	KTXH	HOUSTON	TX	20	19	19
23394	KHCW	HOUSTON	TX	39	38	38
69531	KZJL	HOUSTON	TX	61	44	44
60534	KSTR-TV	IRVING	TX	49	48	48

## APPENDIX E

## Final Regulatory Flexibility Act Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (“RFA”)<sup>1</sup> an Initial Regulatory Flexibility Analysis (“IRFA”) was included in the Notice of Proposed Rulemaking to this proceeding (“*Third DTV Periodic Review NPRM*”).<sup>2</sup> The Commission sought written public comment on the proposals in the *Third DTV Periodic Review NPRM*, including comment on the IRFA.<sup>3</sup> The Commission received no comments on the IRFA. This present Final Regulatory Flexibility Analysis (“FRFA”) conforms to the RFA.<sup>4</sup>

**A. Need for, and Objectives of, the Report and Order**

2. This Report and Order in the third periodic review of the Commission’s rules and policies affecting the conversion of the nation’s broadcast television system to digital television (“DTV”) resolves issues necessary to complete this transition from analog to DTV. The Commission conducts these periodic reviews in order to assess the progress of the DTV transition and make any necessary adjustments to the Commission’s rules and policies to facilitate the introduction of DTV service and the recovery of spectrum at the end of the transition. In 2005, Congress mandated that, after February 17, 2009, full-power television broadcast stations must transmit only in digital signals, and may no longer transmit analog signals.

3. With the DTV transition deadline less than 14 months away, our focus is now on overseeing broadcasters’ construction of facilities that will reach viewers in their authorized service areas by the time they must cease broadcasting in analog. Specifically, this Report and Order adopts rules to ensure that broadcasters meet their statutory responsibilities and can begin operations on their final, post-transition (digital) channels upon expiration of the February 17, 2009 transition deadline. The Commission wants to ensure that no consumers are left behind in the DTV transition. The Commission recognizes that the transition is a complex undertaking presenting many challenges to the broadcast industry, and that some disruption of television service may be unavoidable leading up to the analog turn-off. Therefore, the Commission adopts rules to offer broadcasters regulatory flexibility, while at the same time requiring broadcasters to maintain the best possible television service to the public and meet viewers’ over-the-air reception expectations after the transition date.

4. The purpose of this Report and Order, generally, is to (1) provide a progress report on the transition; (2) describe the status and readiness of full-power television broadcast stations to complete their transition; (3) adopt procedures and rule changes necessary to ensure that broadcasters meet the statutory transition deadline and complete construction of their final, post-transition facilities while maintaining the best possible television service to their viewers; and (4) address other issues related to the transition. Stations face many challenges in order to be ready to make their transition by the February 17, 2009 statutory transition deadline. Stations must focus their full attention on constructing their final digital facilities before they must cease analog operations.

5. The primary objectives of this Report and Order is to ensure that, by the February 17, 2009 transition date, all full-power television broadcast stations (1) cease analog broadcasting and (2)

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<sup>1</sup> See 5 U.S.C. § 603. The RFA, See 5 U.S.C. § 601 *et. seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (“SBREFA”), Pub. L. No. 104-121, Title II, 110 Stat. 847 (1996).

<sup>2</sup> See *Third DTV Periodic Review NPRM*, 22 FCC Rcd at 9529, ¶ 126, and 9548, app. C.

<sup>3</sup> *Id.*

<sup>4</sup> See 5 U.S.C. § 604.

complete construction of, and begin operations on, their final, DTV facility. In addition, the Report and Order offers broadcasters to the extent possible regulatory flexibility to meet these goals.<sup>5</sup>

6. Mandatory Termination of Analog Television Broadcasting. By statute, after the February 17, 2009 transition date, all full-power television broadcast stations must transmit only in digital signals, and may no longer transmit analog signals.<sup>6</sup> This statutory mandate affords the Commission no discretion to offer any regulatory flexibility to small television broadcasters concerning the mandatory analog turn-off. Rather, to implement this statutory mandate, the Commission must ensure that all full-power television broadcast stations cease analog broadcasting as of the February 17, 2009 transition date.

7. Construction deadlines for DTV facilities. The Report and Order sets deadlines for all full-power television broadcast stations to complete construction of their final, post-transition (DTV) facility in order to ensure that DTV stations will be providing service on their final, post-transition channels by the February 17, 2009 transition date.<sup>7</sup> The Report and Order sets construction deadlines based on a station's channel assignment for pre- and post-transition operation, and other circumstances affecting the station's ability to complete final, post-transition facilities. The Report and Order establishes the following deadlines for full-power television broadcast stations to construct their full, authorized post-transition (digital) facilities (as defined in the post-transition DTV Table Appendix B): (1) May 18, 2008 will be the construction deadline for stations that will use their pre-transition DTV channel for post-transition operations and already have a construction permit that matches their post-transition (DTV Table Appendix B) facilities; (2) August 18, 2008 will be the construction deadline for stations that will use their pre-transition DTV channel for post-transition operations, but do not have a license or construction permit that matches their post-transition (DTV Table Appendix B) facilities; (3) February 17, 2009 will be the construction deadline for: (a) stations building digital facilities based on a new channel allotment in the post-transition DTV Table, *i.e.*, stations that will be returning to their analog channel or moving to a new digital channel for post-transition operations; and (b) stations demonstrating that a unique technical challenge, such as the need to reposition a side-mounted antenna, prevents them from completing construction of their final DTV facilities.

8. The Report and Order also adopts rules and policies to limit the situations in which stations may obtain more time to satisfy the construction deadlines adopted for completion of final, post-transition facilities.<sup>8</sup> Stations with a construction deadline on or before February 17, 2009 must comply with the revised rule Section 73.624(d).<sup>9</sup> Specifically, the revised rule Section 73.624(d) no longer grants stations additional time to construct because of equipment delays, absent extraordinary circumstances.<sup>10</sup>

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<sup>5</sup> See discussion in Section E. of this FRFA.

<sup>6</sup> Congress established February 17, 2009 as the hard deadline for the end of analog transmissions by full-power television broadcast stations. 47 U.S.C. § 309(j)(14)(A). Congress has directed the Commission to "take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and (2) to require by February 18, 2009, ... all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive)." 47 U.S.C.A. § 309 Note. See *supra* note 1 of the Report and Order.

<sup>7</sup> See *supra* Section V.B. of the Report and Order.

<sup>8</sup> See *supra* Section V.B.5. of the Report and Order.

<sup>9</sup> See revised rule 47 C.F.R. § 73.624(d) in Appendix B of the Report and Order. See also *supra* Section V.B.5. of the Report and Order.

<sup>10</sup> See revised rule 47 C.F.R. § 73.624(d) (eliminating paragraph (d)(3)(ii)(B)) in Appendix B of the Report and Order. The proposed rule would continue to allow extension requests based on stations' inability to construct because of delays in obtaining zoning or FAA approvals, or similar constraints. 47 C.F.R. § 73.624(d) (3)(ii)(A).

The revised rule also requires a stronger demonstration of financial hardship than is now required.<sup>11</sup> The revised financial hardship standard requires the licensee or permittee of a station to show that it is (1) the subject of a bankruptcy or receivership proceeding, or (2) experiencing severe financial hardship, as defined by negative cash flow for the past three years. Stations seeking an extension based upon financial considerations under this new rule would either (1) submit proof that they have filed for bankruptcy or that a receiver has been appointed, or (2) submit an audited financial statement for the previous three years. All such stations must submit a schedule of when they expect to complete construction.<sup>12</sup> As previously required, stations making such requests must electronically file FCC Form 337.<sup>13</sup> Stations with a construction deadline occurring February 18, 2009 or later may only obtain more time to meet their construction deadline under the tolling standard set forth in Section 73.3598(b) of the rules, which now applies to DTV singletons, analog TV, and other broadcast services.<sup>14</sup> Stations must file a notification to inform the Commission of the circumstances that it believes should toll its construction period.<sup>15</sup> Stations filing such notifications must do so electronically through the CDDBS using the Informal Application filing form.

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

9. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA.

**C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply**

10. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted.<sup>16</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small government jurisdiction.”<sup>17</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>18</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>19</sup>

11. We adopt our tentative conclusion in the *Third DTV Periodic Review NPRM* and find that only full-power television broadcast stations will be directly and primarily affected by rules adopted in this Report and Order. Although we also find that the rules adopted will not directly affect Class A TV

<sup>11</sup> See revised rule 47 C.F.R. § 73.624(d) (revising paragraph (d)(3)(ii)(C)) in Appendix B of the Report and Order.

<sup>12</sup> See *supra* Section V.B.5. of the Report and Order.

<sup>13</sup> 47 C.F.R. § 73.624(d). See OMB Control No. 3060-1001.

<sup>14</sup> See revised rule 47 C.F.R. § 73.3598 in Appendix B of the Report and Order. See also *supra* Section V.C.5. of the Report and Order.

<sup>15</sup> See 47 C.F.R. § 73.3598(c), (d).

<sup>16</sup> *Id.* § 603(b)(3).

<sup>17</sup> 5 U.S.C. § 601(6).

<sup>18</sup> *Id.* § 601(3) (incorporating by reference the definition of “small business concern” in 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.” 5 U.S.C. § 601(3).

<sup>19</sup> 15 U.S.C. § 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission’s statistical account of television stations may be over-inclusive.

stations, low power television (“LPTV”) stations and TV translator stations,<sup>20</sup> it is still possible that these entities may be affected by the rules adopted. We find, however, that no other types of entities will be directly affected by the rules adopted. Therefore, in this FRFA, we consider the impact of the rules adopted on small television broadcast stations. A description of such small entities, as well as an estimate of the number of such small entities, is provided below.

### 1. Entities Directly Affected By Proposed Rules

12. **Television Broadcasting.** The rules and policies adopted herein apply to television broadcast licensees and potential licensees of television service. The SBA defines a television broadcast station as a small business if such station has no more than \$13.0 million in annual receipts.<sup>21</sup> Business concerns included in this industry are those “primarily engaged in broadcasting images together with sound.”<sup>22</sup> The Commission has estimated the number of licensed commercial television stations to be 1,376.<sup>23</sup> According to Commission review of the BIA Financial Network, MAPro Television Database (“BIA”) on March 30, 2007, about 986 of an estimated 1,374 commercial television stations<sup>24</sup> (or about 72 percent) have revenues of \$13.0 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed NCE television stations to be 380.<sup>25</sup> We note, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations<sup>26</sup> must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. The Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

13. In addition, an element of the definition of “small business” is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply do not exclude any television station from the definition of a small business on this basis and are therefore over-inclusive to that extent. Also as noted, an additional element of the definition of “small business” is that the entity must be independently owned

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<sup>20</sup> As noted in note 5 of the Report and Order, the statutory transition deadline applies only to full-power stations. See 47 U.S.C. §§ 309(j)(14) and 337(e). The transition timing for LPTV, translator and Class A stations will be addressed in a separate proceeding.

<sup>21</sup> See 13 C.F.R. § 121.201, NAICS Code 515120.

<sup>22</sup> *Id.* This category description continues, “These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studios, from an affiliated network, or from external sources.” Separate census categories pertain to businesses primarily engaged in producing programming. See Motion Picture and Video Production, NAICS code 512110; Motion Picture and Video Distribution, NAICS Code 512120; Teleproduction and Other Post-Production Services, NAICS Code 512191; and Other Motion Picture and Video Industries, NAICS Code 512199.

<sup>23</sup> See News Release, “Broadcast Station Totals as of December 31, 2006,” 2007 WL 221575 (dated Jan. 26, 2007) (“*Broadcast Station Totals*”); also available at <http://www.fcc.gov/mb/>.

<sup>24</sup> We recognize that this total differs slightly from that contained in *Broadcast Station Totals*, *supra* FRFA note 23; however, we are using BIA’s estimate for purposes of this revenue comparison.

<sup>25</sup> See *Broadcast Station Totals*, *supra* FRFA note 23.

<sup>26</sup> “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has to power to control both.” 13 C.F.R. § 121.103(a)(1).

and operated. We note that it is difficult at times to assess these criteria in the context of media entities and our estimates of small businesses to which they apply may be over-inclusive to this extent.

14. Class A TV, LPTV, and TV translator stations. The rules and policies adopted herein may also apply to licensees of Class A TV stations, low power television (“LPTV”) stations, and TV translator stations, as well as to potential licensees in these television services. The same SBA definition that applies to television broadcast licensees would apply to these stations. The SBA defines a television broadcast station as a small business if such station has no more than \$13.0 million in annual receipts.<sup>27</sup> Currently, there are approximately 567 licensed Class A stations, 2,227 licensed LPTV stations, and 4,518 licensed TV translators.<sup>28</sup> Given the nature of these services, we will presume that all of these licensees qualify as small entities under the SBA definition. We note, however, that under the SBA’s definition, revenue of affiliates that are not LPTV stations should be aggregated with the LPTV station revenues in determining whether a concern is small. Our estimate may thus overstate the number of small entities since the revenue figure on which it is based does not include or aggregate revenues from non-LPTV affiliated companies. We do not have data on revenues of TV translator or TV booster stations, but virtually all of these entities are also likely to have revenues of less than \$13.0 million and thus may be categorized as small, except to the extent that revenues of affiliated non-translator or booster entities should be considered.

## 2. Entities Not Directly Affected By Rules

15. We adopt our tentative conclusion that the rules adopted herein will not directly affect any other types of entities other than full-power television broadcast station licensees and permittees.<sup>29</sup> In the *Third DTV Periodic Review NPRM*, we invited comment on this tentative conclusion and, in particular, out of an abundance of caution, we invited comment from any small cable operators, small multichannel video programming distributors (“MVPDs”),<sup>30</sup> or small electronics equipment manufacturers who believed they might be directly affected by the proposed rules.<sup>31</sup> We did not receive comments on this issue. Because the rules adopted herein pertain only to full-power television broadcast licensees and potential licensees of television service, we find that these rules will not directly affect small cable operators, small MVPDs, or small electronics equipment manufacturers. We, thus, adopt our tentative conclusion that these entities fall outside the scope of this FRFA. Accordingly, we do not discuss these entities, which were listed in the IRFA.<sup>32</sup>

### D. Description of Projected Reporting, Recordkeeping and other Compliance Requirements

16. The rules and policies adopted by this Report and Order will impose mandatory compliance and reporting requirements on full-power television broadcast stations, including requiring that such stations: (1) must file a form with the Commission no later than February 18, 2008 detailing their current transition status and their plans for completing their transitions by the statutory deadline, and must file updates to these forms as necessary – and at a minimum by October 20, 2008 – until they report

<sup>27</sup> See 13 C.F.R. § 121.201, NAICS Code 515120.

<sup>28</sup> See *Broadcast Station Totals*, *supra* FRFA note 23.

<sup>29</sup> See *Third DTV Periodic Review NPRM*, 22 FCC Rcd at 9548, app. C.

<sup>30</sup> MVPDs include such entities as Direct Broadcast Satellite (DBS) providers, private cable operators (PCOs), also known as satellite master antenna television (SMATV) systems, home satellite dish (HSD) services, multipoint distribution services (MDS)/multichannel multipoint distribution service (MMDS), Instructional Television Fixed Service (ITFS), local multipoint distribution service (LMDS) and open video systems (OVS).

<sup>31</sup> See *Third DTV Periodic Review NPRM*, 22 FCC Rcd at 9548, app. C.

<sup>32</sup> See *id.*

the completion of their transition;<sup>33</sup> (2) must file an application for a new or modified construction permit for their final, post-transition (DTV) facility, if the station does not have an existing construction permit for such facility;<sup>34</sup> (3) must file an application for a license to cover their final, post-transition (DTV) facility, if the station does not have an existing license for such facility;<sup>35</sup> (4) must populate, and update as necessary, the Event Information Tables (“EITs”) in PSIP data with accurate information about each event, in accordance with the current version of the ATSC PSIP standard, A/65-C;<sup>36</sup> (5) must follow a specific format if choosing to identify a licensee that it is transmitting on one of its multicast streams;<sup>37</sup> and (6) must file a notification to document their status as a station facing a “unique technical challenge” (warranting a February 17, 2009 construction deadline), if they do not file, or do not include such information in, an application for post-transition facilities (Forms 301 or 340).<sup>38</sup>

17. In addition, the rules and policies adopted in this Report and Order will impose additional compliance and reporting requirements on full-power television broadcast stations that choose to take advantage of voluntary opportunities for regulatory flexibility offered by this Report and Order. Because these voluntary requirements may afford small television broadcast stations the opportunity for regulatory flexibility and reduced burdens, they are discussed in Section E. of this FRFA.<sup>39</sup>

18. Transition Status Form. The Report and Order will require that every full-power television broadcast station must file a form with the Commission no later than February 18, 2008 that details (1) the current status of the station’s digital transition; (2) the additional steps, if any, the station needs to take to be prepared for the transition deadline; and (3) their timeline to meet the transition deadline.<sup>40</sup> These filings will be posted on the Commission’s website. Stations must update the form as events warrant and by October 20, 2008 if they have reported the completion of their transition. These forms will assist the Commission, industry, and the public in assessing progress and making plans for the transition date. The form will provide information on the status of each station’s construction of final, DTV facilities, allowing the Commission, industry, and the public to track the progress of the DTV transition.

19. Applications for New or Modified Construction Permits. Under the current rules, stations that need to construct or modify DTV facilities must file construction permit or modification applications.<sup>41</sup> Commercial stations must file FCC Form 301 and NCE stations must file FCC Form 340.<sup>42</sup> Stations may file an application to modify their authority on their current DTV channel at any time, provided they do not violate the terms of the Commission’s filing freeze.<sup>43</sup> According to the Report

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<sup>33</sup> See *supra* Section V.A.1. of the Report and Order.

<sup>34</sup> See *supra* Section V.D. of the Report and Order.

<sup>35</sup> See *supra* Section V.D.2. of the Report and Order.

<sup>36</sup> See *supra* Section V.H.3. of the Report and Order. PSIP data is transmitted along with a station’s DTV signal and provides DTV receivers with information about the station and what is being broadcast. See *id.*

<sup>37</sup> See *supra* Section V.H.5. of the Report and Order.

<sup>38</sup> See, *supra*, Sections V.B.3. of the Report and Order.

<sup>39</sup> To request various opportunities for regulatory flexibility, stations would have to file applications with the Commission. See, e.g., Section VI.B. of the Report and Order (listing proposed information collections contained in the Report and Order).

<sup>40</sup> See *supra* Section V.A.1. of the Report and Order.

<sup>41</sup> See 47 C.F.R. §§ 73.1690(b), 73.3533(a), 73.3538.

<sup>42</sup> *Id.*

<sup>43</sup> See *supra* Section V.D. of the Report and Order.

and Order, 634 stations will not be using their currently authorized DTV channel for post-transition operations and will, therefore, need to file an application to construct their final, DTV facility. In addition, if any of the 1,178 stations that will use their currently authorized DTV channel for post-transition operations need to change their DTV facilities, *e.g.*, because if they do not have an authorization for their intended operations, then such stations will need to file a modification application.<sup>44</sup> Thus, both these groups of stations will need to file applications for their final, post-transition facility. In addition, stations that file such applications will also need to file applications for a license to cover their final, post-transition facility.

20. Program System and Information Protocol (“PSIP”) standard. The Report and Order revises rule Section 73.682(d) to reflect the revisions to the ATSC Program System and Information Protocol (“PSIP”) standard since the *Second DTV Periodic Report and Order*.<sup>45</sup> The current version of the ATSC PSIP standard is A/65-C. PSIP data is transmitted along with a station’s DTV signal and provides DTV receivers with information about the station and what is being broadcast. PSIP data provides a method for DTV receivers to identify a DTV station and to determine how a receiver can tune to it. For any given station, the PSIP data transmitted along with the digital signal identifies both its DTV channel number and its analog channel number (referred to as the “major” channel number), thereby making it easy for viewers to tune to the station’s DTV channel even if they only know the station’s major channel number. In addition, PSIP data tells the receiver whether multiple program streams are being broadcast and, if so, how to find them. It also identifies whether the programs are closed captioned, conveys available V-chip information, and provides program information, among other things.<sup>46</sup> The Commission has recognized the utility that the ATSC PSIP standard offers for both broadcasters and consumers. This new revision to the ATSC standard further enhances the PSIP standard and support for delivery of data. The updated ATSC PSIP standard now requires broadcasters to populate the EITs with accurate information about each event and to update the EIT if more accurate information becomes available.<sup>47</sup> Currently, many broadcasters provide only general information in the EIT tables. For example, a network affiliate may provide “network programming” as the descriptor for the majority of its program offerings.

21. Station Identification Requirement. The Report and Order revises rule Section 73.1201 of the rules, regarding station identification requirements for DTV stations in circumstances in which one of a station’s multicast streams is being used to air programming provided by another broadcast station or another programming source.<sup>48</sup> In these situations, the rules do not require that the source of the programming be identified by the station whose multicast stream is being used to carry the programming. However, if the station whose multicast stream is being used to carry the programming chooses to identify the station that is the source of the programming, the rules are revised to require that the following format be used in making that station identification: “Station WYYY-DT, community of license (call sign and community of license of the station whose multicast stream is transmitting the programming), bringing you WXXX, community of license (call sign and community of license of the licensee providing the programming).”

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<sup>44</sup> *See id.*

<sup>45</sup> *See supra* Section V.H.3. of the Report and Order. *See also* revised rule 47 C.F.R. § 73.682(d) in Appendix B of the Report and Order.

<sup>46</sup> *Id.*

<sup>47</sup> *See supra* Section V.H.3. of the Report and Order.

<sup>48</sup> *See supra* Section V.H.5. of the Report and Order. *See also* revised rule 47 C.F.R. § 73.1201 in Appendix B of the Report and Order.

**E. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered**

22. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.<sup>49</sup>

23. As previously noted, the Commission has no discretion to offer any regulatory flexibility to small television broadcasters concerning the mandatory analog turn-off on the February 17, 2009 transition date. Rather, to implement this statutory mandate, the Commission must ensure that all full-power television broadcast stations, including small stations, cease analog broadcasting as of the February 17, 2009 transition date.

24. The Report and Order, however, does offer stations opportunities for regulatory flexibility with respect to the other mandatory compliance requirements, most specifically to the post-transition construction deadlines. In formulating these opportunities for regulatory flexibility, the Commission considered the benefits of such regulatory relief to small stations, particularly to NCE stations and small market stations (*i.e.*, stations which are not a top-four network in markets 1-100). To qualify for, and benefit from, some of these opportunities, however, stations must satisfy additional compliance or reporting requirements.

25. Such opportunities for regulatory flexibility adopted by this Report and Order that will benefit small stations include the following: (1) Stations may qualify for expedited processing of their applications to build post-transition facilities to speed their receipt of construction permits for such facilities; (2) Stations that will not use their pre-transition DTV channel for post-transition operations may forego further construction of their pre-transition DTV channel to the extent that such a facility has been partially built in order to focus their efforts on constructing their final DTV facility on their post-transition channel; (3) Stations may seek STA for one of two provisions for a “phased transition” that would afford qualifying stations regulatory relief in meeting their post-transition construction deadlines without disappointing viewer expectations after the transition date; and (4) Stations may request Commission approval to reduce or terminate analog TV or pre-transition DTV service before the transition date if doing so would facilitate their transition, provided they satisfy a viewer notification requirement.

26. **Expedited Processing.** The Report and Order adopts rules and policies to offer expedited processing of stations’ applications to build their post-transition facilities that may well benefit smaller stations. Stations may obtain expedited processing provided that their application: (1) does not seek to expand the station’s facilities beyond its final DTV Table Appendix B facilities; (2) specifies facilities that are no more than five percent smaller than those specified in the post-transition DTV Table Appendix B (with respect to predicted population); and (3) is filed within 45 days of the effective date of this Report and Order.<sup>50</sup> It is each station’s responsibility to ensure that it can begin operations on its post-transition channel no later than the deadline for the transition on February 17, 2009. Stations also have the responsibility to file their applications in sufficient time before the deadline so that they may be granted by the Commission.

27. **Minor Expansion Applications.** The Report and Order also adopts a waiver policy that will permit rapid approval of minor (*i.e.*, not exceeding 5 miles) expansion applications filed by stations that will not use their pre-transition DTV channel for post-transition operation. This policy will allow

<sup>49</sup> 5 U.S.C. § 603(c)(1)-(c)(4)

<sup>50</sup> See *supra* Section V.D.1. of the Report and Order.

added flexibility for stations that wish to use their existing analog channel antenna, which provides benefits for the successful completion of the transition by reducing the demands on equipment suppliers and installation crews during a critical time as the transition date nears.<sup>51</sup>

28. Regulatory Relief in Meeting Construction Deadlines. With respect to the construction deadlines established for stations to build final, post-transition facilities, the Report and Order offers a variety of opportunities for regulatory flexibility if it would facilitate the transition and ensure that all full-power stations meet the February 17, 2009 statutory transition date. Small stations, including NCE stations and small market stations (*i.e.*, stations which are not a top-four network in markets 1-100) may particularly benefit from these opportunities for regulatory relief because of the unique challenges they may face in completing their transition.

29. While establishing a stricter standard for requests for extension of time to construct DTV facilities, the Report and Order eliminates the requirement for some stations that they build pre-transition DTV facilities on channels that are not their post-transition channel.<sup>52</sup> This will help many small stations facing financial challenges to complete construction of DTV facilities while also ensuring that broadcasters continue to focus on the timely construction of the facilities necessary to transition away from analog transmission by the transition date. The Report and Order also allows stations to operate on newly allotted post-transition facilities before the transition deadline provided they would not interfere with existing, pre-transition service.<sup>53</sup>

30. Provisions for a Phased Transition. The Report and Order permits stations that are moving to a different DTV channel for post-transition operations to temporarily remain on their pre-transition DTV channel while they complete construction of their final digital facilities, provided: (1) They build facilities that serve at least the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service; and (2) They do not cause impermissible interference to other stations or prevent other stations from making their transition.<sup>54</sup> The Report and Order also permits stations to operate their post-transition facilities, pursuant to STA, at less than their full, authorized facilities, provided: (1) They demonstrate a legitimate impediment to the construction of such facilities; (2) They build facilities that serve at least the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service; and (3) They do not cause impermissible interference to other stations or prevent other stations from making their transition.<sup>55</sup> To provide additional regulatory relief for NCE and small market stations (*i.e.*, stations which are not a top-four network in markets 1-100), the Commission will consider on case-by-case basis allowing these stations a reduced service requirement if their circumstances warrant it.<sup>56</sup>

31. Permanent Reduction or Termination of Analog TV or Pre-Transition DTV Service. To facilitate the construction of, and commencement of operations on, post-transition facilities, the Report and Order provides stations with the flexibility to permanently reduce or terminate their analog or pre-transition digital service before the transition date, provided the station satisfies the following two requirements: (1) The station demonstrates that its service reduction or termination is directly related to the construction and operation of its, or another station's, post-transition facilities; and (2) The station notifies viewers on its pre-transition channel(s) about the planned service reduction or termination and

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<sup>51</sup> See *supra* Section V.E. of the Report and Order.

<sup>52</sup> See *supra* Section V.B.1. of the Report and Order.

<sup>53</sup> See *supra* Section V.C.3.a. of the Report and Order.

<sup>54</sup> See *supra* Section V.B.7.a. of the Report and Order.

<sup>55</sup> See *supra* Section V.B.7.b. of the Report and Order.

<sup>56</sup> *Id.*

informs them about how they can continue to receive the station.<sup>57</sup> In addition, stations may file only a notification to permanently reduce or terminate analog or pre-transition DTV service within 90 days of the transition date, subject only to a viewer notification requirement. These opportunities may provide financial relief to small stations by freeing them to focus their efforts on completion of their final, post-transition facility. Stations must file these requests electronically through the CDBS using the Informal Application filing form.

32. Temporary Service Disruptions of Less Than 30 Days. The Report and Order also clarifies that Section 73.1615 of the Commission's rules permits stations to reduce or cease service temporarily without prior Commission approval in order to modify existing facilities.<sup>58</sup> Stations may use this existing provision to temporarily reduce or cease existing analog or pre-transition digital service where necessary to facilitate construction of final post-transition facilities. Because this provision does not require prior Commission authorization, and does not require licensees to justify the need for the service disruption, this provision gives stations substantial flexibility to temporarily reduce or cease analog or digital service pre-transition. Stations must notify the Commission before commencing the temporary reduction or cessation of service, but do not need prior Commission approval. The flexibility accorded by Section 73.1615 is intended for service disruptions of 30 days or less. Stations must file these notifications (pursuant to Section 73.1615) electronically through the CDBS using the Informal Application filing form.

33. Other Alternatives Considered. The *Third DTV Periodic Review NPRM* sought comment on whether small broadcasters would be particularly impacted by updating Section 73.682(d) to reflect the new revisions to the ATSC PSIP standard. No comments were received on this issue. The Report and Order determines that the value of EITs to consumers outweighs the burdens of this requirement.<sup>59</sup> The *Third DTV Periodic Review NPRM* also encouraged broadcasters to suggest alternative proposals that would avoid the imposition of significant and unreasonable burdens on small TV broadcasters, consistent with the statutory mandate for full-power TV broadcast stations to cease analog broadcasting by February 17, 2009, as well as with broadcasters' obligation to provide and maintain the best possible TV service to the public. No comments were received on this issue.

**F. Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Proposals**

34. None.

**G. Report to Congress**

35. The Commission will send a copy of this Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.<sup>60</sup> In addition, the Commission will send a copy of this Report and Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Report and Order and FRFA (or summaries thereof) will also be published in the Federal Register.<sup>61</sup>

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<sup>57</sup> See *supra* Section V.C.2-3. of the Report and Order.

<sup>58</sup> See *supra* Section V.C.1. of the Report and Order.

<sup>59</sup> See *supra* Section V.H.3. of the Report and Order.

<sup>60</sup> See 5 U.S.C. § 801(a)(1)(A). The Congressional Review Act is contained in Title II, § 251, of the CWAAA; see Pub. L. No. 104-121, Title II, § 251, 110 Stat. 868.

<sup>61</sup> See 5 U.S.C. § 604(b).

**APPENDIX F**

**Stations Granted Extension Requests**

**[Note: This appendix will be attached as a separate MS Excel file.]**

**APPENDIX F:**  
**Stations Granted**  
**Extension Requests or Use-or-Lose Waivers**

Call Sign	City	ST	Fac Id	Prefix	File No.	Type	Deadline
KAMC-DT	Lubbock	TX	40820	BEPCDT	20071116AFH	Extension	5/18/2008
KAMC-DT	Lubbock	TX	40820			Waiver	Dismissed
KAMR-DT	Amarillo	TX	8523	BEPCDT	20071116AGE	Extension	5/18/2008
KAMR-DT	Amarillo	TX	8523			Waiver	Dismissed
KARD-DT	West Monroe	LA	3658	BEPCDT	20071116AFU	Extension	5/18/2008
KARD-DT	West Monroe	LA	3658			Waiver	Dismissed
KATV-DT	Little Rock	AR	33543			Waiver	5/18/2008
KAUZ-DT	Wichita Falls	TX	6864			Waiver	8/18/2008
KAZH-DT	Baytown	TX	70492	BEPCDT	20071116ACY	Extension	5/18/2008
KBFD-DT	Honolulu	HI	65395			Waiver	8/18/2008
KBSV-DT	Ceres	CA	4939	BEPEDT	20070711ACI	Extension	5/18/2008
KBTB-DT	Port Arthur	TX	61214	BEPCDT	20071116AFS and AFT	Extension	5/18/2008
KBTB-DT	Port Arthur	TX	61214			Waiver	Dismissed
KCEB-DT	Longview	TX	83913	BEPCDT	20071102AST	Extension	8/18/2008
KCEC-DT	Denver	CO	24514	BEPCDT	20071121ADZ	Extension	5/18/2008
KCIT-DT	Amarillo	TX	33722	BEPCDT	20071116AFI	Extension	5/18/2008
KCIT-DT	Amarillo	TX	33722			Waiver	Dismissed
KCNC-DT	Denver	CO	47903	BEPCDT	20071026ACU	Extension	5/18/2008
KCSG-DT	Cedar City	UT	59494			Waiver	8/18/2008
KCSM-DT	San Mateo	CA	58912			Waiver	5/18/2008
KDLH-DT	Duluth	MN	4691	BEPCDT	20071018BBN	Extension	8/18/2008
KDMD-DT	Anchorage	AK	25221	BEPCDT	20071119AHP	Extension	8/18/2008
KETC-DT	St. Louis	MO	62182			Waiver	8/18/2008
KEVN-DT	Rapid City	SD	34347			Waiver	2/17/2009
KFDX-DT	Wichita Falls	TX	65370	BEPCDT	20071116AFW	Extension	5/18/2008
KFDX-DT	Wichita Falls	TX	65370			Waiver	Dismissed
KFTR-DT	Ontario	CA	60549			Waiver	5/18/2008
KFXB-DT	Dubuque	IA	17625			Waiver	5/18/2008
KGCW-DT	Burlington	IA	7841			Waiver	5/18/2008
KGMB-DT	Honolulu	HI	36917	BEPCDT	20070911ABX	Extension	2/17/2009
KGMB-DT	Honolulu	HI	36917			Waiver	Dismissed

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Call Sign	City	ST	Fac Id	Prefix	File No.	Type	Deadline
KGTF-DT	Agana	GU	25511	BEPEDT	20071031ADR	Extension	2/17/2009
KHGI-DT	Kearney	NE	21160	BEPCDT	20071116ADL	Extension	8/18/2008
KHMT-DT	Hardin	MT	47670	BEPCDT	20071116AFL	Extension	8/18/2008
KHMT-DT	Hardin	MT	47670			Waiver	Dismissed
KIDY-DT	San Angelo	TX	58560			Waiver	8/18/2008
KIMA-DT	Yakima	WA	56033	BEPCDT	20070323ABL	Extension	8/18/2008
KIMA-DT	Yakima	WA	56033			Waiver	Dismissed
KIMT-DT	Mason City	IA	66402			Waiver	5/18/2008
KJTL-DT	Wichita Falls	TX	7675	BEPCDT	20071116AFM	Extension	5/18/2008
KJTL-DT	Wichita Falls	TX	7675			Waiver	Dismissed
KLBK-DT	Lubbock	TX	3660	BEPCDT	20071116AGF	Extension	8/18/2008
KLBK-DT	Lubbock	TX	3660			Waiver	Dismissed
KLEW-DT	Lewiston	ID	56032			Waiver	5/18/2008
KLST-DT	San Angelo	TX	31114	BEPCDT	20071116AFR	Extension	8/18/2008
KLST-DT	San Angelo	TX	31114			Waiver	Dismissed
KLTJ-DT	Galveston	TX	24436	BEPCDT	20071127AGY	Extension	5/18/2008
KMCC-DT	Laughlin	NV	41237	BEPCDT	20071116ADV	Extension	5/18/2008
KMGH-DT	Denver	CO	40875			Waiver	2/17/2009
KMID-DT	Midland	TX	35131	BEPCDT	20071116AFO	Extension	5/18/2008
KMID-DT	Midland	TX	35131			Waiver	Dismissed
KMTP-DT	San Francisco	CA	43095	BEPEDT	20071210ADC	Extension	2/17/2009
KMVT-DT	Twin Falls	ID	35200			Waiver	2/17/2009
KMYQ-DT	Seattle	WA	69575			Waiver	8/18/2008
KNWS-DT	Katy	TX	31870	BEPCDT	20070430ACQ	Extension	2/17/2009
KODE-DT	Joplin	MO	18283	BEPCDT	20071117AFI	Extension	5/18/2008
KODE-DT	Joplin	MO	18283			Waiver	Dismissed
KPXC-DT	Denver	CO	68695	BEPCDT	20060330AKS	Extension	8/18/2008
KQTV-DT	St. Joseph	MO	20427	BEPCDT	20071119AGD	Extension	2/17/2009
KQTV-DT	St. Joseph	MO	20427			Waiver	Dismissed
KRCB-DT	Cotati	CA	57945	BEPEDT	20071009AJG	Extension	5/18/2008
KREN-DT	Reno	NV	51493			Waiver	5/18/2008

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KRWG-DT	Las Cruces	NM	55516			Waiver	5/18/2008
KSAN-DT	San Angelo	TX	307	BEPCDT	20071116AFP	Extension	5/18/2008
KSAN-DT	San Angelo	TX	307			Waiver	Dismissed
KSBI-DT	Oklahoma City	OK	38214			Waiver	2/17/2009
KSBY-DT	San Luis Obispo	CA	19654			Waiver	5/18/2008
KSCE-DT	El Paso	TX	10202	BEPEDT	20071116ACH	Extension	8/18/2008
KSMQ-DT	Austin	MN	28510			Waiver	5/18/2008
KSNB-DT	Superior	NE	21161			Waiver	5/18/2008
KSNF-DT	Joplin	MO	67766	BEPCDT	20071116AGD	Extension	5/18/2008
KSNF-DT	Joplin	MO	67766			Waiver	Dismissed
KSPR-DT	Springfield	MO	35630	BEPCDT	20071205ABH	Extension	8/18/2008
KSVI-DT	Billings	MT	5243	BEPCDT	20071116AFZ	Extension	8/18/2008
KSVI-DT	Billings	MT	5243			Waiver	Dismissed
KSWT-DT	Yuma	AZ	33639	BEPCDT	20071116ADK	Extension	8/18/2008
KSYS-DT	Medford	OR	61350			Waiver	2/17/2009
KTBY-DT	Anchorage	AK	35655	BEPCDT	20071115ACL	Extension	2/17/2009
KTBY-DT	Anchorage	AK	35655			Waiver	Dismissed
KTDO-DT	Las Cruces	NM	36916	BEPCDT	20071116AAJ	Extension	8/18/2008
KTGF-DT	Great Falls	MT	13792			Waiver	5/18/2008
KTLM-DT	Rio Grande City	TX	62354			Waiver	8/18/2008
KTLN-DT	Novato	CA	49153	BEPCDT	20071116AEN	Extension	5/18/2008
KTNL-DT	Sitka	AK	60519	BEPCDT	20071119AHU	Extension	2/17/2009
KTRG-DT	Del Rio	TX	55762	BEPCDT	20071116ADU	Extension	5/18/2008
KTTM-DT	Huron	SD	28501	BEPCDT	20071116AFE	Extension	2/17/2009
KTTW-DT	Sioux Falls	SD	28521	BEPCDT	20071116AFF	Extension	5/18/2008
KTVD-DT	Denver	CO	68581	BEPCDT	20071029AAM	Extension	5/18/2008
KTVG-DT	Grand Island	NE	27220	BEPCDT	20071116ADW	Extension	5/18/2008
KTWO-DT	Casper	WY	18286	BEPCDT	20071119AKM	Extension	5/18/2008
KUBD-DT	Ketchikan	AK	60520	BEPCDT	20071119AHX	Extension	5/18/2008
KVHP-DT	Lake Charles	LA	35852	BEPCDT	20070822AAG	Extension	5/18/2008
KVRR-DT	Fargo	ND	55372			Waiver	5/18/2008

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KVTN-DT	Pine Bluff	AR	607	BEPCDT	20071115ACP	Extension	5/18/2008
KWBF-DT	Little Rock	AR	37005	BEPCDT	20071009AAM	Extension	2/17/2009
KWES-DT	Odessa	TX	42007			Waiver	2/17/2009
KWGN-DT	Denver	CO	35883			Waiver	5/18/2008
KWNB-DT	Hayes Center	NE	21162	BEPCDT	20071116ADM	Extension	8/18/2008
KWYB-DT	Butte	MT	14674			Waiver	5/18/2008
KXGN-DT	Glendive	MT	24287	BEPCDT	20071116ABQ	Extension	8/18/2008
WACS-DT	Dawson	GA	23930	BEPEDT	20070907ABD	Extension	5/18/2008
WANE-DT	Fort Wayne	IN	39270			Waiver	5/18/2008
WAWD-DT	Fort Walton Beach	FL	54938			Waiver	8/18/2008
WAZE-DT	Madisonville	KY	74592			Waiver	5/18/2008
WBKB-DT	Alpena	MI	67048			Waiver	2/17/2009
WCFN-DT	Springfield	IL	42116	BEPCDT	20071116AFX	Extension	2/17/2009
WCFN-DT	Springfield	IL	42116			Waiver	Dismissed
WCLP-DT	Chatsworth	GA	23942	BEPEDT	20070907ABI	Extension	5/18/2008
WCVI-DT	Christiansted	VI	83304	BEPCDT	20071119AAE	Extension	8/18/2008
WDBD-DT	Jackson	MS	71326			Waiver	2/17/2009
WDHN-DT	Dothan	AL	43846	BEPCDT	20071116AGA	Extension	5/18/2008
WDHN-DT	Dothan	AL	43846			Waiver	Dismissed
WDTI-DT	Indianapolis	IN	7908	BEPCDT	20071127AIG	Extension	5/18/2008
WELU-DT	Aguadilla	PR	26602	BEPEDT	20071116ABN	Extension	5/18/2008
WEUX-DT	Chippewa Falls	WI	2709			Waiver	5/18/2008
WFFT-DT	Fort Wayne	IN	25040	BEPCDT	20071116AFY	Extension	5/18/2008
WFFT-DT	Fort Wayne	IN	25040			Waiver	Dismissed
WFGX-DT	Fort Walton Beach	FL	6554			Waiver	5/18/2008
WFTS-DT	Tampa	FL	64588	BEPCDT	20071109ACA	Extension	2/17/2009
WFXP-DT	Erie	PA	19707	BEPCDT	200711116AFN	Extension	5/18/2008
WFXP-DT	Erie	PA	19707			Waiver	Dismissed
WFXV-DT	Utica	NY	43424	BEPCDT	20071116AFV	Extension	5/18/2008
WFXV-DT	Utica	NY	43424			Waiver	Dismissed
WFXW-DT	Terre Haute	IN	65247	BEPCDT	20071116AFK	Extension	5/18/2008

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Call Sign	City	ST	Fac Id	Prefix	File No.	Type	Deadline
WFXW-DT	Terre Haute	IN	65247			Waiver	Dismissed
WGGN-DT	Sandusky	OH	11027	BEPCDT	20071115ACW	Extension	8/18/2008
WGGN-DT	Sandusky	OH	11027			Waiver	Dismissed
WGSA-DT	Baxley	GA	89446	BEPCDT	20070905ACX	Extension	8/18/2008
WHAG-DT	Hagerstown	MD	25045	BEPCDT	20071116AFQ	Extension	2/17/2009
WHAG-DT	Hagerstown	MD	25045			Waiver	Dismissed
WJAL-DT	Hagerstown	MD	10259			Waiver	8/18/2008
WJET-DT	Erie	PA	65749	BEPCDT	20071116AGB	Extension	2/17/2009
WJET-DT	Erie	PA	65749			Waiver	Dismissed
WJSP-DT	Columbus	GA	23918	BEPEDT	20070907ABN	Extension	5/18/2008
WKBN-DT	Youngstown	OH	73153			Waiver	5/18/2008
WLAE-DT	New Orleans	LA	18819			Waiver	8/18/2008
WLAX-DT	LaCrosse	WI	2710			Waiver	5/18/2008
WLRN-DT	Miami	FL	66358	BEPEDT	20071026AAA	Extension	5/18/2008
WLUC-DT	Marquette	MI	21259	BEPCDT	20071018ACV	Extension	5/18/2008
WMPN-DT	Jackson	MS	43168			Waiver	5/18/2008
WMTJ-DT	Fajardo	PR	2174	BEPCDT	20071130BDR	Extension	5/18/2008
WMUM-DT	Cochran	GA	23935	BEPEDT	20070907ABJ	Extension	5/18/2008
WMYA-DT	Anderson	SC	56548			Waiver	5/18/2008
WNBC-DT	New York	NY	47535	BEPCDT	20070917ACS	Extension	8/18/2008
WNJU-DT	Linden	NJ	73333	BEPCDT	20070917ACM	Extension	5/18/2008
WNMU-DT	Marquette	MI	4318	BEPEDT	20071113AEL	Extension	2/17/2009
WNYE-DT	New York	NY	6048	BEPEDT	20071129ADM	Extension	5/18/2008
WNYW-DT	New York	NY	22206	BEPCDT	20071113ABW	Extension	8/18/2008
WNYW-DT	New York	NY	22206			Waiver	Dismissed
WORA-DT	Mayaguez	PR	64865	BEPCDT	20071113AHB	Extension	5/18/2008
WPAN-DT	Fort Walton Beach	FL	31570	BEPCDT	20060619ABJ and 20071025ACO	Extension	5/18/2008
WPXS-DT	Mount Vernon	IL	40861	BEPCDT	20071127AIN	Extension	5/18/2008
WQLN-DT	Erie	PA	53716			Waiver	5/18/2008
WRJM-DT	Troy	AL	62207	BEPCDT	20071206ACZ	Extension	5/18/2008
WSJU-DT	San Juan	PR	4077	BEPCDT	20071119AJO	Extension	5/18/2008

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Call Sign	City	ST	Fac Id	Prefix	File No.	Type	Deadline
WSST-DT	Cordele	GA	63867			Waiver	5/18/2008
WSTR-DT	Cincinnati	OH	11204			Waiver	5/18/2008
WTIC-DT	Hartford	CT	147	BEPCDT	20071214AAQ	Extension	5/18/2008
WTSF-DT	Ashland	KY	67798	BEPCDT	20071127AIP	Extension	8/18/2008
WTVE-DT	Reading	PA	55305	BEPCDT	20071116ABS	Extension	5/18/2008
WTVF-DT	Nashville	TN	36504			Waiver	2/17/2009
WTWO-DT	Terre Haute	IN	20426	BEPCDT	20071116AGC	Extension	5/18/2008
WTWO-DT	Terre Haute	IN	20426			Waiver	Dismissed
WUTB-DT	Baltimore	MD	60552	BEPCDT	20071113ALI	Extension	5/18/2008
WUTB-DT	Baltimore	MD	60552			Waiver	Dismissed
WVFX-DT	Clarksburg	WV	10976			Waiver	5/18/2008
WVIZ-DT	Cleveland	OH	18753	BEPEDT	20071025ACI	Extension	2/17/2009
WVSN-DT	Humacao	PR	67190			Waiver	5/18/2008
WWAZ-DT	Fond Du Lac	WI	60571	BEPCDT	20071116ADH	Extension	5/18/2008
WWBT-DT	Richmond	VA	30833			Waiver	2/17/2009
WXOW-DT	La Crosse	WI	64549	BEPCDT	20070817ABY	Extension	2/17/2009
WYLE-DT	Florence	AL	6816	BEPCDT	20071116ADT	Extension	8/18/2008

**Note:** Some stations listed above sought a further "use-or-lose" waiver but also filed an application to extend their underlying DTV construction deadline. We hereby dismiss these "use-or-lose" waiver requests and we grant the corresponding DTV extension applications.

**STATEMENT OF  
CHAIRMAN KEVIN J. MARTIN**

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

Today we take another important step toward facilitating a timely digital transition. Facilitating a smooth transition, however, is not an easy task. With this Order, the Commission has made technical adjustments to its rules and policies to enable broadcasters to take the actions necessary to complete the conversion from analog to digital. As all major changes tend to be, the coming transition to digital television transmission is an exciting—but complicated—revolution. The rules we adopt in this item attempt to provide broadcasters the flexibility they need while at the same time ensuring that any disruption to over-the-air viewers is minimized to the fullest extent possible.

Importantly, the Commission's oversight over this process does not end here. We require broadcasters to update us on their progress toward meeting their statutory deadline for the transition. Such reports must be filed in February 2008 and October 2008. The Commission will review this information, assess the progress toward meeting the transition, and take whatever actions are necessary to ensure that the digital transition remains on track. It is by taking concrete steps to advance this transition that we can ensure that the broadcast spectrum is made available as soon as possible for critically important public safety needs and broadband wireless uses. We are committed to making the digital transition proceed as swiftly and smoothly as possible.