



State of New Jersey
 DIVISION OF RATE COUNSEL
 31 CLINTON STREET, 11TH FL
 P. O. BOX 46005
 NEWARK, NEW JERSEY 07101

CHRIS CHRISTIE
 Governor

KIM GUADAGNO
 Lt. Governor

STEFANIE A. BRAND
 Director

June 15, 2011

Received & Inspected

JUN 20 2011

FCC Mail Room

Regular Mail & Electronic Filing

Marlene Dortch
 Secretary
 Federal Communications Commission
 445 12th Street SW,
 Washington, DC 20554

Re: Status of Digital Transition Review in Docket No. CS 98-120

Dear Secretary Dortch:

The New Jersey Division of Rate Counsel (“Rate Counsel”) requests information on the status of the Federal Communications Commission’s (“FCC’s”) review of the digital transition rules prior to their sunset pursuant to the FCC’s *Digital Transition Order*.¹ Rate Counsel is an independent New Jersey State agency that represents and protects the interests of all utility consumers in matters before the New Jersey Board of Public Utilities and the FCC.

In the *Digital Transition Order*, the FCC announced it would undertake a review of the rules governing cable companies’ obligations related to the digital transition. Specifically, the FCC directed that:

These rules shall be in force for three years from the date of the digital transition, subject to review by the Commission during the last year of this period (i.e., between February 2011 and February 2012). In light of the numerous issues associated with the transition, it is important to retain flexibility as we deal with emerging concerns. A three-year sunset ensures that both analog and digital cable subscribers will continue to be able to view the signals of must-carry stations, and provides the

^{1/} *In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules*, Third Report and Order and Third Further Notice of Proposed Rule Making, FCC 07-170, 22 FCC Rcd 21064 (Rel. November 30, 2007), (“*Digital Transition Order*”).

Commission with the opportunity after the transition to review these rules in light of the potential cost and service disruption to consumers, and the state of technology and the marketplace.

Digital Transition Order, ¶ 16.

Rate Counsel submits such review remains in the public interest and is important to consumers and to the important public policies underlying these rules. To date, the FCC has not announced the initiation of the proceeding contemplated by the *Digital Transition Order*. Therefore, Rate Counsel requests that the FCC confirm when the review of these rules will commence, and when public comments can be submitted. If such review is not completed before the rules sunset, will the rules be extended until the review is complete?

Thank you for your attention to this matter. If you have any questions, please contact me directly at 973-648-7575.

Very truly yours,

STEFANIE A. BRAND
DIRECTOR, DIVISION OF RATE COUNSEL



Christopher J. White, Esq.
Deputy Rate Counsel

Cc: Austin Schlick, Esq., FCC General Counsel
Intergovernmental Advisory Committee
Commissioner Julius Genochowski, Chairman
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn