

particularly actions short of purchasing new equipment.¹²² In addition to the general information that must be provided by all stations, if a station is changing its broadcast frequency from VHF to UHF (or vice versa), it must include information about the need for additional or different equipment to avoid loss of service.¹²³ We will not require specific language, but we do not find NAB's proposed language, "using a VHF/UHF antenna will help ensure reception of all stations in your local area," sufficiently relevant for every situation. Instead, we require that each station that is transitioning between the VHF and UHF bands, in either direction, must inform its viewers of the change in frequency and remind viewers that they must have a UHF or VHF antenna, as appropriate, to receive the signal after the transition.¹²⁴ We also proposed in the NPRM to require notices describing "areas where analog signal strength is generally sufficient for viewers to rely on an indoor antenna but where it is likely that they will need an outdoor antenna to receive the digital signal."¹²⁵ NAB argues that there is insufficient industry consensus on how to model this situation, and that it therefore cannot be conveyed.¹²⁶ We agree that specific advice as to the use of indoor or outdoor antennas can vary house by house within the same neighborhood, and, therefore, we will not require stations to include this information. We will require, however, that a station whose signal strength will be reduced in a discrete geographic area as a result of a shift by the station in its coverage area must address this reduction in their antenna information notices.

50. Antenna information could be included as part of a station's existing *DTV Consumer Education Initiative* efforts,¹²⁷ discussed during news programs, or otherwise conveyed in the manner the station determines will be most helpful to consumers. The information must be provided at least once per day, in a message lasting at least 15 seconds, with at least three of those messages per week airing during primetime.

4. Rescanning

51. As proposed in the NPRM, we will require all stations to provide information to consumers about the need to periodically rescan for channels. A digital receiver, whether it is in a digital-to-analog converter box, a digital television, or any other device, must "scan" for available broadcast frequencies before it can be used to tune and view digital television.¹²⁸ Most such receivers do not automatically "rescan" for additional channels or changes in existing channels. During the time surrounding the conclusion of the transition, many stations will be changing the service areas and the broadcast channels of their digital transmissions. As a result, viewers will need to periodically rescan during this period in order to ensure that they are correctly receiving all the digital broadcast services available to them. Our experience assisting with outreach and education across the nation, however, has made it clear that this concept can be difficult to convey to viewers, particularly because digital receivers,

¹²² For instance, stations that are predicted to potentially lose some analog viewers should provide guidance to viewers who could improve their ability to receive the station's signal by obtaining a different or better antenna. See <http://www.fcc.gov/dtv/markets/>.

¹²³ The implementation of Major Channel Numbers as part of the Program System Information Protocol (PSIP) makes it more difficult for consumers to determine this information on their own, because a station's "channel" no longer necessarily reflects its over the air frequency. See *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3079-3082, ¶¶ 185-189.

¹²⁴ We encourage stations to be mindful, in preparing their notices, that from the perspective of the viewer there is no change of channel number even when there is a change of frequency.

¹²⁵ *NPRM* at ¶ 64.

¹²⁶ NAB Comments at 33.

¹²⁷ Option One broadcasters may replace up to 25 percent of their daily PSAs and crawls with antenna information notices, notwithstanding the other content requirements for Option One notices. 47 C.F.R. § 73.674(c)(3)(vi) and 4.

¹²⁸ *NPRM* at ¶ 66.

including different converter boxes, have a variety of different rescanning procedures. This makes widespread consumer awareness of the issue crucial, so that viewers can take the steps they need to take to educate themselves or seek help from others. NAB agrees with the Commission about the importance of educating viewers about rescanning, and is in fact preparing a public service announcement about rescanning that it will make available to all broadcasters.¹²⁹ It suggests that stations be given flexibility in providing this information, and we agree that this is appropriate. Therefore, we will require all stations to broadcast information to consumers about the need to periodically rescan, but this information may be provided in the manner of a station's choosing. The message could be included as part of a station's existing *DTV Consumer Education Initiative* efforts,¹³⁰ discussed during news programs, or broadcast at another time if the station determines that will be most helpful to consumers. They must be aired at least once per day, in a message lasting at least 15 seconds, with at least three of those messages per week airing during primetime.¹³¹

5. Consumer Referral Telephone Numbers and Publicizing Consumer Help Centers

52. We will require all stations, when filing the Analog Service Termination Notification form, to provide us with a telephone number that will serve to receive local consumer calls and consumer referrals from our national Call Center.¹³² We anticipate that the FCC Call Center will be able to help most callers, for instance with converter box set-ups, the NTIA coupon program, scanning issues, access to the Commission's online mapping tool, and basic antenna guidance. Nonetheless, local stations typically are the best source of information and assistance for viewers having difficulty receiving a particular signal. In particular, where a reception issue may arise due to very localized terrain issues, a local station is in a much better position to address related concerns than the staff at the FCC's national Call Center.

53. We expect that the telephone number provided will be one that is staffed during business hours with personnel who are prepared to answer complex questions from viewers, particularly regarding necessary actions to take to get reception in specific locations, and other engineering issues. We note that stations should be prepared for an increased volume of calls, both referred and locally originating, around important dates such as the date the station terminates analog, the date many other stations in the market terminate analog, and June 12. This telephone number may be operated and staffed by the station itself, by a group of stations in a market, or by a third party entity such as a state broadcasters' association.

54. We will also require that these telephone numbers, and any walk-in centers in the market, be publicized by each station as part of their consumer education obligations. In many markets, there may be a number of local help centers. These will include volunteer efforts, centers run by major network affiliates that are transitioning early, and potentially FCC contractors. These locally-focused efforts are among the best ways to help consumers who remain unprepared, but they are only valuable to the extent that they are made known to viewers. Therefore, we will require every station to include at least the following elements in its on-air education efforts: the location and operating hours of walk-in DTV help centers in the market; the FCC Call Center telephone number and TTY number; and the telephone

¹²⁹ NAB Comments at 30.

¹³⁰ Option One broadcasters may replace up to 25 percent of their daily PSAs and crawls with notices focused on rescanning, notwithstanding the other content requirements for Option One notices. 47 C.F.R. § 73.674(c)(3)(vi) and 4.

¹³¹ See Rules Appendix.

¹³² This telephone number for consumer referrals must be provided by March 17, 2009 on the Analog Service Termination Notification form, but may be updated as necessary.

number for the station's telephone number for consumer referrals and calls from local viewers.¹³³ Similar to the rescanning notices, this information could be included as part of a station's existing *DTV Consumer Education Initiative* efforts,¹³⁴ discussed during news programs, or broadcast at another time if the station determines that will be most helpful to consumers. The information must be aired at least once per day, in a message lasting at least 15 seconds, with at least three of those messages per week airing during primetime.¹³⁵

6. 100 Day Countdown

55. We amend Option Two of the *DTV Consumer Education Initiative* to require each station to air a 60-day countdown to its termination of analog service. As discussed above, the *Omnibus Order* required stations to begin a new 100-Day Countdown to June 12, 2009, but we temporarily waived that requirement in order to consider possible revisions to ensure that the Countdown was as effective as possible in educating consumers.¹³⁶ We asked in the NPRM how we should revise this requirement, and received a number of comments, all advocating limitations. There was complete agreement among commenters who addressed this proposal that there should be no countdown for stations that have already transitioned. In general, commenters emphasized that imposition of a 100-day countdown clock for stations that have transitioned would cause viewer confusion and would not reach those analog viewers most in need of such information.¹³⁷ NAB and Mt. Mansfield both argue that the countdown might lead digital viewers to believe they need to take further steps to prepare. United commented that the "fundamental differences" between analog and digital broadcasts warrant different consumer education tactics.¹³⁸ As discussed above, we agree with these commenters that a station need not continue DTV transition education once it has terminated analog service. NAB, however, also proposed a more nuanced and limited approach to the countdown before a station terminates analog service. They would limit all countdowns to 60 days, arguing that this will create more urgency once the countdowns begin again.¹³⁹ They would permit stations that transition early to air a countdown to their own transition, and they would require stations that transition on June 12 to air a countdown to the national transition deadline.¹⁴⁰ We largely agree with these proposals.

56. As discussed in the NPRM, a simple nationwide countdown was appropriate when the vast majority of stations were planning to continue analog programming until the conclusion of the transition.¹⁴¹ Now that the transition has been delayed, however, we anticipate that an appreciable number of the roughly 64 percent of stations that did not transition on or before February 17 may transition prior to June 12. Under the circumstances, we agree with the commenters that requiring an identical and simultaneous countdown to June 12 by all Option Two stations could create confusion, and

¹³³ This information will be available from the Commission at our website, <https://dtvsupport.fcc.gov/dtvtools>, compiled using the detailed data provided by stations and third party entities.

¹³⁴ Option One broadcasters may replace up to 25 percent of their daily PSAs and crawls with this "local assistance" contact information, notwithstanding the other content requirements for Option One notices. 47 C.F.R. § 73.674(c)(3)(vi) and 4.

¹³⁵ See Rules Appendix.

¹³⁶ See ¶ 1, note 7, *supra*.

¹³⁷ NAB Comments at 28, Berl Brechner Comments at 1, Mt. Mansfield Comments at 3-4, Griffin Comments at 3.

¹³⁸ United Comments at 2.

¹³⁹ NAB Comments at Attachment A.

¹⁴⁰ NAB Comments at 24.

¹⁴¹ *DTV Delay Act Omnibus Order*, FCC 09-11, ¶ 59.

would not necessarily reach those viewers most in need of the information.¹⁴² Nonetheless, the countdown clock serves an important educational purpose, and stations transitioning early, in particular, need to convey the appropriate level of urgency to their viewers. This makes NAB's proposal, which would appear to permit stations that terminate early to do so without a countdown at all, not entirely sufficient to meet the needs of consumer education. Therefore, we will require each Option Two station to run a countdown to its own termination of analog service, beginning no later than March 17, 2009 or 60 days prior to its analog termination, whichever date occurs later.¹⁴³ As a result, stations that are terminating analog on the transition deadline of June 12, 2009, will begin their countdown on April 13, 2009 (such that April 13 is day 60, and June 12 is Day Zero). Stations that transition earlier will begin counting down earlier, but will not be required to begin their countdown earlier than April 1, 2009.

7. 30 Minute Informational Videos

57. We amend the *DTV Consumer Education Initiative* rules to require Option Two and Three broadcasters that are still broadcasting in analog to air a new, up-to-date 30 minute informational video before they transition. United Communications Corporation agreed with our tentative decision not to require stations that have already transitioned to air an additional 30-minute informational video, a proposal we adopt.¹⁴⁴ Under the rules as revised in the *Omnibus Order*, Option Two and Three broadcasters must, on at least one day prior to June 12, 2009, air "an informational program on the digital television transition."¹⁴⁵ Many, if not most, of the affected broadcasters complied with this requirement when the transition was to take place on February 17, and their informational programs necessarily reflected that date. For stations that have already transitioned, we find that such a program met the needs of their viewers. For stations that have not yet transitioned, however, we find that a program aired before the adoption of the DTV Delay Act cannot be considered sufficiently accurate and helpful to viewers. Therefore, we will require such Option Two and Three stations to air an up-to-date 30 minute informational program before they cease analog programming.

58. NAB supports this proposal, but argues that we should not require the video to contain locally-specific information. However, we find that locally-specific information is the most important, particularly for viewers who may not have transitioned because of uncertainty regarding continuing service. Therefore, in order to serve the consumer educational purposes of the DTV Delay Act, this up-to-date 30-minute informational video must explain: 1) the change in the transition date; 2) when that particular station is transitioning; 3) when other stations in the market are transitioning; and 4) service loss issues, if any (providing the same information required by the rules adopted in section III.C.2, above).

8. Form 388

59. Finally, 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.¹⁴⁶ The Commission has received approval from OMB for these minor changes to the forms.¹⁴⁷

¹⁴² NAB Comments at 28, United Comments at 2, Griffin Comments at 3, Berl Brechner Comments at 1, Mt. Mansfield Comments at 3-4

¹⁴³ Stations may explain the difference between the national and station-specific transition to viewers, even simultaneously with their countdown clock. For instance, a station could run a graphic that shows both the national countdown and the station's countdown simultaneously, if they are different. In order to give stations more flexibility in the format of these countdown reminders, we will remove the maximum duration limits provided for in our rules.

¹⁴⁴ United Comments at 5.

¹⁴⁵ 47 C.F.R. § 73.674(d)(5).

¹⁴⁶ All rule changes are reflected in the Appendix to this document.

D. DTS Signal Loss “Waiver Policy” Extended

60. We extend until December 14, 2009 the deadline for accepting DTV distributed transmission system technologies (“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. In the *DTS Order*, the Commission adopted a waiver policy to enable stations to address the type of loss experienced by WECT, Wilmington, NC (channel 6), where many analog viewers of that station lost service when the station transitioned to digital-only operations. The Commission permitted a station to use DTS if doing so will enable it to continue to serve its existing analog viewers within its analog Grade B contour who would otherwise lose service as a result of its transition.¹⁴⁸ The Commission set a deadline of August 18, 2009 for accepting such waiver requests, saying that “providing the flexibility to apply within six months after the transition date will allow stations to deal with unforeseen circumstances that come to light when they make their transition.”¹⁴⁹ In comments in response to the *NPRM*, the Merrill Weiss Group LLC (“MWG”) asks that the August deadline be extended until December 14, 2009 – six months after the June 12 transition date.¹⁵⁰ We agree with MWG and extend until December 14, 2009 the deadline for accepting DTS proposals under this waiver policy. We expect that DTS can be a useful tool for stations to prevent such loss of service to existing analog viewers resulting from changes to the station’s service area in the transition to digital service and find that stations should have access to this tool for up to six months after the new June 12 deadline.

E. Phased Transition STAs Extended from August 18 to October 18

61. We reconsider *sua sponte* our decision in the *Omnibus Order* and give stations with phased transition special temporary authorizations (STAs) an additional two months – until October 18, 2009 – to complete their transition and operate at their full, authorized post-transition (DTV) facilities. In addition, we will consider on a case-by-case basis extending these phased transition STAs for an additional, but limited, period of time upon an appropriate and detailed public interest justification explaining why additional time is warranted given the station’s particular circumstances. Finally, we delegate authority to the Media Bureau to consider and act on these phased transition STAs, consistent with this Order.

62. In the *Third DTV Periodic Report and Order*, the Commission adopted two provisions for a “phased transition” in an effort to offer broadcasters regulatory flexibility in meeting their post-transition construction deadlines without disappointing viewer expectations after the transition deadline.¹⁵¹ First, the Commission granted a six month STA to stations to temporarily remain on their pre-transition DTV channel with an option to seek another six months, provided the station continues to satisfy the conditions for this STA. These stations were required to commence operations on their final, post-transition (digital) channel no later than February 18, 2010. Second, the Commission granted a one-

(...continued from previous page)

¹⁴⁷ See OMB Control No. 3060-1115 (Form 388).

¹⁴⁸ *Digital Television Distributed Transmission System Technologies*, MB Docket No. 05-312, Report and Order, 23 FCC Rcd 16731, ¶ 28 (2008) (“*DTS Order*”).

¹⁴⁹ *Id.* The Commission limited the use of DTS under this waiver policy to stations that apply on or before August 18, 2009 “[b]ecause the purpose of this waiver policy is to maintain service to existing viewers after the digital transition.” The Commission urged stations to determine right away “if they anticipate such a loss of service to current analog viewers and to apply as soon as possible to obtain an STA for DTS operation under the interim policy so that they can continue to provide uninterrupted service to the current analog viewers within their analog Grade B contour after they terminate their analog service.”

¹⁵⁰ Merrill Weiss Group LLC (“MWG”) Comments.

¹⁵¹ *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3041.

time six-month STA to stations to build less than their full, authorized facility by their construction deadline. These flexible options were particularly needed by stations planning to use their own or another stations analog equipment for post-transition digital operation, which made it impossible for them to finalize construction of their digital facilities before February 17th without terminating their analog service early. These stations were required to commence operations at full, authorized digital facilities no later than August 18, 2009.¹⁵² To qualify for either of these phased transition provisions, stations were required to meet a service requirement to minimize the loss of service after the transition deadline, were prohibited from causing impermissible interference to other stations or preventing other stations from making their transition, and were required to comply with a viewer notification requirement.¹⁵³ We note that stations that started these viewer notifications in advance of a previously planned termination that did not occur must restart airing these notifications 30 days in advance of their phased transition.

63. In the *First DTV Delay Order*, we extended until June 12, 2009 (the new transition deadline) the construction deadline for stations with a deadline of February 17, 2009 (the previous transition deadline).¹⁵⁴ In the *Omnibus Order*, however, we found it unnecessary to automatically extend the deadlines established for stations that obtained STAs through the phased transition provisions of the *Third DTV Periodic Report and Order* because, in many cases, we found these STAs were granted to address construction impediments due to weather-related concerns.¹⁵⁵ Finally, we noted in the *Omnibus Order* that, to the extent additional time is needed by phased transition stations, they must comply with Section 73.3598(b) tolling standard established in the *Third DTV Periodic Report and Order*.¹⁵⁶ We note that stations with the first type of a phased transition STA (*i.e.*, to temporarily remain on their pre-transition DTV channel) are already permitted to seek Commission approval for extensions up until February 17, 2010, provided the station continues to satisfy the conditions for this STA. We will

¹⁵² *Id.*

¹⁵³ Pursuant to the first phased transition provision, the Commission allowed stations that are moving to a different DTV channel for post-transition operations to temporarily remain on their pre-transition DTV channel while they complete construction of their final digital facilities, provided: (1) They build facilities that serve at least the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service; and (2) They do not cause impermissible interference to other stations or prevent other stations from making their transition. Pursuant to the second phased transition provision, the Commission allowed stations to operate their post-transition facilities at less than their full, authorized facilities, provided they demonstrated either: (1) A “unique technical challenge” (as defined in the *Third DTV Periodic Report and Order*) and could serve at least 85 percent of the same population that receives their current analog TV and DTV service; or (2) A significant technical impediment to the construction of their full, authorized facilities that would not otherwise qualify for an extension of time to construct facilities under the new, stricter standard adopted in the *Third DTV Periodic Report and Order* and could serve at least 100 percent of the same population that receives their current analog TV and DTV service so that over-the-air viewers will not lose TV service. Both phased transition provisions also require the station to notify viewers on its analog channel about the station’s planned delay in construction and operation of post-transition (DTV) service. The viewer notifications must occur every day on-air at least four times a day including at least once in primetime for the 30 days prior to the station’s termination of full, authorized analog service. *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3039, ¶ 91.

¹⁵⁴ *First DTV Delay Order*, FCC 09-9 at ¶ 3.

¹⁵⁵ See *Omnibus Order*, FCC 09-11 ¶ 37. See also *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3036-3042, ¶¶ 88-97.

¹⁵⁶ Specifically, as noted in paragraph 36 of the *Omnibus Order*, *supra* note 6, at ¶ 36, we will apply the extension request standard contained in Section 73.624(d)(3) to stations with construction deadlines on or before June 12, 2009 and the tolling standard set forth in Section 73.3598(b) to all construction deadlines occurring June 13, 2009 or later. See 47 C.F.R. § 73.624(d)(3) (extension standard); and 47 C.F.R. § 73.3598(b) (tolling standard). We note that the Section 73.3598(b) tolling standard does not provide relief for financial hardship, except that paragraph (b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action.

scrutinize such requests to be sure that the circumstances justify the extension. We will grant such extensions only for as long as is absolutely necessary, based on the justifications submitted, and in no event beyond February 17, 2010.

64. Some parties object to the decision to limit the length of time stations with unique technical challenges could remain at reduced power on their post-transition facilities. They seek additional time for such stations that could demonstrate a need for more time.¹⁵⁷ For example, Tribune/Allbritton and UNC-TV explain in their *ex partes* that their particular situations require extensive tower work and coordination that can only take place after the stations terminate their analog service.¹⁵⁸ They point out that work can only commence after they terminate analog service and that they had planned on a four month process, beginning in the spring following the original February 17th transition deadline. The delay to June means that they cannot begin work on their post-transition facilities until mid-June because they will continue to use their analog transmission equipment until then.

65. We believe many other phased transition stations may be in this same situation and are, therefore, persuaded to provide two additional months to all phased transition stations, thus extending their STAs from August 18 to October 18, 2009. Given the limited amount of time afforded, and that the service requirement will minimize the loss of service after the transition date, we find it appropriate to give this two-month blanket extension to all phased transition stations. We find that providing this extra time will permit phased transition stations to continue providing analog service until the end of the transition and that the benefit of full analog service through the transition deadline weighs in favor of somewhat reduced post-transition digital service for a limited period of time.¹⁵⁹ Accordingly, we extend until October 18, 2009 the construction deadline for stations with a phased transition STA deadline of August 18, 2009.

66. In addition to the blanket two-month extension granted above, we will consider on a case-by-case basis extending phased transition STAs for stations with unique technical challenges. However, absent a tolling justification, no phased transition extensions will be granted beyond February 17, 2010.¹⁶⁰ To obtain an additional extension beyond October 18, the station must continue to satisfy the conditions for a phased transition STA (noted above), which, we clarify, includes a requirement that the station provide an appropriate justification explaining why additional time is warranted given the station's particular circumstances. Such a justification is always required as part of the STA approval process, but we note that we will give renewed consideration as to whether a particular length of extension is warranted in the particular circumstances at issue.

IV. PROCEDURAL MATTERS

A. Statutory Authority

67. As addressed in detail in the *Omnibus Order*, we have concluded that the rule changes and other actions taken in order to implement the DTV Delay Act are not subject to the rulemaking

¹⁵⁷ See, e.g., Tribune Broadcasting and Allbritton Communications ("Tribune and Allbritton") Ex Parte in MB Docket 09-17 (dated March 3, 2009); University of North Carolina ("UNC-TV") Ex Parte in MB Docket 09-17 (dated March 4, 2009); KTVU Partnership ("Cox") Comments regarding stations KTVU and KICU (each dated March 4, 2009); LeSEA Broadcasting Corporation Comments (dated March 4, 2009);

¹⁵⁸ Ex Parte Comments of Tribune Broadcasting and Allbritton Communications (dated March 3, 2009) at 1; Ex Parte Comments of the University of North Carolina (filed March 4, 2009) at 3.

¹⁵⁹ We note, however, that phased transition stations must continue to comply with the Consumer Education requirements until they complete construction and commence operation of their full, authorized post-transition digital facility. See, *supra*, at ¶ 154.

¹⁶⁰ See *supra* note 154.

requirements of the Administrative Procedure Act,¹⁶¹ Congressional Review Act,¹⁶² Regulatory Flexibility Act,¹⁶³ or any other provision of law that otherwise would apply and would impede implementation of the statutory directives.¹⁶⁴ No commenter disagreed with our conclusion. We find that the rule changes and other actions taken in this Order are, therefore, not subject to the above-referenced requirements and, in any event, conclude that there is good cause for departure from such requirements here for the reasons set forth in the Omnibus Order.

B. Additional Information

68. For more information, please contact Evan Baranoff, Evan.Baranoff@fcc.gov, at 202-418-7142 or Lyle Elder, Lyle.Elder@fcc.gov, at 202-418-2120, of the Media Bureau, Policy Division, or Eloise Gore, Eloise.Gore@fcc.gov, at 202-418-7200, of the Media Bureau.

C. Final Paperwork Reduction Act of 1995 Analysis

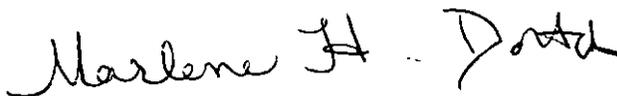
69. This Report and Order was analyzed with respect to the Paperwork Reduction Act of 1995 ("PRA")¹⁶⁵ and contains modified information collection requirements. Specifically, this Report and Order modifies several existing DTV transition-related information collection requirements.¹⁶⁶ The Commission has received OMB approval under OMB's emergency processing rules for these modified information collection requirements.¹⁶⁷ For additional information concerning the information collection requirement contained in this Report and Order, contact the Office of Managing Director (OMD), Performance Evaluation & Records Management (PERM): Cathy Williams, Cathy.Williams@fcc.gov, at 202-418-2918.

V. ORDERING CLAUSES

70. **IT IS ORDERED** that, pursuant to the authority contained in Sections 1, 2, 4, 7, 303, 309, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154, 157, 303, 309, and 337, and Sections 2 and 4 of the DTV Delay Act, Pub. L. No.111-4, 123 Stat. 112, *to be codified at* 47 U.S.C. §§ 309(j)(14) and 337(e), this Report and Order IS ADOPTED and the Commission's Rules ARE HEREBY AMENDED as set forth in the Rules Appendix.

71. **IT IS ALSO ORDERED** that, pursuant to the authority contained in Section 4(c) of the DTV Delay Act, DTV Delay Act § 4(c), the rules, requirements, forms and procedures adopted in this Report and Order will be effective on March 13, 2009.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch
Secretary

¹⁶¹ 5 U.S.C. §§ 551, *et seq.* (APA).

¹⁶² 5 U.S.C. §§ 801, *et seq.* (CRA).

¹⁶³ 5 U.S.C. § 601, *et seq.* (RFA).

¹⁶⁴ *Omnibus Order*, FCC 09-11 at ¶ 70.

¹⁶⁵ The Paperwork Reduction Act of 1995 ("PRA"), Pub. L. No. 104-13, 109 Stat 163 (1995) (*codified in* Chapter 35 of Title 44 U.S.C.).

¹⁶⁶ See OMB Control Nos. 3060-0386 (CDBS Informal Filing Forms), 3060-1115 (Form 388 and consumer education requirements), and 3060-1117 (viewer notifications for analog service termination).

¹⁶⁷ 5 C.F.R. § 1320.13.

APPENDIX A
Amended Rules¹

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 to read as follows:

Part 73 – RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

2. Section 73.674 is revised to read as follows:

§ 73.674 Digital Television Transition Notices by Broadcasters

(a) Each full-power commercial and noncommercial educational television broadcast station licensee or permittee must air an educational campaign about the transition from analog broadcasting to digital television (DTV). For each such commercial station, a licensee or permittee must elect by March 27, 2008 to comply with either paragraph (c) or (d) of this section. For each such noncommercial station, a licensee or permittee must elect, by March 27, 2008 to comply with paragraph (c), (d), or (e) of this Section. A licensee or permittee must note their election via the filing of Form 388 as required by §§ 73.3526 and 73.3527.

(b) The following requirements apply to paragraphs (c), (d), and (e) of this section:

- (1) The station must comply with the requirements of the paragraph it elects with respect to its analog channel and its primary digital stream.
- (2) Any Public Service Announcement aired to comply with these requirements must be closed-captioned, notwithstanding § 79.1(d)(6) of this chapter.
- (3) The campaign must begin no later than March 27, 2008 and continue at least through ~~June 30, 2009~~ **the station's termination of analog service, not later than June 12, 2009, except for stations subject to the provisions of paragraph (b)(4) of this section. After June 30, 2009, any station that has filed a request for an extension to serve its full operating area or is operating under such an extension must continue its education campaign until the request is withdrawn or denied or, if granted, until it expires.**
- (4) **Any 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 pursuant to the Third DTV Periodic Report and Order in MB Docket 07-91, or is operating under such an extension, must continue its DTV consumer education campaign until the station completes construction of its full, authorized post-transition digital facility. After the station terminates analog service it must continue to comply with the requirements of the Consumer Education Campaign Option that it has elected, except that the content of all on-air education must be revised to provide information about the station's limited digital service area and the anticipated date for it to complete**

¹ Changes are indicated in bold.

construction and commence operation of its full, authorized post-transition digital facility.

- (5) ***Service Loss Notices*** – Beginning April 1, 2009 if the FCC’s Signal Loss Report, available on www.dtv.gov, 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, as provided in this paragraph.
- a. 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. At least three service loss notices per week must air between 8:00 pm and 11:00 pm in the Atlantic, Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain, Central, and Alaskan time zones.
 - b. Service loss notices are in addition to the other obligations imposed by this section.
 - c. The service loss notices must include the FCC’s Call Center number, 1-888-CALL-FCC, the FCC’s TTY number, 1-888-TELL-FCC, and the website address for the FCC’s online digital reception mapping tool, www.DTV.gov/maps.
 - d. The station must post service loss information on its website home page, including a link to the relevant coverage change maps on www.DTV.gov and the FCC’s online digital reception mapping tool, www.DTV.gov/maps. This information must remain available on the station’s website home page for at least 30 days after the station terminates its analog service, notwithstanding the termination of other consumer education requirements.
 - e. The loss areas disclosed in the service loss notices must be based on the FCC’s Signal Loss Report.
 - f. Service loss notices must disclose that some current viewers of the station’s analog signal are predicted to experience a loss of service and describe the discrete geographic areas where there is likely to be a service loss.
 - g. If any predicted service loss is attributable to a change in the station’s frequency from VHF to UHF, and the predicted losses cannot entirely be described with respect to discrete geographic areas, the station must, at a minimum, disclose that some analog viewers located in areas obstructed by hills or buildings are predicted to be unable to receive the station’s digital signal. This is in addition to, and not in lieu of, descriptions of any discrete geographic areas where there is likely to be a service loss.
- (6) ***Antenna Information Notices*** – Beginning April 1, 2009, all stations must include information about the use of antennas as part of their consumer education campaign, as provided in this paragraph.
- a. The antenna information notices should provide information about the types of antennas that their viewers may need, and how to install them.

- b. Stations that have changed or are changing the frequency band in which they broadcast must inform their viewers of the change in frequencies and explain how the change affects the antenna they need to receive their signal.
 - c. Stations that are predicted by the FCC's Signal Loss Report to have any loss of viewers should consider whether their viewers can improve their ability to receive their signal by obtaining a different or better antenna, and if so, provide information concerning such antennas.
 - d. Antenna information notices must be no fewer than 15 seconds long, and must be aired at least once per day, between 8:00 am and 11:35 pm. At least three antenna information notices per week must air between 8:00 pm and 11:00 pm in the Atlantic, Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain, Central, and Alaskan time zones.
 - e. Antenna information notices may be included as part of a station's DTV Consumer Education Initiative efforts, or may be discussed for at least 15 seconds during news programs, or broadcast in other ways that the station determines will be most helpful to consumers.
 - f. Notwithstanding the content requirements of paragraph (c) of this section, a licensee or permittee electing compliance with paragraph (c) may replace up to 25 percent of their daily PSAs and crawls with antenna notices.
- (7) *Rescanning Notices* – 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, as provided in this paragraph.
- a. Rescanning notices should explain why rescanning is important in general and, in particular, if the station is changing channels or signal direction.
 - b. Rescanning notices must be no fewer than 15 seconds long, and must be aired at least once per day, between 8:00 am and 11:35 pm. At least three rescanning notices per week must air between 8:00 pm and 11:00 pm in the Atlantic, Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain, Central, and Alaskan time zones.
 - c. Rescanning notices may be included as part of a station's DTV Consumer Education Initiative efforts, or may be discussed for at least 15 seconds during news programs, or broadcast in other ways that the station determines will be most helpful to consumers.
 - d. Notwithstanding the content requirements of paragraph (c) of this section, a licensee or permittee electing compliance with paragraph (c) may replace up to 25 percent of their daily PSAs and crawls with rescanning notices.
- (8) *Help Center Notices* – 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, as provided in this paragraph.

- a. **Help center notices must be no fewer than 15 seconds long, and must be aired at least once per day, between 8:00 am and 11:35 pm. At least three help center notices per week must air between 8:00 pm and 11:00 pm in the Atlantic, Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain, Central, and Alaskan time zones.**
- b. **Help center notices may be included as part of a station's DTV Consumer Education Initiative efforts, or may be discussed for at least 15 seconds during news programs, or broadcast in other ways that the station determines will be most helpful to consumers.**
- c. **Notwithstanding the content requirements of paragraph (c) of this section, a licensee or permittee electing compliance with paragraph (c) may replace up to 25 percent of its daily PSAs and crawls with help center notices.**

(c) Consumer Education Campaign Option One:

- (1) From March 27, 2008 through ~~June 30, 2009~~, **the station's termination of analog service or, for stations subject to the provisions of paragraph (b)(4) of this section, until the station completes construction of its full, authorized post-transition digital facility**, a licensee or permittee must, at a minimum, air one transition-related public service announcement (PSA), and one transition-related informative text crawl, in every quarter of every broadcast day. This minimum will increase to two of each, per quarter, from April 1, 2008 through September 30, 2008, and to three of each, per quarter, from October 1, 2008 through the conclusion of the campaign. At least one PSA and one informative text crawl per day must be aired between 8:00 pm and 11:00 pm in the **Atlantic**, Eastern and Pacific time zones, and between 7:00 pm and 10:00 pm in the Mountain, ~~and~~ Central, ~~and~~ Alaskan time zones.
- (2) For the purposes of this section, each broadcast day consists of four quarters; 6:01 am to 12:00 pm, 12:01 pm to 6:00 pm, 6:01 pm to 12:00 am, and 12:01 am to 6 am.
- (3) Informative text crawls must:
 - (i) Air during programming;
 - (ii) Air for no fewer than 60 consecutive seconds;
 - (iii) Be displayed so that the text travels across the bottom or top of the viewing area at the same speed used for other informative text crawls concerning news, sports, and entertainment information;
 - (iv) Be presented in the same language as a majority of the programming carried by the station;
 - (v) Be displayed so that they do not block and are not blocked by closed-captioning or emergency information; and
 - (vi) Contain at least the following information, but may contain more, provided they contain no misleading or inaccurate statements:

- (A) The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products.
 - (B) More information is available by phone and online, and provide appropriate contact information, including means of contacting the station or the network.
- (4) Public service announcements must have a duration of no fewer than 15 consecutive seconds, and contain, at a minimum, the information described in paragraph (c)(3)(vi) of this section. They must also address the following topics at least once each during every calendar week:
- (i) The steps necessary for an over-the-air viewer or a subscriber to a multichannel video programming distributor to continue viewing the station after the transition;
 - ~~(ii) Changes in the geographic area or population served by the station during or after the transition;~~
 - (ii) The channel on which the station can be viewed after the transition;
 - (iii) Whether the station will be providing multiple streams of free video programming during or after the transition;
 - (iv) Whether the station will be providing a High Definition signal during or after the transition;
 - (v) The exact date and time that the station will cease analog broadcasting, ~~if it has not already done so~~; and
 - (vi) The exact date and time that the station will begin digital broadcasting on its post-transition channel, if it has not already done so.

(d) Consumer Education Campaign Option Two:

- (1) A licensee or permittee must, at a minimum, air an average of sixteen (16) transition-related PSAs per week, and an average of sixteen (16) transition-related crawls, snipes, and/or tickers per week, over a calendar quarter.
- (2) For the purposes of calculating the average number of PSAs aired, a 30-second PSA qualifies as a single PSA, and two 15-second PSAs count as a single PSA.
- (3) PSAs, crawls, snipes, and/or tickers aired between the hours of 1:00 am and 5:00 am do not conform to the requirements of this section and will not count toward calculating the average number of transition-related education pieces aired.

- (4) Over the course of each calendar quarter, 25 percent of all PSAs, and 25 percent of all crawls, snipes, and/or tickers, must air between 6:00 pm and 11:35 pm (**Atlantic**, Eastern and Pacific time zones) or between 5:00 pm and 10:35 pm (**Mountain**, Central, and **Alaskan** time zones).
- (5) Stations must ~~also~~ air a 30-minute informational program on the digital television (DTV) transition between 8:00 am – 11:35 pm on at least one day **after April 1, 2009, and** prior to **the station's termination of analog service June 12, 2009**. **The program must contain at least the following information:**
- (i) **The fact that Congress has changed the deadline for the national DTV transition to June 12, 2009;**
 - (ii) **The date and approximate time of day when the station airing the informational video is terminating analog service;**
 - (iii) **The date and approximate time of day when all other full-power stations in the same market are terminating analog service;**
 - (iv) **For stations covered by paragraph (b)(5) of this section, the same service loss information required by paragraph (b)(5) of this section.**
- (6) Beginning on April 1, 2009, or sixty (60) days prior to the station's termination of **analog service, whichever is later, the station must begin a 60-Day Countdown to its** ~~March 4, 2009, all stations will begin a 100-Day Countdown to the~~ transition to **digital-only service**. During this period, ~~the station~~ **each station** must air at least one of the following per day:
- (i) *Graphic Display*. A graphic super-imposed during programming content that reminds viewers graphically there are "x number of days" until the transition. They will be visually instructed to call a toll-free number and/or visit a website for details. **The duration must be at least five (5) seconds. The length of time will vary from 5 to 15 seconds, at the discretion of the station.**
 - (ii) *Animated Graphic*. A moving or animated graphic that ends up as a countdown reminder. It would remind viewers that there are "x number of days" until the transition. They will be visually instructed to call a toll-free number and/or visit a website for details. **The duration must be at least five (5) seconds. The length of time will vary from 5 to 15 seconds, at the discretion of the station.**
 - (iii) *Graphic and Audio Display*. Option #1 or option #2 with an added audio component. **The duration must be at least five (5) seconds. The length of time will vary from 5 to 15 seconds, at the discretion of the station.**
 - (iv) *Longer Form Reminders*. Stations can choose from a variety of longer form options to communicate the countdown message. Examples might include an "Ask the Expert" segment where viewers can call in to a phone bank and ask knowledgeable people their questions about the transition. **The duration must be at least two (2) minutes. length of these segments will vary from 2 minutes to 5 minutes, at the discretion of the station.** (Some stations may also choose to include during newscasts DTV "experts" who may be asked questions by the anchor or reporter about the impending transition deadline.)

(e) *Consumer Education Campaign Option Three:*

- (1) Only a licensee or permittee of a noncommercial television station may elect this option. Under this option, from March 27, 2008 through April 30, 2008, a noncommercial broadcaster must, at a minimum, air 60 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 7.5 minutes per month between 6:00 pm and 12:00 am. From May 1, 2008 through October 31, 2008, a broadcaster must, at a minimum, air 120 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 15 minutes per month between 6:00 pm and 12:00 am. From November 1, 2008 through ~~June 30, 2009~~ **the station's termination of analog service, or, for stations subject to the provisions of paragraph (b)(4) of this section, until the station completes construction of its full, authorized post-transition digital facility,** a broadcaster must, at a minimum, air 180 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 22.5 minutes per month between 6:00 pm and 12:00 am.

- (2) Noncommercial stations must ~~also~~ air a 30-minute informational program on the digital television (DTV) transition between 8:00 am – 11:35 pm on at least one day **after April 1, 2009, and prior to the station's termination of analog service June 12, 2009. The program must contain at least the following information:**
 - (i) **The fact that Congress has changed the deadline for the national DTV transition to June 12, 2009;**
 - (ii) **The date and approximate time of day when the station airing the informational video is terminating analog service;**
 - (iii) **The date and approximate time of day when all other full-power stations in the same market are terminating analog service;**
 - (iv) **For stations covered by paragraph (b)(5) of this section, the same service loss information required by paragraph (b)(5) of this section.**

APPENDIX B

FORMS

Form 1**Drop down: ANALOG SERVICE TERMINATION NOTIFICATION¹****1. Select the appropriate button below:**

(Choice 1a Instruction: Select this choice if you will continue analog service until the June 12 transition deadline.)

◦ This is **BINDING** notification that the above-referenced station will **terminate** analog television broadcast signals (excluding statutory analog nighttime service, if applicable) **on the June 12, 2009 transition deadline** at the following **local** time of day:

- Early Morning (12:00 AM – 6:00 AM)
- Morning (6:01 AM – 12:00 PM Noon)
- Afternoon (12:01 PM – 6:00 PM)
- Evening (6:01 PM – 11:59 PM).

(If this button is selected, go to question 2.)

(Choice 1b Instruction: Select this choice if you want to terminate analog service before April 16 and are a noncommercial educational station that will certify to significant financial hardship.)

◦ This is **BINDING** notification that the above-referenced station, which is a **Noncommercial Educational** station, will terminate analog television broadcast signals (excluding informal analog nighttime service, if applicable) on the following date **before April 16** because of **significant financial hardship: MM/DD/2009** at the following **local** time of day:

- Early Morning (12:00 AM – 6:00 AM)
- Morning (6:01 AM – 12:00 PM Noon)
- Afternoon (12:01 PM – 6:00 PM)
- Evening (6:01 PM – 11:59 PM).

(Note: The date selected may not be earlier than March 27 or later than April 15, 2009. Stations electing to transition on the June 12, 2009 transition deadline should select the first option, above. Stations electing to transition before the June 12, 2009 transition deadline, but after April 16, 2009, should select the third option, below. We remind stations that they must obtain Commission approval to operate a post-transition digital facility prior to June 13, 2009.) **(If this button is selected, go to question 3.)**

(Choice 1c Instruction: Select this choice if you want to terminate analog service early and are not a major network affiliate station.)

◦ This is **BINDING** notification that the above-referenced station, which is **NOT a major network affiliate** (i.e., an affiliate of ABC, CBS, FOX, or NBC), will terminate analog television broadcast signals (excluding informal analog nighttime service, if applicable) on the following date: **MM/DD/2009 after April 15** at the following **local** time of day:

- Early Morning (12:00 AM – 6:00 AM)

¹ HYPERLINK TO FOLLOWING TEXT: "For purposes of this form, a reduction of analog service affecting more than 10 percent of the population in a station's service area, as represented by the predicted Grade B contour, will be treated as a termination."

- Morning (6:01 AM – 12:00 PM Noon)
- Afternoon (12:01 PM – 6:00 PM)
- Evening (6:01 PM – 11:59 PM).

(Note: The date selected may not be earlier than April 16 or later than June 11, 2009. Stations electing to transition on the June 12, 2009 transition deadline should select the first option, above. We remind stations that they must obtain Commission approval to operate a post-transition digital facility prior to June 13, 2009.) (If this button is selected, go to question 4.)

(Choice Id Instruction: Select this choice if you want to terminate analog service early and are a major network affiliate station.)

◦ This is BINDING notification that the above-referenced station, which **IS** a **major network affiliate** (i.e., an affiliate of ABC, CBS, FOX, or NBC), will terminate analog television broadcast signals (excluding enhanced analog nightlight service, if applicable) on the following date: MM/DD/2009 **after April 15** at the following local time of day:

- Early Morning (12:00 AM – 6:00 AM)
- Morning (6:01 AM – 12:00 PM Noon)
- Afternoon (12:01 PM – 6:00 PM)
- Evening (6:01 PM – 11:59 PM).

(Note: The date indicated may not be earlier than April 16 or later than June 11, 2009. Stations electing to transition on the June 12, 2009 transition deadline should select the first option, above. We remind stations that they must obtain Commission approval to operate a post-transition digital facility prior to June 13, 2009.) (If this button is selected, go to question 5.)

[NOTE to question 2: The following question applies only to stations that will terminate analog television service on the June 12, 2009 transition deadline.]

2.a. Statutory analog nightlight service. If the above-referenced station is determined by the FCC to be eligible to participate in the statutory analog nightlight program (i.e., for up to 30 days after the June 12, 2009 transition deadline), does the station intend to provide statutory analog nightlight service?

(Note: Statutory analog nightlight service must be provided for no more than 30 days, but no less than two weeks, after the June 12, 2009 transition deadline.)

YES ___ NO ___

2.b. If YES, the station will provide statutory analog nightlight service from June 13, 2009 until the following date, which must fall between June 26 and July 12, 2009, inclusive: MM/DD/2009.

Go to question 7.

[NOTE to question 3: The following certification applies only to Noncommercial Educational (NCE) stations that will terminate analog television service before April 16.]

3. NCE Early Termination Certification.

◦ Licensee CERTIFIES that the above-referenced NCE station must terminate analog television service before April 16 due to significant financial hardship.

YES ___ NO ___

Go to question 4.

[NOTE to question 4: The following question applies only to stations that will terminate analog television service early, *i.e.*, before the June 12, 2009 transition deadline, and are not subject to mandatory enhanced nightlight obligations.]

4.a. Voluntary analog nightlight service. After this station's analog termination date, as indicated above, does this station intend to provide voluntary analog nightlight service, *i.e.*, the station will continue broadcasting in analog to provide DTV transition information and, if necessary, emergency information?

YES ___ NO ___

4.b. If YES, the station will provide such informal analog nightlight service until the following date, which must be no later than the June 12, 2009 transition deadline: MM/DD/2009.

Go to question 7.

[NOTE to question 5: The following question applies only to stations that ARE major network affiliates and that will terminate analog television service early, *i.e.*, prior to the June 12, 2009 transition deadline.]

5. Major Network Affiliate Early Termination Certification. Each major network affiliate station that will terminate analog television broadcast signals prior to the June 12, 2009 transition deadline must, as a condition of such early analog termination, CERTIFY to one of the following statements:

(Choice 5a Instruction: Select this choice if you yourself will fully comply with all public interest related conditions.)

◦ Licensee CERTIFIES that the above-referenced station will **ITSELF** fully comply with each of the **public interest related conditions**² for early analog termination set forth in the Commission Report and Order, FCC 09-19, adopted March 13, 2009. **(If this button is selected, go to question 7.)**

(Choice 5b Instruction: Select this choice if you will rely on another station or stations to satisfy one or more of the public interest related conditions. NOTE: If you are relying on another major network affiliate to provide continuing full analog service to at least 90 percent of the population in your Grade B analog contour through June 12, 2009, select Choice 5c.)

◦ Licensee CERTIFIES that the above-referenced station will **RELY** in whole or in part on one or more

² Make this text a hyperlink to the Public Interest Related Conditions for Early Analog Termination (to be provided with the March Order)

major network affiliated station(s) to fully comply with the **public interest related conditions**³ for early analog termination set forth in the Commission Report and Order, FCC 09-19, adopted March 13, 2009 (listed in question 6).

(If this button is selected, go to question 6.)

(Choice 5c Instruction: Select this choice if you will rely on one or more other major network affiliated station(s) to provide continuing full analog service to 90% of the viewers in your Grade B analog contour through June 12, 2009. NOTE: If you are relying on enhanced nightlight coverage, select Choice 5b.)

◦ Licensee CERTIFIES that the above-referenced station will **RELY** on the following major network affiliated station(s) to provide **continuing full analog television service** to its analog viewers until June 12, 2009, and that the station(s) listed individually or collectively cover, at a minimum, 90% of the population in the Grade B analog contour of the above-referenced station; and, therefore, the station does **NOT** need to comply with the **public interest related conditions** for early analog termination set forth in the Commission Report and Order, FCC 09-19, adopted March 13, 2009: _____ (List licensee name(s), call sign(s) and location(s).)

(If this button is selected, go to question 4.)

(Choice 5d Instruction: Select this choice if you will demonstrate "extraordinary, exigent circumstances" in an exhibit)

◦ Licensee CERTIFIES that the above-referenced station will experience **extraordinary, exigent circumstances** and, therefore, **CANNOT** fully comply with the **public interest related conditions** for early analog termination set forth in the Commission Report and Order, FCC 09-19, adopted March 13, 2009. Instead, it makes the alternative showing of **extraordinary, exigent circumstances** in the attached required **EXHIBIT** and seeks Commission approval for early analog termination on this basis.

[Ex No.]

(Note: The showing in the attached exhibit must not exceed five (5) pages, not including attachments. Stations selecting this option must obtain express Commission approval before they may terminate analog service early.)

(If this button is selected, attach the required exhibit and then go to question 7.)

[NOTE to questions 6: The following question applies only to major network affiliate stations selecting "Choice 5b" (i.e., the station will rely on another major network affiliate with regard to one or more of the three public interest related conditions below).]

6. Each major network affiliate station that intends to rely on other local major network affiliates to comply with one or more of the following three public interest related conditions for analog termination must select one option in each of the following three sections, below. You are not required to comply with the obligations below until more than 10% of the population in your Grade B analog contour loses full major network affiliate analog service.

A) Continuing Analog Service

Select the one button that applies:

◦ Licensee CERTIFIES that, when required (as indicated above), and continuing until June 12, 2009, this station will **ITSELF** provide **enhanced nightlight service** to at least 90% of the population in its Grade

³ Make this text a hyperlink to the Public Interest Related Conditions for Early Analog Termination (to be provided with the March Order)

B analog contour.

◦ Licensee CERTIFIES that, when required (as indicated above), this station will **RELY** on the following major network affiliated station(s) to provide **enhanced nightlight service** or a **combination of enhanced nightlight service and continuing full analog television service** to its analog viewers until June 12, 2009, and that the station(s) listed individually or collectively cover, at a minimum, 90% of the population in the Grade B analog contour of the above-referenced station: _____ (List licensee name(s), call sign(s) and location(s).)

B) Consumer Referral Telephone Number(s)

The phone number and operating hours of the Consumer Referral Telephone Number, and operating entity's name, are as follows:

Operating Entity's Name: _____

Phone Number: _____

Operating Hours: _____

(List phone number and operating hours of the Consumer Referral Telephone Number, and operating entity's name).

Select the one button that applies:

◦ Licensee CERTIFIES that, beginning on when required (as indicated above), and continuing until at least June 12, 2009, this station will **ITSELF** operate and publicize a Consumer Referral Telephone Number for local viewers.

◦ Licensee CERTIFIES that, beginning when required (as indicated above), and continuing until at least June 12, 2009, this station will publicize and support the Consumer Referral Telephone Number(s) for local viewers that will be operated by the following licensee(s) or other entity: _____ (List name(s) and, if a licensee, call sign(s) and city/state.)

C) Walk-In Help Center(s)

The location and operating hours of the Walk-In Help Center(s) are as follows:

Location Name: _____

Street Address: _____

Operating Hours: _____

(List street address and operating hours of the Walk-In Help Center(s).)

Select the one button that applies:

◦ Licensee CERTIFIES that, beginning when required (as indicated above), and continuing until at least June 12, 2009, this station will **ITSELF** operate and publicize the above-referenced Walk-In Help Center(s) for local viewers.

◦ Licensee CERTIFIES that, beginning on when required (as indicated above), and continuing until at least June 12, 2009, this station will publicize and support the above-referenced Walk-In Help Center(s) for local viewers that will be operated by the following licensee(s) or other entity: _____ (List name(s) and, if a licensee, call sign(s) and city/state.)

Go to question 7.

[NOTE to question 7: All filers must provide a consumer contact number to which the Commission can refer questions about the station's television service.]

7. Consumer Referral Contact Number.

The consumer contact phone number and working hours for the above-referenced station are as follows:

Phone Number: _____

Business Hours: _____

(List local phone number and business hours for station.)

(Instructions: The contact telephone number provided must be staffed by persons with specific knowledge of the station's service coverage. For example, they must be able to answer questions from viewers about reception and service loss.)

Go to question 8.

[NOTE to question 8: All filers must make the following certifications.]

8. REQUIRED FOR ALL STATIONS/ LICENSEE CERTIFICATIONS: Signature of Authorized Agent of Licensee.

Form 2**Drop down: REVOCATION OF EARLY ANALOG TERMINATION NOTIFICATION****1. Select the button below:**

◦ The above-referenced station hereby **WITHDRAWS** its previous notification of early analog termination and will continue to provide full analog television service until June 12, 2009. Licensee **CERTIFIES** that such continuation of full analog service will not result in interference with another station that has been approved to commence early post-transition operations. Notwithstanding any certifications in the Analog Service Termination Notification, this station is no longer required to comply with the **public interest related conditions**⁴ for early analog termination set forth in the Commission Report and Order, FCC 09-19, adopted March 13, 2009.

(Note: Licensee response must be YES to withdraw the station's early analog termination notification.)

YES, (withdraw this station's early analog termination notification)

NO [Error if NO is selected.]

2.a. Statutory analog nightlight service. If the above-referenced station is determined by the FCC to be eligible to participate in the statutory analog nightlight program (*i.e.*, for up to 30 days after the June 12, 2009 transition deadline), does the station intend to provide statutory analog nightlight service?

(Note: Statutory analog nightlight service must be provided for no more than 30 days, but no less than two weeks, after the June 12, 2009 transition deadline.)

YES NO

2.b. If YES, the station will provide statutory analog nightlight service from June 13, 2009 until the following date, which must fall between June 26 and July 12, 2009, inclusive: **MM/DD/2009**.

⁴ Make this text a hyperlink to the Public Interest Related Conditions for Early Analog Termination (to be provided with the March Order)