

RALPH M. HALL, TEXAS  
MICHAEL BILIRAKIS, FLORIDA  
VICE CHAIRMAN  
FRED UPTON, MICHIGAN  
CLIFF STEARNS, FLORIDA  
PAUL E. GILLMOR, OHIO  
NATHAN DEAL, GEORGIA  
ED WHITFIELD, KENTUCKY  
CHARLIE NORWOOD, GEORGIA  
BARBARA CUBIN, WYOMING  
JOHN SHIMKUS, ILLINOIS  
HEATHER WILSON, NEW MEXICO  
JOHN B. SHADEGG, ARIZONA  
CHARLES W. "CHIP" PICKERING, MISSISSIPPI  
VICE CHAIRMAN  
VITO FOSSELLA, NEW YORK  
ROY BLUNT, MISSOURI  
STEVE BUYER, INDIANA  
GEORGE RADANOVICH, CALIFORNIA  
CHARLES F. BASS, NEW HAMPSHIRE  
JOSEPH R. PITTS, PENNSYLVANIA  
MARY BONO, CALIFORNIA  
GREG WALDEN, OREGON  
LEE TERRY, NEBRASKA  
MIKE FERGUSON, NEW JERSEY  
MIKE ROGERS, MICHIGAN  
C.L. "BUTCH" OTTER, IDAHO  
SUE MYRICK, NORTH CAROLINA  
JOHN SULLIVAN, OKLAHOMA  
TIM MURPHY, PENNSYLVANIA  
MICHAEL C. BURGESS, TEXAS  
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED NINTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

JOE BARTON, TEXAS  
CHAIRMAN

November 15, 2006

JOHN D. DINGELL, MICHIGAN  
RANKING MEMBER  
HENRY A. WAXMAN, CALIFORNIA  
EDWARD J. MARKEY, MASSACHUSETTS  
RICK BOUCHER, VIRGINIA  
EDDOLPHUS TOWNS, NEW YORK  
FRANK PALLONE, JR., NEW JERSEY  
SHERROD BROWN, OHIO  
BART GORDON, TENNESSEE  
BOBBY L. RUSH, ILLINOIS  
ANNA G. ESHOO, CALIFORNIA  
BART STUPAK, MICHIGAN  
ELIOT L. ENGEL, NEW YORK  
ALBERT R. WYNN, MARYLAND  
GENE GREEN, TEXAS  
TED STRICKLAND, OHIO  
DIANA DEGETTE, COLORADO  
LOIS CAPPS, CALIFORNIA  
MIKE DOYLE, PENNSYLVANIA  
TOM ALLEN, MAINE  
JIM DAVIS, FLORIDA  
JAN SCHAKOWSKY, ILLINOIS  
HILDA L. SOLIS, CALIFORNIA  
CHARLES A. GONZALEZ, TEXAS  
JAY INSLEE, WASHINGTON  
TAMMY BALDWIN, WISCONSIN  
MIKE ROSS, ARKANSAS

BUD ALBRIGHT, STAFF DIRECTOR

The Honorable John M. R. Kneuer  
Acting Administrator  
Commerce for Communications and Information  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Administrator Kneuer:

We are writing with respect to the Notice of Proposed Rulemaking (NPRM) to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes issued by the National Telecommunications and Information Administration (NTIA). As you well know, this proceeding was required under the Digital Television Transition and Public Safety Act of 2005, as established under provisions of the Republican budget reconciliation legislation enacted earlier this year, namely Title III of the Deficit Reduction Act of 2005 (P.L. 109-171).

Pursuant to this law, on February 17, 2009, millions of Americans with analog television sets will cease to receive a free over-the-air analog television signal. As a result, such television sets will go dark unless they are connected to a digital converter box. The plan, enacted as part of the Republican budget, contains a capped subsidy program to permit consumers to apply for up to two coupons of \$40 each toward the purchase of a digital-to-analog converter box.

While freeing up valuable frequencies once the DTV transition is completed has obvious benefits for the public that we wholeheartedly support, including for public safety entities in many communities and for fostering additional competition in various wireless services and technologies, we opposed the Republican transition plan during its consideration in the Committee on Energy and Commerce. We voted against it because we believed it did not address sufficiently the legitimate and reasonable expectations of consumers who will be disenfranchised by the Government's decision to shut off analog broadcasting. We continue to believe this plan is highly flawed and disadvantages the poor, the elderly, minority groups, and those with multiple analog television sets in their home. However, as NTIA has been directed to

implement key aspects of this program, which directly affects the welfare of our constituents, we write today to offer our suggestions and comments on how NTIA may address certain DTV transition issues within its control so as not to exacerbate the plan's statutory flaws.

First, we oppose NTIA's proposal to limit participation in the converter box program solely to over-the-air households, thereby shutting out millions of American consumers who subscribe to cable or satellite service, or have purchased a digital television, but continue to use other over-the-air analog television sets in their home. Limiting eligibility to analog broadcast-only TV households would unfairly disenfranchise consumers who possess perfectly functioning analog televisions. NTIA's proposed eligibility restrictions would also impose unnecessary and burdensome administrative costs. Consumers who have purchased analog televisions, which can typically last 15 years or more, deserve a government-backed plan to hold them harmless in this transition. It is bad enough that consumers will have to apply for coupons and hope they receive their coupons before the money runs out. Likewise we oppose any effort to impose a means test for program eligibility, as suggested in the NPRM. Since the Congress first began to plan the digital transition process, a paramount goal has been to avoid consumer disruption. We trust that when implementing this Congressional policy, NTIA will not enact administrative burdens that make it more difficult for consumers to make use of the converter box program.

Second, the converter boxes that are available for purchase through the coupon program should, at a minimum, replicate the picture and audio quality consumers experience today when watching their analog televisions. We note that during Committee consideration of the converter box program, several industry representatives advised Members of Congress that high-quality, consumer friendly and affordable converter boxes would be manufactured if Congress established a firm deadline for the transition. NTIA therefore should ensure that eligible boxes avail consumers of the ability to continue to receive free over-the-air TV content without degradation in picture and sound quality after the DTV transition date in 2009. In short, eligible boxes should convert digital television transmissions to display on analog TV sets nothing less than the same color picture quality and stereo sound consumers obtain today. We also support making energy efficiency a key component of the converter box standards NTIA adopts.

Third, NTIA should take into account advances in receiver technology (including chip performance and antennas) that may enable eligible boxes to receive higher quality pictures and sound. In addition, we suggest that NTIA also consider cost-effective measures to ensure that digital converter boxes have the capability to be updated, modified, or repaired in circumstances where problems arise. If boxes are not capable of software updates, the emergency alert system, television ratings information, closed captioning data, or other technology or services may be vulnerable. As you know, millions of consumers will be relying upon such boxes when the transition occurs and analog broadcasting ceases. NTIA should seek to safeguard the interests of consumers, the public's safety, and the integrity of the converter box program by analyzing

mechanisms by which boxes may be repaired and patched, as cable boxes, digital video recorders, and computers are today. NTIA should also coordinate adequate and timely testing procedures with the Federal Communications Commission to assure that boxes will work properly when installed in consumer homes.

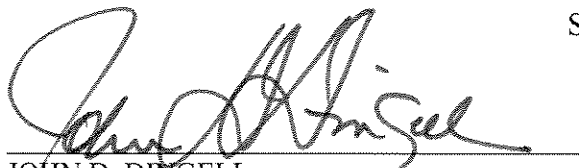
Fourth, consumer education will be critical to the success of any digital television transition plan. We believe that the statutory \$5 million cap for consumer education and outreach is woefully inadequate for such a broad and fundamental change. NTIA therefore must carefully manage the necessary outreach and education for a smooth, consumer-friendly transition. NTIA should work closely with other agencies and entities to provide consumers with education and outreach services regarding the digital television transition. This education program must be accessible by non-English speakers and persons with disabilities. Based on the Government Accountability Office's findings, any outreach program, to be effective, must specifically target lower-income households and other vulnerable populations. Therefore, it is imperative that NTIA must ensure that broadcasters, manufacturers, and retailers increase educational efforts to ensure that consumers are not confused by the transition and have the information necessary to participate in the converter box program.

Finally, we urge that the program be designed to provide timely information to Congress and the public concerning the rate of coupon request and redemption. This would enable Congress to evaluate the effectiveness of NTIA's transition program and whether changes should be made prior to the statutory deadline. NTIA should also design an efficient and appropriate means for participating retailers to provide updated information concerning the inventory of converter boxes available in retail stores in order to remedy any supply difficulties promptly. We suggest that information about the particular converter boxes eligible for the program be sent to consumers along with the coupons.

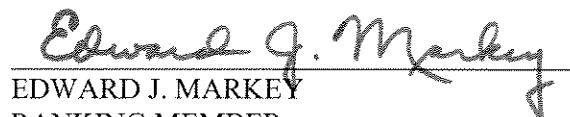
Although the Republican budget bill delegated a challenging task to NTIA and failed to provide sufficient funding, the decisions made by NTIA in designing the converter box program will directly affect the success of the digital television transition. Failure to devise a consumer-friendly converter box program, or to inform consumers properly of its existence, could significantly jeopardize the public's acceptance of the transition and derail the firm deadline. We believe NTIA's foremost goal in this proceeding should be to safeguard the interests of all Americans with analog television sets in their homes so that they may continue to receive free over-the-air television service after February 17, 2009.

Thank you in advance for your time and effort on this issue.

Sincerely,



JOHN D. DINGELL  
RANKING MEMBER



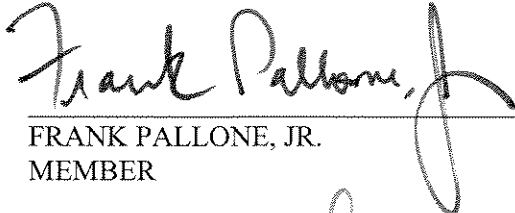
EDWARD J. MARKEY  
RANKING MEMBER  
SUBCOMMITTEE ON TELECOMMUNICATIONS  
AND THE INTERNET



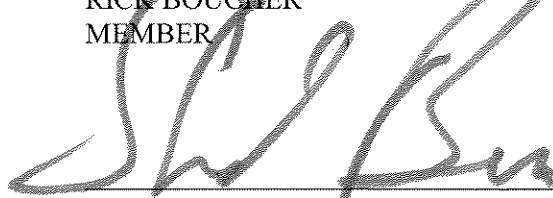
HENRY A. WAXMAN  
MEMBER



RICK BOUCHER  
MEMBER



FRANK PALLONE, JR.  
MEMBER



SHERROD BROWN  
MEMBER



BART GORDON  
MEMBER



BART STUPAK  
MEMBER




ELIOT L. ENGEL  
MEMBER



GENE GREEN  
MEMBER



TED STRICKLAND  
MEMBER



DIANA DeGETTE  
MEMBER



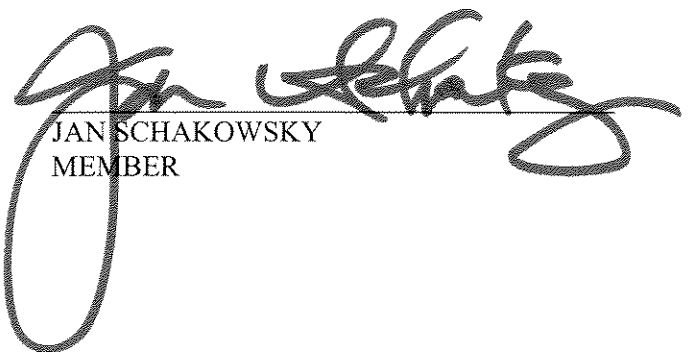
LOIS CAPPS  
MEMBER



MIKE DOYLE  
MEMBER



TOM ALLEN  
MEMBER



JAN SCHAKOWSKY  
MEMBER



---

HILDA L. SOLIS  
MEMBER



---

CHARLES A. GONZALEZ  
MEMBER



---

TAMMY BALDWIN  
MEMBER



---

MIKE ROSS  
MEMBER