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

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MAR 17 2009
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In the Matter of)	
)	
Implementation of the DTV Delay Act)	MB Docket No. <u>09-17</u>
)	
DTV Consumer Education Initiative)	MB Docket No. 07-148
)	
Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television)	MB Docket No. 07-91
)	
Digital Television Distributed Transmission System Technologies)	MB Docket No. 05-312
)	

THIRD REPORT AND ORDER AND ORDER ON RECONSIDERATION

Adopted: March 13, 2009

Released: March 13, 2009

By the Commission:

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I. INTRODUCTION

1. In this Report and Order, the third in response to the Congressional extension of the digital television (DTV) transition deadline, we take the next actions necessary to implement the “DTV Delay Act,” which was enacted into law on February 11, 2009.¹ In the DTV Delay Act, Congress extended the DTV transition deadline from February 17, 2009, to June 12, 2009, in an effort to provide consumers additional time to prepare for the transition from analog to digital broadcasting.² The Act directed the Commission to take any actions “necessary or appropriate to implement the provisions, and carry out the purposes” of the Act, and to do so within 30 days.³ The Commission has already taken steps to comply with the DTV Delay Act directive. We issued a series of public notices (PNs) establishing and implementing the early transition process for stations that transitioned on February 17, 2009.⁴ The first Report and Order in the DTV Delay Act docket extended the analog license terms and adjusted the construction permits for the full power television stations subject to the DTV Delay Act.⁵ The Second Report and Order and Notice of Proposed Rulemaking (“*Omnibus Order*” or “*NPRM*”)⁶ addressed the remaining time-sensitive actions necessitated by the delay in the transition deadline.⁷ The companion NPRM sought comment on the procedures for early analog termination and issues relating to DTV transition consumer education, and we address those issues in the instant Order.

¹ DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009) (“*DTV Delay Act*”).

² See, e.g., 155 Cong. Rec. E240-02.

³ DTV Delay Act § 4(c). In addition, the DTV Delay Act amends the Digital Television and Public Safety Act of 2005 (“*DTV Act*”), Pub. L. No. 109-171, 120 Stat. 4 (2006), to direct 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 June 13, 2009; and (2) to require by June 13, 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. § 309 Note. The statutory deadline for Commission action is March 13, 2009.

⁴ *FCC Announces Procedures Regarding Termination of Analog Television Service On or After February 17, 2009*, Public Notice, FCC 09-6 (Feb. 5, 2009) (“*February 5th PN*”); *FCC Releases Lists of Stations Whose Analog Operations Terminate Before February 17, 2009 or that Intend to Terminate Analog Operations on February 17, 2009*, Public Notice, DA 09-221 (MB Feb. 10, 2009) (“*February 10th PN*”); *FCC Requires Public Interest Conditions for Certain Analog TV Terminations on February 17, 2009*, Public Notice, FCC 09-7 (Feb. 11, 2009) (“*February 11th PN*”); *FCC Releases Lists of TV Stations’ Responses to Requirements for Analog Termination on February 17, 2009*, Public Notice, DA 09-245 (MB Feb. 13, 2009) (“*February 13th PN*”).

⁵ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Report and Order and *Sua Sponte* Order on Reconsideration, FCC 09-9 (rel. Feb. 13, 2009) (“*First DTV Delay Order*”).

⁶ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Second Report and Order and Notice of Proposed Rulemaking, FCC 09-11, ¶ 19 (rel. Feb. 20, 2009) (“*Omnibus Order*” or “*NPRM*”).

⁷ One of those actions was the adoption of rules for the Option Two 100-Day Countdown, which was subsequently temporarily waived. *Temporary Waiver of 100-Day Countdown Requirement*, Public Notice, FCC 09-15 (Mar. 3, 2009). As discussed in Section III.C.6, *infra*, we implement revised final rules for the countdown in this Order.

2. The actions taken thus far, and again in this Order, balance consumers' need for time and information with broadcasters' need for flexibility. This balance is implicit in the DTV Delay Act, which extended the deadline for the transition expressly to provide the American public with more time to prepare for the transition to digital television, while allowing broadcasters to complete their transitions prior to June 12, 2009, subject to such rules as the Commission finds necessary or appropriate. This Order implements procedures and prescribes timing for stations to transition early while providing viewers who are not prepared with a lifeline of analog service and both on-air and off-air educational information about the transition. The Order also adjusts the consumer education requirements placed on broadcasters to eliminate any unnecessary burden after the transition while ensuring that the most meaningful information is provided to viewers before the stations complete their transition, and addresses other issues.

II. EXECUTIVE SUMMARY

3. This Report and Order takes the following actions to implement the DTV Delay Act:

Analog Service Terminations

- In the *Omnibus Order*, we revised our analog service termination and reduction procedures to require stations that have not terminated analog service to file a binding notice of their proposed analog service termination date by March 17, 2009.
- Stations that notify us by March 17, 2009 may proceed with their planned terminations without specific individual approval, with limited exceptions.
- We adopt the Analog Service Termination Notification form, which must be filed by every station that has not yet terminated analog service.
- Stations generally may not terminate analog service before April 16, 2009.
- Noncommercial educational stations may terminate before April 16, but not before March 27, if they certify in their analog termination form that they need to terminate before April 16 due to significant financial hardship.
- We require all stations that terminate before June 12, 2009, to air viewer notifications for the 30 days prior to their transition. These viewer notifications are based on those required in the *Third DTV Periodic Report and Order*, but also require information about service loss from stations predicted to lose more than 2 percent of their analog viewers.
- Major network affiliates may terminate analog service prior to June 12, 2009, provided at least 90 percent of their analog viewers will receive continuing full analog service from another major network affiliate through June 12, 2009.
- If a major network affiliate elects to terminate prior to June 12 and more than 10 percent of its viewers will not continue to have full analog service from another major network affiliate, the station must undertake specified public interest measures, and so certify on the Analog Service Termination Notification form: (1) At least 90 percent of the population in its Grade B analog contour must receive some analog service from a major network affiliate through June 12 (either "enhanced nightlight" or some combination of enhanced nightlight and full analog service from a major network affiliate); and (2) it will comply with the other public interest conditions set forth herein, including walk-in help centers, consumer referral telephone numbers, and DTV education and outreach.
- We permit all stations to terminate analog service at any time of day on their final day of analog service and require that they notify the Commission on the Analog Service Termination Notification form of the approximate time they will terminate.

DTV Consumer Education Initiative

- We amend the DTV Consumer Education Initiative requirements to ensure that consumers will receive the information they need to make proper preparations for the digital transition of the stations on which they rely for television service:
 - Beginning April 1, 2009, if the FCC's Signal Loss Report predicts that 2 percent or more of the population in a station's Grade B analog service contour will not receive the station's digital signal, the station must air service loss notices. These notices are in addition to the existing consumer education requirements.
 - Beginning April 1, 2009, all stations must include information about the use of antennas as part of their consumer education campaign, including information concerning a station's change from the VHF to UHF bands.
 - Beginning April 1, 2009, all stations must include information in their consumer education campaigns to inform and remind viewers about the importance of periodically using the rescan function of their digital televisions and digital converter boxes.
 - Beginning April 1, 2009, as part of its DTV consumer education campaign, every station must air notices providing the location and operating hours of walk-in DTV help centers in the station's market area; the FCC Call Center telephone number and TTY number; and the station's telephone number for receiving consumer referrals and calls from local viewers.
- We eliminate the requirement for most stations to continue broadcasting DTV transition educational information after they have terminated analog service.
- A station that has filed a request for an extension of the deadline for construction of its full, authorized post-transition digital facility, including a request for phased transition, or is operating under such an extension, must continue its DTV consumer education campaign until it completes construction and commences operation of its full, authorized post-transition digital facility.
- We amend the 100-Day Countdown requirement and require broadcasters subject to the Option Two consumer education rules to air a 60-day countdown to the date of their individual termination of analog service.
- We require broadcasters subject to the Option Two and Three consumer education rules to air a new, up-to-date 30 minute informational video before they transition. This video must include locally specific information, including information about the transition dates of all stations in the market.
- We revise Form 388, the DTV Quarterly Activity Station Report, to reflect the changes we have made to the *DTV Consumer Education Initiative* broadcaster rules in this Report and Order.

Other Issues

- We extend until December 14, 2009, the deadline for accepting DTS "waiver policy" proposals to permit a station to use DTS if doing so will enable it to continue to serve its existing analog viewers who would otherwise lose service as a result of its transition to digital service.
- We reconsider in part, *sua sponte*, the extension for "phased transitions," as described in the *Omnibus Order*, and provide more time for stations facing "unique technical challenges" to complete construction.

III. DISCUSSION

A. Analog Service Terminations

4. As discussed in detail in the *Omnibus Order*, we revised our analog service termination and reduction procedures⁸ to require stations that have not terminated analog service⁹ to file a binding notice of their proposed analog service termination date by March 17, 2009.¹⁰ In this Section, we discuss the implementation of the Analog Service Termination Notification form, which must be filed by every station that did not terminate analog service on or before February 17, 2009. We conclude that stations filing to terminate analog service prior to June 12, 2009, may not specify a date earlier than April 16, 2009, except in the case of a noncommercial educational station (“NCE”) facing significant financial hardship, and may not change the date they select to any other early (*i.e.*, pre-June 12) termination date barring equipment failure, natural disaster, or another unforeseeable emergency. We also adopt requirements to assure that viewers are notified of early transitions and retain access to some analog service through June 12, 2009. Finally, we adopt our proposed post-transition analog service and consumer outreach requirements for the subset of early terminators that are major network affiliates in areas where all major network affiliate analog service will be discontinued prior to June 12, 2009.

5. The *Third DTV Periodic Report and Order* permitted stations to transition without prior Commission approval during the final months before the transition, but they were required to make a showing with their notification to the Commission that the analog service termination was “necessary to achieve their transition.”¹¹ Consistent with this requirement, stations that seek to transition early must provide us with sufficient information in the Analog Service Termination Notification to enable us to determine whether an early analog termination is necessary and in the public interest. We will allow stations that notify us in a timely manner to proceed with their planned terminations without specific individual approval, with limited exceptions. As discussed in the *Omnibus Order*, we cannot forecast and deploy resources to prepare and assist consumers based on rolling, uncoordinated notifications. We believe that allowing any or all stations to terminate or substantially reduce analog service under the existing *Third DTV Periodic Report and Order* procedures would squander the time given to us and the country by the delay enacted by Congress.¹²

6. A number of commenters oppose the Commission’s decision to revise the early analog termination procedures at all, and the specific proposals made in the NPRM. In its comments, the Association of Public Television Stations (“APTS”) focuses largely on the argument for permitting NCE stations to transition before April 16, which is addressed in Section II.A.4, below. APTS also argues more generally, however, that stations should be permitted to terminate at any time before June 12,

⁸ We make no amendments to the Pre-Transition Digital Termination procedures adopted in the *Third DTV Periodic Report and Order*. *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket 07-91, Report and Order, 23 FCC Rcd 2994, 3045, ¶ 133. (“*Third DTV Periodic Report and Order*”).

⁹ Although the *Omnibus Order* referred to “all” stations, we take this opportunity to clarify that this filing requirement is limited to full-power television stations that are still broadcasting in analog (excluding analog nighttime service). Those stations that terminated analog television service on or before February 17, 2009 do not need to file this form.

¹⁰ *Omnibus Order*, FCC 09-11 at ¶¶ 26-32. The rule changes herein apply to analog service terminations and substantial reductions to analog service. In general, a “substantial” reduction is one that would affect more than 10 percent of the population in a station’s service area, as represented by the predicted Grade B contour. References to “termination” here are intended to apply to such substantial reductions as well as to terminations.

¹¹ *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3045, ¶ 107.

¹² *Omnibus Order*, FCC 09-11 at ¶¶ 27-28.

because a “gradual, rolling cessation of analog works relatively well and benefits the public.”¹³ It argues that this approach provides a steady supply of information to the Commission, while minimizing viewer disruption, and that “so far it has worked.”¹⁴ Some individual stations also oppose the imposition of new requirements for early termination, even when they do not object to terminating analog service on April 16 or later.¹⁵ McGraw-Hill opposes the extension of viewer notification requirements beyond 30 days, arguing that longer periods of notice could “adversely impact a smooth transition” and spur increased viewer complaints to stations.¹⁶ Even where commenters do not argue that a longer notification period would create problems, they contend that a 30 day notice period, as adopted in the *Third DTV Periodic Report and Order*, is “sufficient to make viewers ... aware of the final date for the termination of analog operations.”¹⁷ While there is less universal opposition to the proposed requirement to air crawls for seven days before analog termination, the general consensus among commenters is that the existing levels of pre-transition viewer notification are sufficient.¹⁸

7. While we appreciate broadcasters’ objections to the changes we are making in our procedures, we find it necessary to adopt new requirements and procedures associated with early transitions to assure that viewers are fully prepared and equipped to receive digital television signals and give up analog service. Our experience in preparing for the partial transition on February 17, as well as the early market-wide transitions in Wilmington, North Carolina and Hawaii, have demonstrated the importance of on-the-ground consumer outreach, the availability of coupons to defray the cost of DTV converter boxes, and the availability of the boxes themselves. Testimony in the recent Commission en banc hearings underscores the time needed by retailers, manufacturers, NTIA, pay TV services, local and national outreach organizations, and our own outreach staff to plan for both equipment availability and consumer education.¹⁹ This experience convinces us that more than 30 days are needed to plan and execute the intensified outreach efforts necessary in an area with stations transitioning early to assure consumer readiness. Indeed, more than 60 days is preferable. However, we recognize that some stations have legitimate needs to transition early and that Congress required us to balance the consumer need for time and information with the broadcaster need for flexibility. Therefore, we adopt the procedures and requirements described here to implement this balanced approach.

8. For stations that elect to transition on June 12, the final day of the transition, we impose no additional requirements for viewer notification. Stations that will transition early may do so on the day of their choosing; they must, however, run daily viewer notifications for 30 days prior to transitioning, as required under the *Third DTV Periodic Report and Order* early termination procedures, containing the information described in this Order. Additionally, as discussed in detail below,²⁰ affiliates of ABC, CBS, FOX, and NBC (“major network affiliates”) that are transitioning early must either (1) certify that at least one major network affiliate will continue to provide full analog service to their viewers

¹³ APTS Comments at 6. *See also* MATC Comments.

¹⁴ APTS Comments at 6.

¹⁵ KET Comments at 2-3; OSU Comments at 3-7.

¹⁶ McGraw-Hill Comments at 3.

¹⁷ Sunbelt Comments at 4.

¹⁸ *See, e.g.*, Barry Comments at 4, note 1 (proposing to air 30 days worth of notices before transitioning on April 16); *see also*, Joseph Belisle Comments (“It is a mistake to adopt onerous, endless, unworkable procedures for early termination of analog television service.”).

¹⁹ Written testimony of Cathy Seidel, Bureau Chief, Consumer and Governmental Affairs at 6-7; Written testimony of Eloise Gore, Associate Bureau Chief, Media Bureau at 3; Mark Lloyd, Vice President for Strategic Initiatives, Leadership Conference on Civil Rights and Leadership Conference on Civil Rights Education Fund at 5.

²⁰ III.A.5, *infra*.

through June 12, 2009, or (2) certify that their viewers will receive some continuing “enhanced nightlight” analog service, and that they will operate or support and publicize a walk-in help center and a consumer referral telephone number, and provide certain specific information about the transition in the on-air and other DTV educational efforts they undertake. These requirements are very similar to those we imposed on many major network affiliates that transitioned early on February 17, 2009. We conclude that these requirements are necessary and appropriate to implement the DTV Delay Act’s provisions and carry out its purposes. They retain stations’ flexibility to choose a transition date prior to June 12, while also addressing the needs and helping to ensure the readiness of viewers in their markets. We also retain the right to revise any station’s proposed early termination if we find it in the public interest to do so.

1. Statutory Authority

9. We reaffirm our conclusion that the Commission has authority to modify the *Third DTV Periodic Report and Order*’s early termination procedures as necessary to implement and carry out the purposes of the DTV Delay Act.²¹ In their joint comments, NAB and MSTV (“NAB”) and others disagree with that finding, arguing that Section 4(a) of the Act plainly requires that broadcasters be allowed to cease analog broadcasting under the procedures “in effect on the date of enactment of this Act,” and prevents the Commission from modifying those procedures.²² On the contrary, we conclude that Section 4(a) is ambiguous and reasonably can be interpreted to ratify the termination procedures that were in effect on the date of enactment of the Act without restricting the Commission’s authority to modify them.²³

10. Based on examination of the Act’s text, legislative history, and structure, we cannot conclude that Section 4(a) plainly expresses Congress’s intention to restrict FCC authority to modify its early termination procedures. Section 4(a) states that:

[n]othing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station’s analog television signal . . . prior to the [transition deadline] so long as such prior termination is conducted in accordance with the Federal Communications Commission’s requirements in effect on the date of enactment of this Act, including the flexible procedures established in the [*Third DTV Periodic Report and Order*].²⁴

NAB maintains that this language “specifically allows stations to cease analog broadcasting under the existing requirements.”²⁵ Although NAB’s reading may be plausible, we do not agree that it is the only or even the most reasonable interpretation of the statutory text. The text clearly disavows any Congressional intent to override the Commission’s existing termination procedures. It is silent, however, regarding whether the Commission may change those procedures. Had Congress intended to give broadcasters an affirmative right to terminate analog transmissions early in accordance with the procedures established in the *Third DTV Periodic Report and Order* and prevent the Commission from changing those procedures, it could easily have done so. Congress certainly knew how to use broad “notwithstanding” language, as it

²¹ *Omnibus Order*, FCC 09-11 at ¶ 30.

²² DTV Delay Act § 4(a). See NAB and MSTV Joint Comments at 17-20 (“NAB Comments”); APTS Comments at 2-4; Richard B. Brittain Comments; KET Comments at 5, 8-9; OSU Comments at 6; ZGS Comments at 4.

²³ See generally *Bell Atlantic Tel. Cos. v. FCC*, 131 F.3d 1044, 1049 (D.C. Cir. 1997) (Under the *Chevron* doctrine, if a statute is silent or ambiguous as to the precise question at issue, then a reasonable agency interpretation of the statute merits judicial deference).

²⁴ DTV Delay Act § 4(a).

²⁵ NAB Comments at 18.

used such language elsewhere in the DTV Delay Act.²⁶ We believe that the use of narrower language in Section 4(a) signals a more modest disavowal of intent to override existing procedures.

11. Contrary to NAB's argument, neither Section 4(a)'s title ("Permissive Early Termination Under Existing Requirements") nor the legislative history make plain the meaning of the statutory text; the title is only "a short-hand reference to the general subject matter involved,"²⁷ and the two floor statements cited by NAB merely indicate the expectation that broadcasters would be allowed to terminate early, without mentioning a freeze or other limitation on FCC authority.²⁸ Further, the Act's structure does not support NAB's reading. On the contrary, rather than restricting the agency's general rulemaking authority, Section 4(c) grants the Commission expansive new authority.²⁹ We find it difficult to square NAB's crabbed reading of Section 4(a) as enshrining the FCC's existing termination procedures with Section 4(c)'s grant of expansive new authority to implement the DTV Delay Act and carry out its purposes.³⁰

12. Considering the DTV Delay Act's text, legislative history and structure, and consistent with Supreme Court precedent, we have concluded that Section 4(a) ratifies the *Third DTV Periodic Report and Order's* early termination procedures without restricting the Commission's authority to modify those procedures.³¹ We remain persuaded that this interpretation is the most reasonable one. As discussed above, we think that Section 4(a) is most reasonably read as a disavowal of intent to override the Commission's early termination procedures then in effect. Had Congress not ratified those procedures, the DTV Delay Act could be interpreted to prohibit early termination altogether, for its

²⁶ DTV Delay Act § 4(c) ("[n]otwithstanding any other provision of law, the Federal Communications Commission ... shall, not later than 30 days after the date of enactment of this Act, ... adopt or review its rules, regulations, or orders to take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act."). Cf. *Central Bank of Denver v. First Interstate Bank*, 511 U.S. 164, 176-77 (1994) (although "Congress knew how to impose aiding and abetting liability when it chose to do so," it did not use the words "aid" and "abet" in the statute, and hence did not impose aiding and abetting liability).

²⁷ *Trainmen v. Baltimore & Ohio Railroad*, 331 U.S. 519, 528 (1947) (titles of acts or sections can provide only limited interpretive aid).

²⁸ See NAB Comments at 18 n.39, citing Statement of Rep. Boucher, Cong. Rec. H585 (Jan. 27, 2009) ("[w]e fully anticipate that the FCC will be very flexible in applying" the provision allowing stations to cease analog broadcasting early); Statement of Sen. Hutchinson, Cong. Rec. at S1051 (Jan 29, 2009) (explaining that the delay of the DTV transition date "is voluntary," which "was very important" because "many broadcast companies have made the investment for digital transmission" and the bill allows them "to go" digital). To the extent that NAB suggests that the FCC's modifications of the early termination procedures deprive broadcasters of the flexibility that Congress intended, we disagree for the reasons set forth elsewhere in this Order and our previous Order. We believe that our actions afford stations the flexibility that they need to choose a termination date prior to June 12 while also taking into account the needs and readiness of viewers in their markets.

²⁹ DTV Delay Act § 4(c) (authorizing the FCC "[n]otwithstanding any other provision of law" to "adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act.).

³⁰ *Verizon California, Inc. v. FCC*, 2009 WL 304745 (D.C. Cir. 2009) (context and purpose of statute properly considered in determining meaning).

³¹ *DTV Delay Act Second Report and Order and NPRM*, FCC 09-11 at ¶ 30 n. 59 and accompanying text, citing *Zemel v. Rusk*, 381 U.S. 1, 9-13 (1965) (Secretary of State had statutory authority to impose new area restrictions on passports in 1961 under the Passport Act of 1926 because Congress had ratified the Secretary's authority to impose such restrictions in 1952 by enacting passport legislation without tampering with the rulemaking authority granted to the Secretary in the 1926 Act), and *City of New York v. FCC*, 486 U.S. 57 (1988) (Congressional ratification of FCC preemption of state and local cable technical standards). None of the comments specifically address the Commission's reliance on ratification precedents in the *DTV Delay Act Second Report and Order*.

purpose arguably would be undermined if most broadcasters chose to terminate before June 12.³² We reject NAB's argument that our construction prefers Section 4(c)'s general terms over Section 4(a)'s specific ones.³³ Rather, our reading harmonizes and gives full effect to both Section 4(a) and Section 4(c), which reflects Congress's recognition that implementing the DTV Delay Act and carrying out its purposes within the short time available "would require extraordinary and immediate action by the Commission and others."³⁴

2. Analog Service Termination Form

13. In the *Omnibus Order*, we required all full-power television stations that had not terminated their analog service as of February 17, 2009, to decide on a firm date by which they intend to terminate their regular analog television service and to notify us of that date no later than Tuesday, March 17, 2009.³⁵ We imposed this requirement because we have found that the opportunity for advance planning contributes significantly to a smoother transition. We now announce that this notification must be made via the Commission's Informal Filing Form after the release of this Order, but not later than 5:30 PM Eastern Daylight Time on March 17, 2009.³⁶ In this notification (the "March 17 filing"), stations must commit to terminating on a date no earlier than April 16, 2009,³⁷ to give all parties at least 30 days from the notification date to prepare and educate consumers. Any station that does not properly file this notification will not be permitted to terminate their analog service prior to June 12, 2009, except in the case of equipment failure, natural disaster, or other unforeseeable emergency.

14. The analog termination advance notice procedures adopted in this proceeding supersede the provisions of Section 73.1615.³⁸ Stations may rely on the provisions of Section 73.1615 for brief terminations or reductions of service for technical reasons. They may not, however, rely on this provision to terminate analog service altogether, even in the days immediately prior to June 12, 2009. Barring Commission action, a station may only terminate analog service on the date it elects to do so on the analog service termination form.

³² Cf. *DTV Delay Act Second Report and Order and NPRM*, FCC 09-11 at ¶ 1 ("In the DTV Delay Act, Congress extended the DTV transition deadline from February 17, 2009 to June 12, 2009 in an effort to provide consumers additional time to prepare for the transition from analog to digital broadcasting."), citing Cong. Rec. H895 (daily ed. Feb. 4, 2009).

³³ NAB Comments at 18-19.

³⁴ *DTV Delay Act Second Report and Order and NPRM*, FCC 09-11 at ¶ 69. Finally, we note that NAB's argument that modification of FCC procedures is not permissible simply because § 4(a) does not expressly foreclose it, NAB Comments at 19, is inapposite because we do not rely on § 4(a)'s silence for authority here. As explained above, we have both general rulemaking authority and expansive new authority under § 4(c) of the DTV Delay Act.

³⁵ *Omnibus Order*, FCC 09-11 at ¶ 26.

³⁶ Notice to the Commission must be provided electronically through the Commission's Consolidated Database System ("CDBS") using the Informal Application filing form. To access the CDBS electronic filing system in order to file an analog termination or reduction notification, go to the Media Bureau's web site at: <http://www.fcc.gov/mb/cdbs.html>. Instructions as to how to file these notifications are as follows: After logging into the CDBS, select the last option from main menu "Additional non-form Filings." From the next menu select "Silent STA/Notification of Suspension." From the pre-form menu select: "Notification of analog termination or reduction." No fee is required. For additional information, contact Hossein Hashemzadeh, Hossein.Hashemzadeh@fcc.gov, of the Media Bureau, Video Division, at (202) 418-1658.

³⁷ *But see* Pre-April 16 Terminations by Noncommercial Educational Stations Certifying Significant Financial Hardship, Section III.A.4, *infra*.

³⁸ 47 C.F.R. § 73.1615.

15. We impose no requirements in this section on stations that notify the Commission of their intent to continue providing full analog service³⁹ until June 12, 2009.⁴⁰ Continuing to broadcast in analog will give the viewers of these stations the maximum possible opportunity to prepare for digital broadcasting. The Commission recognizes the central importance of this goal; therefore, stations that file an analog service termination form to elect an early transition date may later revoke this notification and delay their transition to June 12, 2009. This revocation filing may be submitted at any time up to five days prior to the elected transition date, although a shorter notice period is permissible in the case of equipment failure, natural disaster, or other unforeseeable emergency. In filing such a revocation, a station must certify that continuation of full analog service will not result in interference to the signal of any other station that has been approved to commence early post-transition operations. It must also certify that it will provide notice to viewers of this revocation at least four times daily, with at least one notice in primetime, over the five days prior to and including the day it originally elected to terminate analog service.

3. Early Analog Service Termination Viewer Notifications

16. Pursuant to the *Third DTV Periodic Report and Order*, stations that transition early are required to provide additional viewer notifications in order to ensure that their viewers are prepared.⁴¹ In that Order, we required that stations provide viewer notifications for at least 30 days prior to their termination of analog service, and we retain that requirement here. These notifications must air at least four times a day, including at least once in primetime, for the 30-day period prior to the planned service reduction or termination. They must include: (1) the station's call sign and community of license; (2) the fact that the station is planning to reduce or terminate its analog operations before the transition date; (3) the firm date of the reduction or termination; (4) what viewers can do to continue to receive the station, *i.e.*, how and when the station's digital signal can be received;⁴² (5) information about the availability of digital-to-analog converter boxes in their service area; and (6) the street address, email address (if available), and phone number of the station where viewers may register comments or request information. In addition to the requirements described in the *Third DTV Periodic Report and Order*, stations terminating early must also provide— service loss information, pursuant to Section III.C.2, below, if that section would require notice to viewers. As noted throughout this Order, these notifications are in addition to the requirements of the *DTV Consumer Education Initiative* rules, including those adopted in this Order.⁴³

17. We also asked in the NPRM whether we should require major network affiliates, or even all stations, that terminate analog service prior to June 12 to run seven days of hourly crawls, as we required of stations that terminated on February 17, 2009.⁴⁴ NAB opposed this requirement, arguing that 30 days of notices prior to the transition will be sufficient to educate viewers ahead of time, and pointing to widespread consumer annoyance with the appearance of the crawls during programming.⁴⁵ We agree

³⁹ For the purposes of this Order, we define “full” analog service or programming to mean the normally scheduled programming that the station aired prior to transitioning to digital-only broadcasting.

⁴⁰ All stations must conform to the DTV Consumer Education Initiative rules, however, including those adopted in this Order, unless they are specifically exempted from doing so.

⁴¹ *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3050, ¶ 117.

⁴² Alternatively, the notification could describe how to get service from another station affiliated with the same network if the station's digital signal will not cover the entire area that is within the station's Grade B analog contour.

⁴³ The revisions to our rules are shown in the Rules Appendix to this document.

⁴⁴ *February 5th PN*.

⁴⁵ NAB Comments at 22.

with NAB that there is no need for additional pre-termination notifications in the form of crawls. When stations terminated on February 17, there was an extremely short period of time available to notify viewers of the impending change. The DTV Delay Act was enacted on February 11, and the extensive news coverage may have led many viewers to believe that they did not need to prepare for the digital transition, even if one of their local stations was going to transition six days later. With only six days, there was no way to run notices for thirty days. As a result, we found that an extremely intensive educational effort for the short period remaining was the only way to reach viewers as completely as a long term notice campaign. Now, stations will have time to run the full thirty days of viewer notifications.⁴⁶ Under the present circumstances, we conclude that there is no need for additional pre-termination notifications in the form of crawls.

4. Pre-April 16 Terminations by Noncommercial Educational Stations Certifying Significant Financial Hardship

18. We will allow NCEs to terminate analog service before April 16, if such termination is necessary as a result of significant financial hardship. Stations must certify in their analog termination form (described above) that they need to terminate before April 16 due to significant financial hardship and must comply with the viewer notification requirement. NCEs making this certification may terminate before April 16, but not before March 27.

19. In the *NPRM*, we tentatively concluded that stations may terminate no earlier than April 16, 2009, so that stations terminating analog service early could adequately prepare and educate their viewers. We received several comments, including from APTS and many NCE stations, asking for permission to terminate before April 16, asserting significant financial hardship.⁴⁷

20. The Commission has consistently recognized that NCE stations face unique financial difficulties and has afforded them additional flexibility to assist them in making their transition.⁴⁸ APTS notes that many NCE stations continued broadcasting in analog after their planned termination date of February 17 at the Commission's urging, with the expectation that they would be able to terminate soon thereafter.⁴⁹ We are also sensitive to the "unplanned expenses" (such as costs for electricity, equipment maintenance, additional tower rent, renegotiating tower leases, rescheduling tower crews and storing new equipment until it can be installed) which are incurred by stations keeping analog transmitters on the air after their originally planned termination dates.⁵⁰ Although all stations may face such unplanned expenses, they are likely to fall particularly hard on NCE stations because of their unique financial

⁴⁶ Certain noncommercial stations, discussed, *infra*, may not have the full 30 days.

⁴⁷ See APTS Comments at 2-5; see also WPT Comments at 2 (saying the following stations need to terminate early (April 5) due to "drastic technical and financial pressures": WHLA-TV, WHRMTV, WHWC-TV, and WPNE(TV), WHA-TV); St. Lawrence Comments at 2 (saying the following stations need to terminate early (March 15) due to a "severe budgetary crisis": WPBS and WNPI); WQED at 2 (saying that WQED needs to terminate early (April 1) because of a "severe budgetary crisis"); WJCT Comments at 2 (saying WJCT is "facing severe economic constraints" and needs to terminate early (April 6)); MSU Comments at 2 (saying KOZK and KOZJ planned to terminate analog early (April 2) to address "serious financial and equipment considerations").

⁴⁸ For example, in the *Third DTV Periodic Report and Order*, the Commission afforded NCE stations a reduced service requirement if their circumstances warranted this additional flexibility. See, e.g., *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3041, ¶ 97; and *Second DTV Periodic Report and Order*, 19 FCC Rcd at 18311-18319, ¶¶ 80-87. In addition, NCE stations received a later use-or-lose deadline in the *Second DTV Periodic Report and Order* and, in the *Fifth Report and Order*, we noted the unique financial difficulties faced by NCE stations and reiterated our view that these stations warranted additional flexibility. *Fifth Report and Order*, 12 FCC at 12852, ¶ 104.

⁴⁹ APTS Comments at 5.

⁵⁰ *Id.* at 4.

difficulties, such as their reliance on government funding. We are aware that NCEs, unlike commercial stations, may have budgetary restrictions that prevent them from obtaining additional funding to address these expenses.⁵¹ Accordingly, we will permit NCE stations to terminate analog service prior to April 16, and as early as March 27, provided they comply with the viewer notification requirement, discussed below. We find that stations may not terminate analog service without notifying viewers on air for at least 10 days prior to termination, except in the case of equipment failure, natural disaster, or other unforeseeable emergency. We will not, however, reinstate analog termination notifications filed with the Commission under the prior procedures, nor will NCE stations' comments filed in response to the NPRM satisfy the March 17, 2009 notification requirement.⁵² NCE stations must file their binding analog service termination notification by March 17, 2009.⁵³ NCE stations terminating on or after April 16 should follow the analog termination procedures discussed above.⁵⁴

21. **Viewer Notification Requirement.** We require NCE stations that need to terminate analog television service before April 16 to broadcast the equivalent of 30 days worth of viewer notifications regarding the station's imminent termination of its analog service.⁵⁵ We find that this viewer notification requirement is necessary to protect viewer expectations and to carry out the purpose of the analog termination procedures. The 30 days worth of viewer notifications must include the information discussed above.⁵⁶ To comply with this requirement, stations must adequately and clearly communicate the required information, and make particular note that the date on which the station is terminating is prior to the new nationwide date of June 12, 2009.

5. Early Analog Service Terminations by Major Network Affiliates

22. As we discussed in the *February 11th* PN, the early analog terminations of certain stations poses a significant risk of substantial public harm.⁵⁷ The presence of ABC, CBS, FOX, and NBC network stations and affiliates in a market is critical to ensuring that over-the-air viewers have access to local news and public affairs, because these "major network affiliates" are the primary source of local broadcast news and public affairs programming in most communities. No commenter disagreed with this point. Indeed, while some commenters, including NAB, opposed additional early termination

⁵¹ See, e.g., Mid-South Comments at 2 (facing a 15 percent cut in state funding); WNYFBA Comments at 2 (facing a 50 percent cut in state funding); and APTS comments at 5 ("Requiring stations to continue analog transmissions for a month or more beyond what they had budgeted would have profound negative implications on their financial futures.")

⁵² *Omnibus Order* at ¶ 26.

⁵³ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Second Report and Order and Notice of Proposed Rulemaking, FCC 09-11, ¶ 26 (rel. Feb. 20, 2009).

⁵⁴ See, *supra*, §§ III.A.2 and .3.

⁵⁵ See, *supra*, § III.A.3. Notifications must be aired 120 times, on a daily basis, including 30 times in primetime, distributed evenly during the 30-day period. Therefore, if the viewer notifications begin, for example, 10 days before the station's termination, the station must broadcast notifications 120 times, including 30 times in primetime, distributed evenly during the 10-day period; *i.e.*, the station must broadcast notifications every day on-air at least 12 times a day, including at least three times in primetime, for the 10-day period.

⁵⁶ See, *supra*, ¶ 16 (describing what must be included in the viewer notifications). We note that these viewer notifications are in addition to, and separate from, the notification requirements established in the Commission's *DTV Consumer Education Initiative* proceeding. See *DTV Consumer Education Initiative*, MB Docket No. 07-148, Report and Order, 23 FCC Rcd 4134 (2008); Order on Reconsideration and Further Notice of Proposed Rulemaking, 23 FCC Rcd 7272 (2008) (collectively, "*DTV Consumer Education Orders*").

⁵⁷ *February 11th PN*, at note 4, *supra*.

requirements as a general matter,⁵⁸ no commenter specifically objected to imposing such additional requirements on major network affiliates that transition early. We will allow major network affiliates to terminate analog service prior to June 12 under the following conditions that ensure fulfillment of their public interest responsibilities. First, as discussed above, they must identify the date on which they plan to transition in their March 17 notification to the Commission. Second, major network affiliates must certify either that at least 90 percent of the population in their Grade B analog contour will receive full analog service from another major network affiliate until June 12, 2009, or that they will comply with the additional public interest related conditions. The additional public interest conditions are necessary to ameliorate any potential harms of early termination by assuring that viewers who will lose regular analog service from all of their major network affiliates before June 12 will continue to have some essential analog service through June 12 and will have access to local assistance from their stations no later than the time that the last major network affiliate terminates full analog programming.

23. A major network affiliate which cannot certify that 90 percent of its viewers will receive full analog service from another major network affiliate through June 12, 2009, but wishes to terminate early, must certify in its March 17 filing that: (1) at least 90 percent of the population in its Grade B analog contour will receive some major network affiliate analog service (enhanced nightlight or some combination of full service and enhanced nightlight)⁵⁹ until June 12, 2009; and (2) it will comply with the other public interest conditions described below.⁶⁰ The station's enhanced nightlight and public interest obligations begin when more than 10 percent of the population in the station's Grade B analog contour no longer receives full analog service from a major network affiliate, if that day is before June 12. Under most circumstances, this will be the day on which the last major network affiliate in a market terminates analog service early.

24. As discussed in more detail below, the "90 percent served" condition will help to ensure that a major network affiliate's early termination does not pose a significant risk of substantial public harm because most viewers will continue to receive some analog service, and the public interest conditions carry out the DTV Delay Act's purposes by facilitating consumer readiness in communities where the primary sources of local broadcast news and public affairs programming are all terminating early. Any major network affiliate that properly certifies may terminate on its chosen date without the need for action by the Commission.⁶¹ A major network affiliate that does not: (1) certify that a major network affiliate will provide full analog service to at least 90 percent of the population in its service area; (2) certify that it will comply with the public interest related conditions (including the analog service requirements); or (3) demonstrate extreme technical or financial difficulties by filing a showing of

⁵⁸ NAB focused on the importance of flexibility, which is retained by our procedures, and objected to the imposition of additional pre-transition viewer notification obligations for early terminators, *see supra*, ¶ 17, which we declined to impose. In particular, NAB focused on the dangers of viewer fatigue as a result of additional on-air early transition notifications. NAB Comments at 21, 22, 24. The obligations on major network affiliates all apply after termination of their analog signal, and more to NAB's point about viewer fatigue, do not require any on-air notifications to digital viewers. The major networks or major network affiliates that filed comments with the Commission either had no comment about these requirements, or supported them. FOX, Lima, and Griffin offered no comment; McGraw-Hill "generally supports the procedures proposed in the *NPRM* for binding early analog terminations." McGraw-Hill Comments at 3.

⁵⁹ See definition of Enhanced Nightlight in ¶ 29, *infra*.

⁶⁰ These public interest conditions are based on the requirements established in the *February 11th Public Notice*.

⁶¹ Stations that are not major network affiliates are not held to these responsibilities. The Media Bureau will issue a Public Notice listing the stations and their early transition dates as soon as possible after the certifications are submitted and reviewed.

extraordinary exigent circumstances;⁶² must continue providing full analog service until June 12, 2009 (except in the case of equipment failure, natural disaster, or other unforeseeable emergency).

a. Early Terminations By Major Network Affiliates That Certify Continuing Full Analog Service by Another Major Network Affiliate

25. As discussed above, a major network affiliate may terminate early by certifying that at least 90 percent of the population within its Grade B analog contour will continue to receive full analog service through June 12, 2009, from a major network affiliate. We note that this need not be a single other major network affiliate,⁶³ so long as 90 percent of the population is receiving full analog service from some major network affiliate.⁶⁴ Although such a station incurs no additional obligations, it must comply fully with the requirements imposed on all stations that terminate early: to file and update the Analog Service Termination Notification form, as discussed in Section III.A.2, and to air 30 days of viewer notifications, as described in Section III.A.3. Although the filing station must list, in the March 17 filing, the stations it will rely upon to provide the requisite level of service, each station is individually responsible for ensuring that the required percentage of its own analog viewers actually receive the required level of service.⁶⁵

b. Early Terminations By Major Network Affiliates That Certify Compliance With the Public Interest Related Conditions

26. If a major network affiliate cannot certify that full analog service will be provided by some major network affiliate to at least 90 percent of the population in its Grade B contour through June 12, 2009, then it must certify that there will be some analog service to 90 percent of the population in its Grade B contour through June 12, 2009, and that it will comply with the additional conditions below. Analog service, for this purpose, may be “enhanced nightlight” service, as defined below, or some combination of enhanced nightlight and full service analog programming from a major network affiliate (when the full service analog programming is not available to at least 90 percent of population in the station’s Grade B analog contour). Either of these will ensure continuing access to local news, public affairs and emergency information, as well as DTV educational information, for any viewer who has not yet transitioned. Any major network affiliate that is certifying in order to terminate analog service early must include with its filing a list of the stations that will, individually or collectively, continue to provide such analog service to at least 90 percent of its analog viewers through June 12, 2009.⁶⁶ Stations may

⁶² See ¶ 33, *infra*.

⁶³ Note that if the station is relying on (an)other major network affiliate(s), the station must confirm that the affiliate(s) relied on remain(s) able to cover at least 90 percent of the population in the station’s Grade B coverage area even if the affiliate(s) is (are) operating at reduced power.

⁶⁴ Indeed, if the major network affiliate in question is reducing rather than terminating, it may count the percentage of its full Grade B contour still served toward the 90 percent. So, if the station will continue to serve 80 percent of the population in its service area through June 12, there need only be an additional, non-overlapping, 10 percent served by another major network affiliate through June 12 in order for the station to comply.

⁶⁵ Stations filing for early termination must determine and certify that the requisite analog coverage will be provided. We intend to rely on the stations’ filings to determine whether the termination is in the public interest.

⁶⁶ In this situation, just as for other major network affiliates, the stations filing for early termination must determine and certify that the requisite analog coverage will be provided, and we will rely on their filings to determine whether the termination is in the public interest. Here too, if a major network affiliate is substantially reducing coverage but not terminating analog service altogether, it may count the percentage of its Grade B contour still served toward the 90 percent. For example, if the station will continue to serve 70 percent of the population in its service area through June 12, there need only be an additional, non-overlapping, 20 percent served by another major network affiliate’s “enhanced nightlight” through June 12 in order for the station to be in compliance. See also note 64, *supra*.

cooperate to share responsibility for providing the required level of analog service, but each station is individually responsible for ensuring that its own analog viewers receive the required level of service.

27. Major network affiliates must certify in the March 17 filing that they will comply with these other public interest conditions if more than 10 percent of the population in their Grade B service contour will lose full analog service from all major network affiliates before June 12. These obligations must be undertaken so that they are in place and operating no later than the day on which more than 10 percent of the population in their Grade B service contour actually do lose full analog service from all major network affiliates – usually when the last major network affiliate in the market terminates full service analog programming. The requirements for “Walk-In Help Centers” and “Consumer Referral Telephone Numbers” contemplate collective effort, in a market where more than one broadcaster has certified compliance with the conditions, but we remind major network affiliates who certify compliance that they are each individually responsible for ensuring that collective efforts are compliant, and individually liable if they are not. We expect that major network affiliates and other stations serving the same viewing area will closely coordinate if they intend to terminate analog service before June 12, 2009. While we applaud and encourage coordination among broadcasters serving the same area within a market, we emphasize that broadcasters that continue providing full analog service to at least 90 percent of the population in their analog service area through June 12, 2009, are not responsible for compliance with any of the requirements associated with early termination, or for any shared efforts or expenses incurred by early termination stations as a result of these requirements.

28. A major network affiliate must certify to all of the public interest related conditions in the next paragraph if it intends to terminate analog service before June 12, 2009, unless some other major network affiliate will provide full analog service to at least 90 percent of the population within the terminating station’s Grade B contour through June 12, 2009. We find that these conditions are directly related to, and necessary for, the early transition of a major network affiliate if its viewers will not have access to any other major network affiliate programming. Our experience on and after February 17th demonstrates that the continuing presence of at least one major network affiliate station broadcasting in analog provides vital information to viewers concerning the transition, as well as keeping them informed of local news. Broadcasters have the primary responsibility for their viewers and have the greatest interest in assuring that their signals continue to be available to their viewers. We impose these conditions with the awareness that many broadcasters have taken and will take these actions, and more, on their own. But we are mindful of our responsibility to ensure that all broadcasters fulfill their public interest obligations as licensees and to establish a baseline of the necessary information and service for viewers in every community, particularly during this potentially disruptive transition. These conditions are based on those proposed in the NPRM, which were in turn based on those imposed on many major network affiliates that transitioned on February 17. Although the Commission will take all steps within our capacity to provide outreach and support to markets in which there will be an early transition, realistically we cannot be everywhere. And, while we intend to work with contractors and volunteer organizations across the country, we cannot necessarily have all of these services in place for every early transition. Therefore, we find it reasonable and appropriate that the major network affiliates that choose to transition early, leaving their viewers with no access to major network affiliate programming, take on some of the on-the-ground responsibility to support and assist their viewers through the walk-in help centers, consumer referral telephone numbers, and other public interest conditions described here.

29. Based on our experience and informal questions from stations affected by these requirements during the February 17 transition, we have reorganized the requirements and provided additional detail, as follows:

Certification Regarding Continuing Analog Service

- At least 90 percent of the population in the station’s Grade B analog contour will continue to receive some analog service, until June 12, 2009, in the form of “enhanced

nightlight” service (described below), or some combination of enhanced nightlight and “full” analog service from a major network affiliate.⁶⁷ Note that if the certifying station is relying on one or more other major network affiliates, the station must confirm that the affiliates relied on remain able to cover at least 90 percent of the population in the station’s Grade B coverage area even if the affiliates are operating at reduced power.

- “Enhanced nightlight” service constitutes the broadcast, by a major network affiliate, of an analog signal providing, at a minimum, DTV transition and emergency information, as well as local news and public affairs programming. Both DTV transition and emergency information must be accessible to the disability community (*e.g.*, broadcast notices must have an audio component, as well as being closed or open captioned). The local news, public affairs, and other non-emergency programming are not subject to the programming restrictions of the Analog Nightlight Act, and as such may include commercial advertising.⁶⁸
- The DTV transition information must be provided in Spanish and English, and must include demonstrations of converter box installations and antenna setups; the location and operating hours of all walk-in DTV help centers in the market (including centers not affiliated with the station);⁶⁹ the FCC Call Center telephone and TTY numbers; the telephone number for the local or toll-free consumer referral telephone number provided by the station; and other helpful information about the DTV transition.

Certification Regarding Other Public Interest Conditions

Walk-In Help Centers

- The station, alone or together with other stations or local businesses and organizations in the market, will provide at least one location and sufficient staff for a consumer “walk-in” help center. The walk-in help center(s) must be able to: assist consumers with applying for coupons and obtaining converter boxes; demonstrate how to install and operate converter boxes; assist consumers with antenna, reception, and coverage questions; provide maps and lists of communities that may be affected by coverage issues; and serve as a redistribution point for consumers who are willing to donate coupons, converter boxes, and televisions for those in need of these items. The certification must specify whether the station will operate the walk-in help center(s) itself or rely on other organizations in the market.
- Each walk-in help center must contain (for hands-on demonstration purposes) at least one analog-only television, one coupon-eligible digital-to-analog converter box, one VCR, DVD player, or game console (to demonstrate how to hook-up such devices in conjunction with a digital-to-analog converter box), and one antenna able to receive the digital signals of the local broadcast station(s). A display area for printed literature regarding the digital-to-analog converter box coupon program, connection guides for

⁶⁷ For example, combined coverage can be provided by a major network affiliate that is not transitioning early, but that does not provide full analog service to at least 90 percent of the population in the certifying station’s Grade B analog contour. We note that if some combination of major network affiliates provide full analog service to at least 90 percent of the population in the certifying station’s Grade B coverage area through June 12, 2009, the station is exempt from these requirements.

⁶⁸ *Implementation of Short-Term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition “Analog Nightlight” Program*, MB Docket No. 08-255, Report and Order, FCC 09-2 (rel. Jan 15, 2009) (“*Analog Nightlight Order*”).

⁶⁹ The Commission will publicize the location and hours of local walk-in centers via our website at <https://dtvsupport.fcc.gov/dtvtools>, using the detailed data provided by stations.

digital-to-analog converter boxes, and guides for antenna and reception issues is also required. There must also be at least one computer with an Internet connection so that consumers can, among other things, apply online for converter box coupons and view coverage maps for broadcast stations in their area. The walk-in help center must also have a DVD player attached to a TV that is not being used for setup demonstrations, so that consumers can view educational videos regarding installing a converter box and videos regarding antennas, reception, and coverage issues.

- The staff at the walk-in help center must be prepared to demonstrate the use of the equipment on site; to provide information about any service losses for viewers of local stations; to assist viewers with accessing DTV transition information online; and to assist them with their personal equipment if they bring it to the center.
- At least one walk-in help center must be open every day from at least 12:00 pm (noon) to 8 p.m. for the first 21 days this requirement is in effect, and between the hours of 4 and 8 p.m. on Fridays, and 10 a.m. to 4 p.m. on Saturdays and Sundays, thereafter. This requirement terminates on June 12, 2009. There must be at least one broadcast station employee, from any participating station, on-site at all times during the operating hours of the center.

Consumer Referral Telephone Numbers

- The station must provide a local or toll-free consumer referral telephone number to the Commission, and must staff this number with personnel that can answer complex viewer questions, particularly about reception.⁷⁰ This will serve to supplement the Commission's national call center. The certification must specify whether the station's referral number will be staffed by the station itself or if the station is relying on another entity or entities to respond to consumer calls and referrals.

DTV Education and Outreach

- No later than 30 days prior to its analog termination, the station will provide the Commission with the following information: the address and operating hours of the Walk-In Help Center, and the phone number and operating hours applicable to the consumer referral telephone number, that the station will be relying on to meet these obligations, as well as the name and phone number of the station's point of contact for these issues. This information will be submitted by way of an update to the Analog Service Termination Notification.
- Each station is encouraged to coordinate with and use community resources to provide off-air consumer outreach and support, including in-home assistance and other helpful information about the DTV transition.

30. We recognize that there may be extreme technical or financial circumstances that prevent some major network affiliates subject to the certification requirements from certifying that they and/or the other stations in their market will provide continuing analog service.⁷¹ In such cases, these licensees may make an alternative showing to the Commission that extraordinary, exigent circumstances, such as the unavoidable loss of their analog site or extreme economic hardship, require that they terminate their analog service on their proposed date but prevent them from providing enhanced nightlight service for

⁷⁰ See § III.C. 2, *infra*.

⁷¹ We anticipate that no station will have difficulty complying with the Walk-In Help Center, Consumer Referral Telephone Number, and DTV Education and Outreach obligations, but that continuing analog service may pose a significant challenge for stations facing extraordinary exigent circumstances.

their analog viewers.⁷² This showing must also include information regarding analog service that will be available for the station's viewers after the station terminates its analog service.⁷³ The showing should not exceed five (5) pages, not including attachments. Stations attempting to make this showing bear a heavy burden of proof. Absent technical impossibility, any station electing to make this showing must await a determination by the Commission that its showing is sufficient before terminating analog service. The Commission will endeavor to resolve all of these cases as soon as possible prior to the stations' proposed termination dates.

31. We also retain the right to prevent any station from going forward with their proposed early termination if we find it in the public interest to do so. For example, we may need to adjust the timing of some stations' or some markets' transition plans if multiple markets intend to transition simultaneously, because this could severely strain the resources of the Commission and others working to ensure full consumer preparedness. As the Commission did in the case of stations seeking to terminate on February 17, we will expeditiously provide public notice if any station will not be permitted to transition on its elected early transition date.

B. Time of Day for Analog Service Termination

32. We find that it is appropriate to permit all stations the flexibility to terminate analog service at any time of day on the date they terminate analog broadcasting. As noted in the *First DTV Delay Act Order*, full-power stations' analog licenses expire at 11:59:59 pm local time on June 12, 2009.⁷⁴ Stations may continue analog broadcasting after 11:59:59 pm local time only to the extent that they are participating in the Analog Nightlight program.⁷⁵ However, the DTV Delay Act and the other relevant statutory provisions are silent as to the time of day on June 12, 2009, at which analog termination must occur. We do not believe it is necessary to treat analog termination on June 12 but prior to 11:59:59 pm local time as an "early" termination and leave it to stations to determine what time of day is most appropriate for their viewers.⁷⁶ While stations have the flexibility to transition at any time, we understand that some stations that have already transitioned experienced difficulties (e.g., coordination with local cable operators) that were more easily addressed during daytime hours. Stations must inform the Commission of the approximate time of day they plan to terminate when they file their analog service termination notification,⁷⁷ and must notify viewers through their required PSAs, crawls and other on-air consumer education if they are planning to end analog service before 11:59:59 pm local time on their final day of service. We also extend flexibility to stations that are transitioning early to do so at the time of day most appropriate for their viewers.

⁷² Pappas Broadcasting has asked that all flash cut stations be exempt from the early transition requirements due to the technical limitations they face. We invite such stations to make the alternative showing, if they believe these limitations constitute extraordinary exigent circumstances. Pappas Comments at 3.

⁷³ For example, a network affiliate might partner with another station serving the same area to ensure that its viewers may view local news, public affairs and emergency information. Some network affiliates transitioning on February 17 partnered with local NCEs to provide local news programs, which the NCEs aired without commercials.

⁷⁴ *First DTV Delay Order*, FCC 09-9, §II.A. ¶ 3.

⁷⁵ See *Analog Nightlight Order*, *supra* note 69.

⁷⁶ We remind stations that they must obtain Commission approval for operation of a post-transition digital facility at any time prior to June 12 at 11:59:59 pm. See *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3041-58, ¶¶ 98-134 (Section V.C.); see also *February 5th Public Notice* at 2.

⁷⁷ *i.e.*, Early Morning (12:00 AM – 6:00 AM), Morning (6:01 AM – 12:00 PM), Afternoon (12:01 PM – 6:00 PM), or Evening (6:01 PM – 11:59 PM).

C. DTV Consumer Education Initiative

33. As proposed in the NPRM, we amend the *DTV Consumer Education Initiative* requirements to ensure that consumers will receive the information they need to make proper preparations for the digital transition of the stations on which they rely for television service. We also eliminate post-transition obligations on broadcasters to continue broadcasting DTV transition educational information via their digital signals because such viewers no longer need this information.⁷⁸ These adjustments to the *DTV Consumer Education Initiative* requirements are necessary to accomplish the purposes of the DTV Delay Act and are based on our experience and lessons learned in the early transitions thus far. We conclude that these amended rules strike the correct balance by requiring disclosure of both potential signal loss, where warranted, and information about antennas and rescanning, which together will enable viewers to retain access to the broadcast signals. At the same time, we eliminate unnecessary repetition of information after a station has completed its transition. This balanced adjustment to the rules is supported by our experience and the record in this proceeding.

34. Broadcasters are required to regularly provide on-air consumer education about the DTV transition.⁷⁹ The *DTV Consumer Education Initiative* offered broadcasters a choice of approaches to fulfilling this requirement: Options One or Two, available to any broadcaster, or Option Three, available only to non-commercial stations.⁸⁰ Among and within these Options, broadcasters have a range of techniques to choose from, resulting in a mix of public service announcements (PSAs), graphics and text superimposed over programming, and longer-form informational programming. In the *Omnibus Order*, we revised the rules of the *DTV Consumer Education Initiative* to conform to the delay of the DTV transition. In the companion NPRM we proposed additional revisions, which we adopt in this Report and Order. We remind broadcasters that whatever option they elected, these on-air education requirements are separate from and in addition to any viewer notification requirements associated with early analog termination notifications discussed in this Report and Order, the *Third DTV Periodic Report and Order*,⁸¹ or any other rule or regulation.

35. Each of the revised *DTV Consumer Education Initiative* rules requires stations to be in full compliance no later than April 1, 2009. This is the same date that manufacturers, eligible telecommunications carriers, and multichannel video programming distributors must be in full compliance with the revisions to their respective sections, adopted in the *Omnibus Order*.⁸² We note that stations will not be expected to address any of the revised requirements of this Order in their first quarter DTV Quarterly Activity Station Report (Form 388), and therefore the revised Form 388 will not be available for filing until the second quarter of the year.

1. Elimination of Post-Termination Consumer Education Obligations

36. In the NPRM, we asked whether stations that participate in the post-transition statutory nightlight program should be exempt from post-transition consumer education obligations. We received a large number of comments in favor of this proposal. Responding to our request for “comment on any actions ‘necessary or appropriate to implement the provisions, and carry out the purposes’ of the DTV Delay Act” that were not resolved in the *Omnibus Order*, the majority of these comments go farther and suggest that no station should have any obligations under the *DTV Consumer Education Initiative* after it

⁷⁸ In most cases, a viewer who can see the educational message on the station’s digital channel has, by definition, succeeded in making his or her own transition. Thus, only those who cannot see it would benefit from it.

⁷⁹ 47 C.F.R. § 73.674.

⁸⁰ *DTV Consumer Education Initiative*, 23 FCC Rcd at 4139.

⁸¹ See, e.g., *Third DTV Periodic Report and Order*, 23 FCC Rcd 2994 at 3033, 3044, 3050 and 3057.

⁸² *Omnibus Order*, FCC 09-11 ¶ 15.

terminates analog broadcasting, or at least after every station in its market does so.⁸³ Most commenters on this question agree that any additional obligations for stations already transitioned to digital would cause viewer confusion.⁸⁴ Many comments argue that confusion might result, as viewers may think they need to take additional action to prepare,⁸⁵ or may question whether they will continue to be able to view the station that has already transitioned.⁸⁶ Indeed, commenters argue that on-air consumer education for digital-only stations would serve only to reach those already prepared, and that such information has “no relevance or impact” for those watching a digital broadcast.⁸⁷ Griffin acknowledges that consumer education on digital channels may have “ancillary” benefits, but argues that they are far outweighed by the drawbacks, including cost and confusion to viewers.⁸⁸ Berl Brechner, President of WMDT, Salisbury, Maryland, opposes continuing DTV education requirements as an excessive burden on broadcasters who transitioned early.⁸⁹ United and NAB proposed at least limiting post-transition consumer education requirements.⁹⁰

37. After review of the comments, and consideration of our experiences working with consumers after the February 17, 2009, early transitions, we conclude that the on-air obligations for digital-only stations should be eliminated. We find that, for digital-only stations, providing on-air consumer education via digital broadcasting does not produce sufficient benefit compared to its cost, and therefore we revise our rules to permit most stations to end their participation in the Initiative after they terminate analog programming. We will continue to require stations that have not completed construction of their full authorized post-transition digital facility to continue complying with the Consumer Education requirements after they terminate their analog service until they complete construction and commence operation of their full authorized post-transition digital facility.⁹¹ These stations must revise the content of their educational messages to provide information about the limits on station’s digital service area and the anticipated date for it to complete construction and commence operation of its full, authorized post-transition digital facility.

2. Service Loss Notices

38. As proposed in the NPRM, we amend the *DTV Consumer Education Initiative* rules to require broadcasters to inform their viewers if 2 percent or more of the population served in their analog service contour will not be served by their digital signal.⁹² Stations may also broadcast information about

⁸³ Griffin Comments at 5; NAB Comments at 10-13; Centex Comments at 3. We have already granted a waiver to all stations in the Wilmington market area, after that market completed its transition early. *See DTV Delay Act Omnibus Order*, FCC 09-11, ¶ 67 (discussing the waiver). We note that we have received consumer education waiver requests from the stations in the Hawaii market, which has also fully completed its transition, but that these requests are mooted by our action in this Order.

⁸⁴ NAB Comments at 13-15; Centex Comments at 3; Griffin Comments at 2.

⁸⁵ Mt. Mansfield Comments at 3.

⁸⁶ Griffin Comments at 2.

⁸⁷ Centex Comments at 3; Mt. Mansfield at 4.

⁸⁸ Griffin Comments at 5.

⁸⁹ Berl Brechner Comments at 3.

⁹⁰ United Comments at 3, NAB Comments at 13-15.

⁹¹ This requirement for continued consumer education applies, for example, to stations that have received an extension of their construction permit beyond June 12, 2009, or are operating pursuant to a “phased transition” STA which allows continued operation on a pre-transition digital channel or reduced operation on the post-transition channel. It does not apply to stations that have completed construction of their authorized post-transition facility but have not completed construction of a maximized facility. *See* 47 C.F.R. § 73.674(b)(3), amended as 73.674(b)(4).

⁹² *NPRM* at ¶ 64.

areas predicted to gain service, but they are required to air information about loss regardless of how many people are gaining service. As we discussed in the NPRM, our experience with stations that have already terminated analog service, particularly in those areas where an entire market has transitioned, is that loss of a station due to a change in the digital coverage area creates great consumer confusion and distress.⁹³ The problem is no less acute, however, for analog viewers who received analog service and are within the digital service area but who nonetheless do not receive digital service, due to changes in signal propagation associated with a change from VHF to UHF channel assignments (or vice versa) or for other technical reasons related to the use of digital transmission. Problems associated with signal loss may arise for the viewers of stations that transition at any time, up to and including June 12. Indeed, such problems may arise even before stations terminate their analog service as more and more viewers obtain digital equipment and come to rely on digital service.⁹⁴ Therefore, we will require every station that has not already terminated analog broadcasting to provide specific notice to analog viewers if 2 percent or more of the population in its Grade B analog service area is likely to lose over-the-air service from the station when it terminates analog service. We also remind stations that terminated analog service on February 17, 2009 that they are required to provide information about service losses via the enhanced analog nightlight serving their area.⁹⁵

39. Broadcasters that elected the Option One educational requirements are already required to provide information to their viewers about any “[c]hanges in the geographic area or population served by the station during or after the transition.”⁹⁶ They must do so via their regularly-aired PSAs.⁹⁷ We asked in the NPRM whether a similar requirement, but limited to population losses, should be extended to broadcasters who elected Options Two or Three. NAB does not dispute the need for service loss notices, but expressed concern about “providing too much or unnecessary information to too many viewers,” leading to a “flood” of consumer calls.⁹⁸ We conclude that, on balance, it is better to give viewers too much DTV information rather than too little. Although there is some information available to consumers about potential signal loss now on the internet,⁹⁹ we conclude that broadcasters are best positioned to know and communicate information about signal loss and its effects on their own viewers through the most direct and appropriate means. Without broadcaster disclosure, consumers are likely to be unaware of the potential impact of signal change or loss and the need to consult our website for specific information.

40. When the Commission issued its signal loss report in December 2008, we explained our findings with respect to 319 stations predicted to lose 2 percent or more of their analog viewer population after they transition to digital service. We noted that we “expect broadcasters to make this information publicly available and a part of their local DTV education efforts.”¹⁰⁰ It appears that few stations have heeded our expectation and disclosed losses to their viewers. Viewers in such areas will need to take action to retain access to their local stations, either by purchasing more sophisticated reception equipment

⁹³ *Id.* at ¶ 63.

⁹⁴ This difficulty is exacerbated for consumers relying on converter boxes that do not have analog pass-through.

⁹⁵ *February 11th PN.*

⁹⁶ *Consumer Education Order*, 23 FCC Rcd at 4190.

⁹⁷ An example of such a “change to service area” notice was aired by WUTB-DT, a Baltimore, MD station, which states, in part: “Due to a slight change in the station’s transmission radius, viewers in the following areas, Southwest Talbot County, MD, Central Calvert County, MD, Southern Prince George’s County, MD, and East-Central Fairfax County, VA, may not be able to receive WUTB-DT over the air on digital channel 24.1.”

⁹⁸ NAB Comments at 31.

⁹⁹ See, e.g., <http://www.fcc.gov/dtv/markets/report2.html> on the FCC’s DTV.gov website.

¹⁰⁰ See Executive Summary at 1, http://www.fcc.gov/dtv/markets/DTV_Report_2.pdf

or by subscribing to a pay television service. Without information from the stations whose service area is changing, consumers have no easy way to discover the potential for loss or change in service. Consumers without such information may experience not only frustration, but also unnecessary expense. For example, they may heed more general consumer education messages advising over-the-air viewers to obtain digital converter boxes, only to discover belatedly that they are unable to receive the digital signal from one or more stations in their area. Even worse, they may invest money and time in the purchase and installation of a new outdoor antenna only to learn that the digital signal will not reach their home with sufficient strength to be received and viewed. We conclude that the limited information available to consumers about service loss constitutes a substantial problem that we must redress. Without this information, consumers will be unable to make informed decisions about how to address the service loss, such as through technical improvements to their reception system or through subscription to a paid television service.

41. We amend our rules to require all broadcasters to provide service loss information to their viewers via their existing on-air education efforts (PSAs, crawls, etc), if 2 percent or more of their analog viewers are predicted to lose service (even if the station gains viewers elsewhere).¹⁰¹ We note that the Commission identified 319 stations that are predicted to have a signal loss of 2 percent or greater.¹⁰² To date, 106 of these stations have terminated their analog service.¹⁰³ The remaining 213 must comply with the new consumer education requirement.

42. Stations subject to this requirement must provide geographically specific information describing areas of population that are covered by the Grade B analog contour but are not predicted to receive digital service. NAB argues that if a station tries to convey geographic information about areas within the digital service area but predicted to lose service, it would be “extremely confusing and inaccurate.”¹⁰⁴ They suggest a service loss notice should be sufficient if it contains text such as “a small percentage of current viewers using an antenna to view this analog station may have problems receiving this station’s digital signal,” and directs viewers to a commercial antenna prediction site, antennaweb.org.¹⁰⁵ We disagree. If broadcasters provide only the general information suggested in NAB’s comments, it would effectively undermine the goal of providing signal loss information. Moreover, the antennaweb.org website is not ideal for all consumers. It is not intended to be used to predict signal coverage, and provides little or no guidance regarding the usefulness of indoor antennas, which can work in many locations and are often the only practical option. In some cases, viewers will need to obtain new or better equipment to receive a station’s digital signal because the analog signal was weak or poor but viewable, while the digital signal is unwatchable due to the cliff effect which results in tiling or a black screen. Viewers need the information and advice that stations are best positioned to provide so that they can make choices about how to receive the station’s signal, whether over-the-air or through a subscription service.¹⁰⁶ We find that it is important that consumers be given a reasonable amount of geographically specific information through on-air spots, even if complete information cannot be contained within a consumer notice. It is also critical that consumers be given guidance on how to find more complete information, by reference to the Commission’s website, as well as other sources of information.

¹⁰¹ The Commission has created a list of stations anticipated to lose 2 percent or more of their analog viewers, which can be found on the FCC website at <http://www.fcc.gov/dtv/markets/report2.html>.

¹⁰² See http://www.fcc.gov/dtv/markets/DTV_Report_2.pdf

¹⁰³ As noted here, any of these stations that are airing or participating in airing analog nighttime service must disclose and explain their signal loss as part of the DTV information component of their nighttime programming.

¹⁰⁴ NAB Comments at 31, note 72.

¹⁰⁵ NAB Comments at 32-33.

¹⁰⁶ See, *infra*, ¶ III.C.3.

43. Of the 319 stations predicted to experience population coverage losses of 2 percent or more, 196 are a result of changes the station has made in its service area through, for example, relocating the transmitter, reducing power, or changing antenna direction. We do not mandate specific language that must be used by such stations, but stations that have shifted or reduced their coverage area must disclose the geographic areas where there is likely to be a service loss. We note, for example, that WUTB, an affiliate of MyNetwork serving the Baltimore, Maryland area, developed a signal loss PSA which provides the type of information that would be clear and helpful for viewers. It briefly and clearly discloses the parts of counties affected and advises viewers to turn to another affiliate of that network to obtain digital service over-the-air.¹⁰⁷ Stations may also point out to their viewers any areas in which their over-the-air service will improve or expand.¹⁰⁸ All service loss notices must direct viewers to the FCC toll-free telephone and TTY numbers and website for more information.¹⁰⁹

44. NAB supports limiting the signal loss disclosure requirement to stations with losses due to changes in service area, but Mt. Mansfield notes that many stations are predicted to lose viewers due to multiple reasons.¹¹⁰ We agree. Consumers who may lose over-the-air service as a result of the change in frequency from VHF to UHF are entitled to be informed in advance so that they can make appropriate preparations. We recognize, however, that it may be more difficult to articulate particular areas of loss due to a frequency change, as opposed to the coverage shifts, and that more general language may therefore be appropriate. For example, a PSA could state that engineering predictions indicate that some current viewers of the station's analog signal who are located in areas obstructed by hills or buildings may not receive the station's digital signal, and direct the viewer to the FCC's telephone number and website for more information. The FCC can provide information about predicted signal coverage for a particular address. We also note that in some cases signal loss may be attributable to both change of coverage and change of frequency. In these cases, stations must disclose all geographically discrete locations predicted to lose service for any reason, and also include more general language about predicted losses due to obstructions.

45. The NPRM also sought comment on other means that stations could use to communicate signal loss information to their viewers.¹¹¹ We suggested permitting or requiring direct mail to addresses in the affected area, or through radio broadcasts and local newspapers targeting viewers who are likely to experience loss. NAB opposed requiring these other measures, noting, for example, that stations would find it difficult to develop zip codes or mailing lists, and that postage is costly.¹¹² We conclude that televised broadcasting of information is the best way for stations to be sure of reaching the affected population. Stations are permitted and encouraged to use other means, particularly radio broadcasts, if they wish, but these other measures are not required.¹¹³

46. NAB argues that, while the FCC's coverage maps can be relied upon to make "an initial threshold determination of whether there would be a loss of viewership of two percent or more," stations

¹⁰⁷ See, *supra*, note 98.

¹⁰⁸ There may well be viewers who currently rely on subscription service who may be able to rely, instead, on free over-the-air broadcasting and thus realize one of the benefits of the DTV transition, particularly where the station offers multicast channels. See www.FCC.gov/DTV/markets (Gains significantly outweigh losses nationwide).

¹⁰⁹ The FCC telephone number is 1-888-CALLFCC, the TTY number is 1-888-TELLFCC, and the website link for our address tool is www.DTV.gov/maps.

¹¹⁰ NAB Comments at 31, Mt. Mansfield Comments at 2.

¹¹¹ NPRM at ¶ 65.

¹¹² NAB Comments at 34.

¹¹³ NAB notes that some stations have engaged these other measures, which should be permitted but not required, so as to reduce the burden on small stations in particular. See *id.*

should be given the opportunity to demonstrate through “specific engineering showings that the anticipated loss will be less than that shown on the FCC’s coverage maps,” and presumably as a result be exempt from the service loss notice requirement.¹¹⁴ We conclude that the FCC maps and coverage predictions are the basis for identifying stations that must comply with these signal loss disclosure requirements.¹¹⁵ If our report predicts a loss of 2 percent or more, the station is required to provide signal loss information to its viewers. Stations may use their own specific engineering analysis to provide more particularized information to their viewers.

47. NAB also disputes the value to individual viewers of the general coverage maps, arguing that a consumer-focused website like antennaweb.org is more valuable because it provides information about a specific address and does not assume total loss of digital coverage exactly at the edge of the predicted service area.¹¹⁶ We agree that an address-specific mapping tool is the most helpful for consumers, and have developed an online digital reception mapping tool specifically for that reason.¹¹⁷ As discussed above, we do not agree that antennaweb.org is the most useful tool for all consumers.

48. These required service loss notices may be no fewer than 30 seconds long, and must be aired at least once per day, between 8:00 am and 11:35 pm, by all broadcasters with a 2 percent or greater predicted service loss. At least three times per week, they must air in primetime.¹¹⁸ This requirement is in addition to and not in lieu of the other on-air informational requirements for broadcasters, but like other consumer education requirements it will expire when a station terminates analog broadcasting. This information must also appear on a station’s internet home page, including a link to the online digital reception mapping tool hosted by the Commission.¹¹⁹ This information must remain available on a station’s internet home page for at least 30 days after the station terminates its analog service, notwithstanding the termination of other consumer education requirements. Because we are applying this service loss notice requirement to all analog broadcasters with a 2 percent or greater predicted service loss, regardless of the consumer education option the broadcaster chose, we will eliminate the existing service loss notice requirement currently applicable to broadcasters that elected to comply with the Option One consumer education requirements.¹²⁰

3. Antenna information

49. We also proposed that consumer education should include information about antennas. We find that antenna information is valuable for all viewers, not only those where there is a predicted signal loss.¹²¹ Many viewers would benefit from a refined and enhanced understanding of the role their antenna setup plays in reception of local stations, and any actions they could take to improve reception,

¹¹⁴ NAB Comments at 32, note 73.

¹¹⁵ See <http://www.fcc.gov/dtv/markets/report2.html> and http://www.fcc.gov/dtv/markets/DTV_Report_2.pdf.

¹¹⁶ *Id.*

¹¹⁷ Found at <http://www.DTV.gov/maps>.

¹¹⁸ See Rules Appendix.

¹¹⁹ Found at <http://www.DTV.gov/maps>. Consumers can also find coverage change maps relevant to their market at <http://www.fcc.gov/dtv/markets/report2.html>.

¹²⁰ Signal loss information must also be included in the viewer notifications required of stations that are terminating before June 12, for stations covered by this section. Section III.A.2, *supra*.

¹²¹ NAB’s comments support including information about antennas in the DTV Consumer Education requirements. NAB Comments at 33.