

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

In the Matter of	)	
	)	
Implementation of the DTV Delay Act	)	MB Docket No. 09-17
	)	
DTV Consumer Education Initiative	)	MB Docket No. 07-148
	)	

To: The Commission

**Comments of Mt. Mansfield Television, Inc.**

Mt. Mansfield Television, Inc. (“Mt. Mansfield”), licensee of Television Station WCAX-DT, Burlington, Vermont, submits these brief comments on the consumer education proposals in the *Notice of Proposed Rulemaking* (“*Notice*”) in the above-referenced proceedings. The Commission should not require further on-air DTV education initiatives in markets where the transition to digital has been completed.

In accordance with the Commission’s February 11, 2009 *Public Notice*,<sup>1/</sup> WCAX-TV terminated its regular analog program service on February 17, 2009, and WCAX-DT began operating on February 18, 2009 on its post-transition digital channel.<sup>2/</sup> All of the full-power stations in the Burlington-Plattsburgh Designated Market Area transitioned to digital operation on February 17. The transition in the Burlington-Plattsburgh area, in general, was smooth. The

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<sup>1/</sup> *FCC Requires Public Interest Conditions for Certain Analog TV Terminations on February 17, 2009*, FCC 09-7 (Feb. 11, 2009).

<sup>2/</sup> WCAX-TV is providing enhanced nightlight service on channel 3 for 60 days. Pursuant to the Special Temporary Authority granted in FCC File No. BDSTA-20080813AEI, WCAX-DT reduced its digital power on its pre-transition channel before February 17, and operated at reduced power on its post-transition channel until February 19. The Commission authorized WCAX-DT to begin operating on its post-transition channel before the end of the transition. FCC File No. BDSTA-20090203ADL. Mt. Mansfield filed its application for a license to cover its post-transition operations on February 20, 2009. FCC File No. BLCDDT-20090220ABA.

joint call center operated by the stations in the market received about 4,000 calls during the days after the transition. About one fourth of those calls were from Canadian residents whose local stations will not transition until 2011. WCAX received about 600 additional calls, many of which were also from residents of Canada.<sup>3/</sup> A large percentage of the remaining callers needed information about rescanning their digital receivers or converters. Others needed assistance in hooking up a converter.

A number of calls did relate to difficulty in receiving the WCAX-DT signal. The temporary operation of the Station's post-transition digital signal at reduced power accounts for some of these calls. Some viewers who were able to receive the analog signal of WCAX-TV will not, however, be able to receive the Station's digital signal for two main reasons:

- WCAX-TV operated on VHF channel 3; WCAX-DT was assigned UHF channel 22. In the mountainous terrain of much of the Burlington-Plattsburgh market, the UHF signal is less able to reach viewers in valleys. A return to channel 3 for post-transition operations was not available because that channel had been assigned to a Canadian station, in addition to the well-known difficulties with impulse noise for digital operations in the low-VHF band.
- As a result of negotiations with Industry Canada, WCAX-DT is currently limited to 443 kW, a power level that does not provide full replication of the Station's analog service. Mt. Mansfield has requested Commission approval to increase the Station's power to 550 kW, a request that is awaiting action.<sup>4/</sup> Although going up to 550 kW will ameliorate some service difficulties, it will not resolve them all.

While the Burlington-Plattsburgh market transitioned to digital with very few problems, Mt. Mansfield believes that viewers have been confused by many of the messages they have received to date. This confusion goes beyond just the change for some stations in the date of the transition. Viewers have been told that a converter box and possibly an antenna will enable them

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<sup>3/</sup> Many of the Canadian callers were apparently unable to receive Mt. Mansfield's post-transition digital signal because of interference from Canadian station CBOFT-DT in Ottawa, whose pre-transition operations are also on channel 22.

<sup>4/</sup> FCC File No. BMPCDT-20080616ADK.

to receive digital signals when, at least in some cases, that is not true. More messages that convey information that is not relevant to a particular viewer are likely to add to confusion and anger about a transition that, for the most part, the public has accepted with good grace.

Mt. Mansfield submits these comments in light of this experience with the transition.

**The Commission Should Not Require Further On-Air DTV Education in Markets That Have Completed the Transition to Digital**

The Commission extended the time period during which stations will be required to broadcast DTV education spots to the end of June 2009. *Notice* ¶ 12. The Commission has now temporarily waived the requirement that commercial stations begin to air a new countdown ticker on March 4,<sup>5/</sup> but apparently will consider reimposing that requirement. In the *Notice*, it asked whether a station that had already transitioned should be required to “run a countdown of any kind?” *Id.* ¶ 60.

For markets like Burlington-Plattsburgh, where all stations have begun operating in digital and only enhanced nightlight service is being provided in analog, the Commission should allow the DTV consumer education requirements to stop as of March 31, 2009, as it originally provided. No further countdown ticker should be required of stations in those markets. DTV education messages that focus on a transition to occur on June 12 or another date in the future will simply confuse viewers if all of the stations in their market have already begun post-transition operation. It will lead viewers to believe – in error – that there are further steps to be taken to complete the transition and that there are further things that viewers will have to do, or to purchase or install, to avoid loss of television service. But, none of those things are true for viewers in Burlington-Plattsburgh and similar markets. By now, they have taken the steps

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<sup>5/</sup> *Temporary Waiver of 100-Day Countdown Requirement*, FCC 09-15 (rel. March 3, 2009).

needed to receive a digital signal; or if they have not, their only viewing option is enhanced nightlight service that provides them with the information they need to get a digital signal.

Indeed, because further DTV education and countdown messages (apart from the information airing on the nightlight channels) would only be broadcast on digital signals, consumers who do not have the capability of receiving digital broadcasts – the consumers at whom the messages are directed – could not see them.<sup>6/</sup> Similarly, the Commission’s proposal (*Notice ¶ 66*) to require on-air notification by stations that are changing their broadcast frequency from VHF to UHF will not provide useful information to the public in markets which have completed the transition because the viewers who can see those notices will not have the problem the notices are intended to address.

By urging that no further on-air education initiatives be required, Mt. Mansfield does not mean to suggest that it will not continue to assist viewers. It continues to provide DTV transition information on its website and to respond to telephone calls from viewers. Mt. Mansfield will also continue to provide “walk-in” assistance at its studio location in South Burlington. Further, the enhanced nightlight programming which will air on the Station’s analog channel for 60 days explains issues relating to the transition to DTV in detail.

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<sup>6/</sup> It is possible that some viewers who can receive a signal from WCAX or another Burlington-Plattsburgh station could also receive service from stations in an adjacent market that have not yet completed the transition. Viewers who can receive the digital signals from Burlington-Plattsburgh stations will not need to do anything else to receive the digital signals from the adjacent market after it transitions, and viewers who need to take such steps would not be able to receive the digital signals from the Burlington-Plattsburgh stations. Further, it would be less confusing to consumers if they receive DTV education information from stations whose transition is in the future as they will realize it is those stations whose broadcasts have yet to change.

## **The Commission Should Not Mandate On-Air Information About Loss of Service**

The Commission also proposes to require all stations to air PSAs to provide information to viewers about service loss if at least 2 percent of their analog viewers are predicted to lose service. *Notice* ¶ 64. Whatever benefits PSAs containing that information may have for viewers of stations that are still broadcasting in analog, those benefits do not exist for stations like WCAX that have already completed the transition. Viewers who cannot receive WCAX's post-transition digital signal will be unable to see the PSAs that air on the digital signal; viewers who can see the PSAs can only do so if they can receive the digital signal. Information about potential service losses is being provided as part of the Station's enhanced nightlight service, and that information can be received by all viewers who could receive WCAX's analog service. Mt. Mansfield is continuing to provide information about potential service loss, and the steps that viewers may be able to take to address that loss, on its website and in response to telephone inquiries.

In note 121 of the *Notice*, the Commission proposes to exclude stations from the requirement of airing PSAs where the service loss is due "solely to propagation effects such as a change from a VHF to a UHF channel." The Commission, if it adopts rules requiring additional viewer notifications, should clarify the scope of this exclusion. Does it extend to stations such as WCAX where the projected service loss is a result of both a change in frequency and a reduction in power?

To the extent that the Commission does require that additional information about service loss be provided by stations, it should not require stations to make reference to particular communities, ZIP codes or other areas where post-transition digital service will not be available. Mt. Mansfield's experience is that the areas where WCAX can be received and where it cannot

are not so neatly defined. Indeed, there are some areas in almost every county in its DMA where some homes may not be able to receive digital service, at least without additional equipment. In some cases, the signal may be received at one house but not available at a house down the street situated a little lower or blocked by a hill or other local obstruction. If stations must tell viewers all of the neighborhoods or ZIP codes where reception might be a problem, the resulting notice will be enormously over-inclusive in markets like Mt. Mansfield's. That will only lead to additional viewer confusion.

Moreover, some viewers who cannot receive a signal may be able to remedy the problem by replacing their antenna, even with another inexpensive indoor antenna. Most stations have found that it is in their interest to assist viewers in resolving service issues. Mt. Mansfield will certainly do so. The Commission should rely on stations to provide loss of service information and suggestions for remedies to viewers in the way that best reflects the conditions in each market and for each station. That will allow information to be provided that is best tailored to assist viewers.

### **Conclusion**

Despite some loss of service issues that may remain, the transition to digital service occurred with few problems in the Burlington-Plattsburgh market. For stations in that market

and other markets which have completed the transition, the Commission should not require further DTV education initiatives, or on-air information about loss of service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack N. Goodman". The signature is fluid and cursive, with the first name "Jack" being particularly prominent.

Jack N. Goodman

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