

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

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

One year earlier would have been the charm. Sometimes timing is everything, and here a year's earlier start might have been the difference between a seamless and a chaotic Digital TV Transition. Had we acted then, we could have established a far more measured and orderly switch-over process, and the difficult trade-offs and compressed schedules contained in this Order could have been largely avoided. If a dissent could legitimately be based on frustration at being stuck in this situation, I would dissent today—I am that frustrated by our inaction.

But we are where we are. Given that fact, I think the Order does an acceptable job of balancing the various technical and policy factors in play. Unfortunately, at this point, the transition will not be as smooth as it might have been. Not every consumer will have access to all of their analog broadcast channels on February 17, 2009 and then wake up happily the next morning to those same stations in digital. There will be some period of time—perhaps before the transition date and almost certainly after—in which some stations may not be able to provide service to all of their viewers. Thankfully, the Order adopts our earlier proposal to require every broadcast station in the country to file a DTV status report this February—telling us where they are, what more they need to do, and how they plan to get there. Those reports should give us a much better picture of specific issues that may arise—hopefully, with enough time to address them.

Pulling the switch on stations all across the land at one and the same time in February 2009 is going to be a real throw of the dice. It is unfathomable to me that we are planning to turn off every analog signal in the country on a single day without running at least one test market first. Other countries are transitioning over time, with phased schedules. The United Kingdom, for example, is transitioning between 2007 and 2012, region-by-region, learning at every step along the way and making the necessary adjustments. The UK recently transitioned the small town of Whitehaven as the first step in a multi-year transition plan; a few years ago, Germany took a similar step in Berlin. The lessons learned from those initial test markets doubtless will prove invaluable to those countries' broader transition efforts. We need some of that real-world experience here. Why in the world aren't we doing that? I am encouraged that the Chairman and my colleagues are willing to sit down now and begin exploring the idea of one or more DTV demonstration projects around the country. I recognize there may be legal, technical, and practical challenges with planning and conducting such a test this close to the national transition date. But I believe it can be done. At least—for the sake of a successful DTV transition—let's hope it can.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television.

I have long advocated that the Commission take steps to ensure that over-the-air viewers are not disenfranchised during or after the digital TV transition, and that all full-power stations are prepared to cease analog transmission and to operate in digital by the end of the transition on February 17th, 2009. I support this item because it provides critical information for broadcasters to complete their station's transition from analog to digital transmission. I am pleased we took steps to ensure that this Order, in large part, offers the flexibility and guidance required for broadcasters to make the necessary transition. It is too late in the game to put broadcasters under unduly tight restraints as they rush to complete so much work in so little time.

I am also pleased we recently accelerated our consideration of this Order. For example, in much of the country, important technical work on towers and antennae cannot be accomplished in the winter months, so every day is critical. We have lost valuable time focused on other more tangential aspects of the transition while not moving forward on clarifying urgent demands on broadcasters to get a huge job done in short order. While this should have been completed even earlier, it is critical that we finished this year.

Because the law does not provide for any waivers or extensions of time, February 17th, 2009 is indeed the last day that full-power broadcast stations will be allowed to transmit in analog. There are a total of 1,812 stations that will be serving the American people after the transition but, to date, a little over 800 stations are considered to have fully completed construction of their digital facilities and are capable of broadcasting in digital in the final position from which they will broadcast. This data demonstrates the urgent need to have in place the deadlines we establish in this Order for broadcasters to finish their construction. This is especially important because the failure by broadcasters to do so will result in their loss of interference protection.

So, I am encouraged that we have at last lit the pathway for broadcasters, who have invested billions into this effort, to take the final steps on completing the analog to digital transition. I believe this item strikes the appropriate balance in providing specific guidance while taking into account the various conditions faced by each broadcaster. In particular, while this Order sets strict construction deadlines, the item also recognizes the unique technical challenges and other considerations, including weather, equipment shortages, and availability of tower crews, facing broadcasters. Broadcasters with genuine and demonstrable difficulties should be allowed the requisite flexibility, whether it is extensions, late transitions, or pre-transition service reductions and terminations. This additional flexibility should alleviate some of the technical challenges and other concerns broadcasters have raised in this proceeding.

I continue to believe, however, that poor long-term planning and the continued lack of a national, federal and an internal FCC coordination plan have left us in the unfortunate position of playing catch-up. Rather than being proactive – anticipating problems and concerns, and developing an effective strategy – we've been reactive. And so while this *Order* helps to propel the DTV Transition forward, we must be mindful that there is still a lot at stake and we owe it to the American public not to fail.

I think we have truly taken the right step by establishing a requirement that broadcasters complete a transition status form detailing their transition status, any additional steps needed to commence their full, digital operations, as well as their timeline to meet the February 17, 2009 deadline. I appreciate the majority support for additionally committing to prepare a report on the status of the DTV transition on the basis of the information provided in these forms. It is imperative that we have a comprehensive sense of where each full-power broadcast station is prior to the end of the transition. And while each individual

form will be posted on the Commission's website, we, along with Congress, will benefit from a comprehensive report to provide both the broadcaster and ourselves sufficient time for any mid-course correction.

As I've reiterated during this process, everyone has a lot invested in this transition, and with coordinated effort, we can succeed in getting it done right.

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

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

This Order reflects the joint commitment of broadcasters, industry, and the FCC to ensuring a seamless transition for all Americans on February 17, 2009. The multifaceted details of the DTV transition are highly-technical and require expert attention. We must provide broadcasters support and structure as we close in on the final months before the transition.

This Order is the result of input from broadcasters, and will allow them flexibility in making structural changes to their facilities. A one-size-fits-all approach is not prudent for an industry that serves thousands of diverse communities. From visiting the top of the Empire State Building with engineers, to meeting with local Tennessee broadcasters, one thing is clear-- this will take individualized planning for the unique issues all across the country. I am pleased that this Order represents an understanding of the geographic, economic, and technical realities faced by American broadcasters as we approach the transition deadline.

The DTV transition is the most significant television revolution since the advent of color tv, and will likely result in incredible innovations for consumers as we realize the benefits of valuable spectrum now available for new technologies. I hope that we will continue to work together to effect a smooth and seamless transition.

**STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL**

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

Today's Order provides a progress report on the digital transition, establishes deadlines and procedures to ensure that the February 17, 2009 transition date is met and offers regulatory flexibility to broadcasters to facilitate their construction of digital facilities by the deadline. The specifics set forth in the Order regarding when stations may and must cease analog operations, when they may and must begin operating on their post-transition digital channel, and what regulatory flexibility they have, will help ensure that the complicated, coordinated switch to DTV becomes a reality.

Of course, the broadcasters and the Commission still have a tremendous amount of work to do before February 17, 2009. The transition is an extremely complex undertaking that presents many challenges to the industry and to us as regulators. Many broadcasters will want more flexibility than we grant them in this Order. However, we have attempted to balance carefully their need for flexibility and certainty with the Commission's obligation to oversee the transition for the benefit of over-the-air viewers.

I thank and congratulate the Media Bureau staff for their tireless work on this Order.