



March 10, 2009

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington DC 20554

**Re: Notice of Ex Parte Communication**  
**MB Docket No. 09-17**

Dear Ms. Dortch:

Today, Ann Bobeck and the undersigned of the National Association of Broadcasters (NAB) met separately with Rick Chessen, Rudy Brioché and Rosemary Harold to discuss the certain proposals concerning implementation of the Digital Television (DTV) Delay Act.

As detailed in our joint comments with the Association for Maximum Service Television, Inc. (MSTV), we urged the Commission to strike an appropriate balance to allow stations that are predicted to lose two percent or more of their analog viewers as a result of a change in their geographic coverage area, flexibility to inform their viewers on-the-air, about this loss of service and where to obtain more information. For example, the on-air message could direct the viewer to station's web site, which could link to [www.Antennaweb.org](http://www.Antennaweb.org) and/or the Commission's web site, including its coverage maps. Alternatively, the station can provide detailed information on its own web site. This on-air notification would count towards the minimum spots compliance under Option 2 of the NAB plan.

NAB also suggested that the Commission should not require broadcasters that have already transitioned to digital-only operations to continue to air DTV on-air consumer education initiatives, which may be confusing and annoying to viewers who by definition have already transitioned in order to view the broadcasters' programming.

Moreover, we urged the FCC to refrain from including station-specific information in the 30 minute DTV instructional program required as part of the education effort. We

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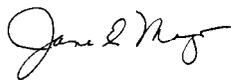
explained that if stations were required to edit the 30 minute program to fit station-specific issues, there would be difficulties transmitting captions with the program.

For station that elect to turn off their analog signal before June 12, we stressed that the Commission grant them the maximum flexibility to do so, without implementing onerous additional requirements that would discourage early terminations and that would ultimately be contrary to public interest. Specifically, we urged (1) that the final week of crawls be eliminated as unnecessary, pointing to substantial viewer complaints about the crawls and that (2) the Commission considers markets may wish to coordinate an early termination, such as Florida and Gulf States, to allow consumers to fully prepare for television viewing during the upcoming hurricane season.

Finally, we urged the Commission to reset the countdown clock to 60 days for stations that are transitioning on June 12 (beginning on Monday April 13), to eliminate any countdown requirements for stations that have already transitioned and to make optional the countdown requirement for stations that are transitioning prior to June 12 to avoid any consumer confusion.

Please direct any questions to the undersigned.

Respectfully submitted,



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

cc: Rick Chessen  
Rudy Brioché  
Rosemary Harold