



February 11, 2008

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington DC 20554

**Re: Notice of Ex Parte Communication**  
**MB Docket No. 07-148**

Dear Ms. Dortch:

Attached to this letter is a corrected copy of the NAB safe harbor proposal, together with a proposed form for the quarterly reporting of broadcaster DTV education efforts, as sent to Michelle Carey and Monica Desai.

As the NAB has noted in various ex parte meetings with the Commission, broadcasters committed to the NAB "safe harbor" proposal for digital television (DTV) consumer education would agree to file this form on a quarterly basis with the FCC. The form will document the efforts of stations on their analog and primary digital channels. Focusing the educational efforts on the primary channel will enable us to reach our target audience -- over-the-air viewers with analog sets.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jane E. Mago". The signature is fluid and cursive, written in a professional style.

Jane E. Mago  
Senior Vice President and General Counsel  
Legal and Regulatory Affairs

Attachments

## Digital Television Safe Harbor Proposal

### Action spots:

- **Action Spots:** Average of 16 action spots per week, reported to the FCC in quarterly reports. Spots aired by stations, networks, and/or syndicators count toward fulfilling the commitment. Each :30/spot counts as “1” and two :15/spots count as “1.”
- **Spot times:** All spots aired between 5 a.m. – 1 a.m. will be counted toward the commitment.
- **Reporting of spots:** 25% of the 16 action spots will be aired in “evening hours,” which is defined as 6 p.m. – 11:35 p.m.
- **Central/mountain time zone:** With regard to action spots, the “evening hour” in central/mountain zones will be defined as 5 p.m. – 10:35 p.m.
- **Additional reporting of action spots:** The FCC will request, for informational purposes only, the number of action spots run, over the quarter, between 5 a.m. – 9 a.m. There is no mandatory requirement that action spots be aired during this time period.

### Crawls, Snipes and/or Tickers:

- **Crawls, snipes and/or tickers:** Stations will run an average of 16 crawls, snipes and/or tickers per week, reported to the FCC in quarterly reports.
- **Crawls, snipes and/or tickers times:** All crawls, snipes and/or tickers aired between 5 a.m. – 1 a.m. will be counted toward the commitment. If a syndicator and/or network voluntarily runs crawls snipes and/or tickers during this time period, they will be counted toward the commitment.
- **Reporting of crawls, snipes and/or tickers:** 25% of the 16 crawls, snipes and/or tickers will run between 6 p.m. – 11:35 p.m.
- **Central/mountain time zone:** With regard to crawls, snipes, and/or tickers, the “evening hour” in central/mountain zones will be defined as 5 p.m. – 10:35 p.m.

### **30-minute program:**

- **30-minute program:** Stations will air a minimum of one 30-minute informational program between 8 a.m. – 11:35 p.m., Monday through Sunday, on the digital television (DTV) transition before February 17, 2009. Stations will be encouraged to air additional 30-minute programs.

### **100 Day Countdown:**

- Beginning on November 10th, 2008 (100 days from February 17, 2009) stations throughout the country will begin reminding viewers that the transition date is approaching. The “countdown” will complement and add a sense of urgency to the other DTV messaging that is being delivered.
- Stations will utilize a variety of methods in executing these reminders which can include one or more of the following ways to provide a sense of urgency which encourages action. Stations will execute a minimum of one per day, during the last 100 days, leading up to February 17, 2009, and will be encouraged to execute more. Options to include:
  1. *Graphic Display.* This could take the form of a graphic super-imposed during programming content that reminds viewers graphically there are “x number of days” until the transition. They will be visually instructed to call a toll-free number and/or visit a Web site for details. The length of time will vary from 5 to 15 seconds, at the discretion of the station.
  2. *Animated Graphic.* To attract more viewer attention to the countdown, an animated graphic approach could be utilized. In this instance, the creative staff at stations can design a moving graphic that ends up as a countdown reminder. The animated graphic approach used by stations is another way to grab attention for the message. It would remind viewers that there are “x number of days” until the transition. The same details for more information will be included as in the previous example. The length of time will vary from 5 to 15 seconds, at the discretion of the station.
  3. *Graphic and Audio Display.* This approach would add audio to option #1 and/or option #2 to strengthen the visual and audio senses. Voice could be added in a creative way to graphics and/or animated graphics so viewers would see and hear the message simultaneously. Viewers know the voices of local station personnel and an announcer, or possibly a news anchor. A station could

provide viewers with an action message which has a familiar voice or talent to reassure them. The “number of days until the transition” message is reinforced. The length of time will vary from 5 to 15 seconds, at the discretion of the station.

4. *Longer Form Reminders.* Stations can choose from a variety of longer form options to communicate the countdown message. Examples might include an “Ask the Expert” segment where viewers can call in to a phone bank and ask knowledgeable people their questions about the transition. This has been successfully used by medical doctors who are often called on during the flu season, post-traumatic events or other local health related concerns. Adding the “expert” ensures people instinctively know they can rely on the advice and action suggested by the expert. The length of these segments might be from 2 minutes to 5 minutes, at the discretion of the station.

*Some stations may also choose to include during newscasts DTV “experts” who may be asked questions by the anchor or reporter about the impending February 17, 2009 deadline.*

5. *Other Station Creative Initiatives.* Stations may identify other creative ways to emphasize the final days of the 100-day countdown. This might include tying the countdown to important events in local communities, tying the countdown to important historical moments in communities or other ideas generated at the discretion of station personnel. These on-air segments shall be a minimum length of 5 seconds.

### **Additional Commitments Made by the National Association of Broadcasters to Strengthen the Safe Harbor Provision**

- Produce and caption DTV action spots in English and Spanish (other languages will be made available as necessary).
- Prepare and distribute video packages for stations’ news departments, including B-roll footage and other graphic elements that can be used to develop and edit stories about the DTV transition.
- Prepare and distribute, in English and in Spanish, 30-minute educational programs that can be localized by stations.
- Prepare and distribute materials (including information, draft presentations and Web banners) for stations, as well as federal, state and local officials regarding the DTV transition.

- Work with the DTV Transition Coalition, a coalition of over 200 organizations, to prepare brochures and other materials that can be distributed at trade shows, meetings, community events and other forums.
- Support and coordinate a nationwide speaker's bureau to reach out to local civic groups with information about the transition with a goal of presenting 8,000 speaking engagements nationwide.
- Promote transition awareness through "DTV Trekker" visits to more than 600 locations across the country.
- Aggressively seek newspaper coverage of DTV transition through contacts with more than 19,000 reporters.
- Facilitate online coverage of DTV transition.
- Monitor DTV awareness through consumer polling.
- Produce action spots specifically to be aired on LPTV and Class A stations that will inform their viewers that their station may still be broadcasting in analog even after the February 17, 2009 transition date. The spots will also inform them as to what actions viewers will need to take to continue watching their low power stations.

## DTV Quarterly Activity Station Report

### Instructions

This form should be used to provide the Federal Communications Commission (FCC) with information pertaining to all station activity to educate consumers on the transition to digital television (DTV). All stations should log DTV action spots and other DTV activities using the appropriate house (identification) numbers. These logs or records should include the date and time that each DTV activity occurred.

Stations should run a minimum of 208 DTV action spots per quarter (an average of 16 per week) between the hours of 5 a.m. and 1 a.m. Each 30-second DTV action spot counts as one spot; two 15-second DTV action spots count as one spot. Comment boxes included in this form may be used to describe those spots. In the event of extenuating circumstances where the station was unable to meet this minimum requirement, the comment box may also be used for an explanation.

Stations should run at least 25 percent of the above-stated average of 16 per week of DTV action spots between the hours of 6 p.m. and 11:35 p.m. in Eastern and Pacific time zones, and between the hours of 5 p.m. and 10:35 p.m. for Central and Mountain time zones.

Report reflects information for quarter ending (mm/dd/yy)

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<b><u>Call Sign</u></b>	<b>Channel Numbers</b>  Analog _____  Digital _____	<b>Community of License</b>									
		<b>City</b>	<b>State</b>	<b>County</b>	<b>Zip Code</b>						
<b>Licensee</b>											
<input type="checkbox"/> <b>Network Affiliation:</b> _____ <input type="checkbox"/> <b>Independent</b>		<b>Nielsen DMA</b>	<b>World Wide Web Home Page Address</b>								
<b>Facility ID Number</b>	<b>Previous Call Sign (if applicable)</b>	<b>License Renewal Expiration Date (mm/dd/yy)</b>									
		<table border="1" style="margin: auto;"> <tr> <td style="width: 12.5%;"></td> </tr> </table>									

### Simulcasting

Are you simulcasting on your Analog and your Digital channels?

Yes       No

If **NO**, you are not simulcasting, then complete a form for both your Digital and your Analog channels.

**Total Number of DTV Action Spots Run -- Last Quarter**

How many DTV action spots did your station run between 5 a.m. and 1 a.m. last quarter?

Total 5 a.m. to 1 a.m. DTV Action Spots

How many DTV action spots did your station run in the last quarter between 5 a.m. and 6 p.m.?

Total 5 a.m. to 6 p.m. Action Spots

How many DTV action spots did your station run in the last quarter from 6 p.m. to 11:35 p.m.?

Total 6 p.m. to 11:35 p.m. Action Spots

For informational purposes only: How many DTV action spots did your station run from 5am to 9am?

**Crawls, Snipes and/or News Tickers – Last Quarter**

Stations should run a minimum of 208 DTV crawls, snipes and/or news tickers per quarter (an average of 16 per week) between the hours of 5 a.m. and 1 a.m. Comment boxes included in this form may be used to describe those spots. In the event of extenuating circumstances where the station was unable to meet this minimum requirement, the comment box may also be used for an explanation.

Stations should run at least 25 percent of the above-stated average of 16 per week of DTV crawls, snipes and/or news tickers between the hours of 6 p.m. and 11:35 p.m. in Eastern and Pacific time zones, and between the hours of 5 p.m. and 10:35 p.m. for Central and Mountain time zones.

How many DTV crawls, snipes and/or news tickers did your station run between 5 a.m. and 1 a.m. last quarter?

Total 5 a.m. to 1 a.m. DTV crawls, snipes and/or news tickers

How many DTV crawls, snipes and/or news tickers did your station run between 5 a.m. and 6 p.m. last quarter?

Total 5 a.m. to 6 p.m. DTV crawls, snipes and/or news tickers

How many DTV crawls, snipes and/or news tickers did your station run in the last quarter from 6 p.m. to 11:35 p.m.?

Total 6 p.m. to 11:35 p.m. DTV crawls, snipes and/or news tickers

### **30-Minute Informational Programs – Last Quarter**

Stations should air a minimum of one 30-minute informational program between 8 a.m. and 11:35 p.m., Monday through Sunday before February 17, 2009. Stations are encouraged to air additional 30-minute programs. How many 30 minute, DTV related educational programs did your station run during the quarter? The comment box may be used to describe this activity.

Total number of 30-Minute Informational Programs

Comments:

### **Additional DTV On-air Initiatives – Last Quarter**

Did your station run additional on-air initiatives (such as news reports, town hall meetings, etc.) during the quarter? The comment box may be used to describe these initiatives.

Yes     No

Comments:

**Station Web Site Activity Related to the DTV Transition – Last Quarter**

Does your station have a Web site?  Yes  No

If YES, your station does have a Web site, did your station run DTV related activity on that Web site?  
The comment box may be used to describe what was posted on the station’s Web site.

Yes  No

Comments:

**Additional DTV Outreach Efforts -- Last Quarter**

Check all of the DTV related activities listed below that your station engaged in over the last quarter.  
The comment box may be used to describe this activity.

Speaking Engagements

Comments:

Community Events

Comments:

Additional activities not listed here

Comments:

**Beginning on November 10, 2008, all stations participating in the DTV plan will engage in special 100-Day “Countdown to DTV” activities.**

Stations should execute a minimum of one “Countdown to DTV” on-air activity per day, during the last 100 days, leading up to February 17, 2009. Please describe what activities your station has engaged in during the last quarter? The comment box should be used to describe this activity.

Comments:

**This comment box may be used to include other comments or information about your station's DTV activity over the last quarter.**

Comments:

**This comment box may be used to describe any special circumstances that prevented your station from meeting its anticipated DTV goals over the last quarter.**

Comments:

**STATION CERTIFICATION**

**I certify that the statements in this document are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.**

Name of Licensee (print):

Signature:

Date: