



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 18, 2007

Honorable John Dingell, Chairman
Committee on Energy and Commerce
US House of Representatives
2125 Rayburn HOB
Washington, DC 20515

Honorable Ed Markey, Chairman
Subcommittee on Telecommunications
and the Internet
Committee on Energy and Commerce
US House of Representatives
316 Ford HOB
Washington, DC 20515

Dear Chairman Dingell and Chairman Markey:

Thank you for your letter concerning the digital transition that will take place on February 17, 2009. I share your concern that we must do all we can to minimize the potential burden the digital transition could impose on consumers and maximize their opportunities to benefit from it. I also share your belief that a critical component of a smooth digital transition is consumer education. Please be assured that the Commission is doing everything within its statutory and budgetary capacity to make sure that no American is left behind in this part of the digital revolution.

A successful completion of the digital transition depends upon ensuring that appropriate policies are in place to minimize the burden and the cost born by consumers as well as upon government and industry working together in promoting consumer awareness. For some time now, we have been working both on our own and in cooperation with industry, other government agencies, and consumer groups to advance the transition and promote consumer awareness. Our efforts to date have been three-fold. First, we have devoted significant resources to getting the right rules in place to facilitate a smooth transition and minimize the burden on consumers. Second, we have been vigorously enforcing our digital transition-related rules to ensure that these rules are being adhered to and consumers are protected. And third, we have been promoting consumer awareness of the upcoming transition through our education and outreach efforts. These efforts include focusing on groups that may not otherwise learn about the transition including senior

citizens, non-English speaking consumers, minority communities, people with disabilities, low-income individuals, and people living in rural and tribal areas.

In your letter, you reference my testimony before the House Appropriations Subcommittee where I stated that that National Telecommunications and Information Administration (NTIA) “was given primary responsibility for educating consumers about the upcoming transition.” Hearing of the Subcommittee on Telecommunications and the Internet of the House Energy and Commerce Committee; Subject: Oversight of the Federal Communications Commission, March 14, 2007 at 83. I was, of course, referring to the Deficit Reduction Act of 2005, where Congress established a hard deadline of February 17, 2009 for completing the DTV transition. In that legislation, Congress specifically allotted NTIA one hundred million dollars (\$100,000,000) to spend on administrative expenses for the digital transition and the converter box program, including five million dollars (\$5,000,000) “for *consumer education concerning the digital television transition* and the availability of the digital to analog converter box program.” Deficit Reduction Act of 2005, Public Law 109-171, Sec. 3005(c)(2)(A), Feb. 8, 2006 (emphasis added). In addition, Congress anticipated that the administrative expenses might be even greater than \$100 million and therefore gave NTIA the ability to spend an extra \$60 million on such expenses. Thus, Congress explicitly gave NTIA the responsibility for both the coupon box program as well as consumer education about the digital transition generally. I respect Congress’s decision in this matter.

Moreover, the Commission has requested money for digital transition consumer education and outreach two years in a row (**See Tab 1**). At nearly the same time that this legislation was being passed, the Commission requested \$500,000 for purposes of consumer education but has received no money for this purpose. Instead, as noted above, Congress provided to NTIA \$5 million for their program of “consumer education concerning the digital television transition.” Again, I respect Congress’s determination that NTIA should be the agency provided with the primary financial resources, and thus be the primary lead, for the consumer education efforts. Although, Congress has not yet acted upon it, we have requested \$1.5 million for consumer education for Fiscal Year 2008 and look forward to working with you in our consumer education efforts. To the extent that Congress wishes to provide us with funds exceeding the \$1.5 million we have requested for consumer education efforts, we would welcome such an increase.

Moreover, I believe that the Commission should do everything within its current statutory and budgetary capacity to facilitate the digital transition and promote consumer awareness. One of the Commission’s important responsibilities as the digital transition draws near is to make sure that consumers are aware of its approach and the steps they must take to ensure they do not lose their television service. You have provided us a number of extremely helpful suggestions in this regard and, as described below, we are endeavoring to implement all of them. As I outline below, the Commission has also been active on several consumer education fronts in an effort that has involved numerous offices and Bureaus throughout the Commission.

Policy Proceedings and Minimizing the Burden on Consumers

Without the proper policies in place some viewers may be left in the dark or be unable to realize the full opportunities offered by digital technology. The Commission has initiated numerous policy proceedings to facilitate the nation's transition from analog to digital television (DTV) and to promote consumer awareness of the transition. At the same time, we are in the process of making any necessary adjustments to our technical rules and policies to facilitate the transmission of digital broadcast signals by February 2009.

Viewability NPRM. In this item, the Commission proposes to ensure that cable subscribers will not lose access to broadcast signals because of the digital transition. A lot of attention has appropriately been placed on the estimated 15 percent of Americans that do not subscribe to a multichannel video programming service, such as cable. The federal government has proposed an ambitious and important program to ensure that they are not left behind after the transition. It is equally important, however, to remember that about 50 percent of cable subscribers today – at least 32 million people – subscribe to analog, not digital cable. These consumers are also at risk of losing their broadcast signals after the digital transition unless the Commission acts. The Commission has a statutory responsibility to ensure that these customers are also able to watch broadcast television after the transition.

The 1992 Cable Act is very clear. Cable operators must ensure that all local broadcast stations carried pursuant to this Act are “viewable” by *all* cable subscribers. This NPRM proposes that cable operators be explicitly required to continue to carry these broadcast signals in analog format to the millions of analog cable customers. Alternatively, for cable operators who have chosen to go all digital, the item proposes that cable operators provide their subscribers with the necessary equipment to view the broadcast and other channels.

Importantly, I do not believe that every consumer should be forced to rent a set-top box to access broadcast television. Many consumers do not want the expense or hassle of having to get a set-top box. Instead, the cable operator should ensure that all of its customers have access to the broadcast signals, including those customers that do not want to rent a digital box. Commission action is needed to ensure that cable subscribers will not be forced to rent a set top box to view the broadcast signals.

One of the most exciting features of digital technology is the advent of HDTV. Broadcasters are providing all sorts of sports, news and entertainment content in this format and increasing numbers of consumers are purchasing televisions to watch this programming. Consumers with these sets should be able to fully experience this enhanced viewing opportunity. If consumers buy a new expensive HDTV, they reasonably expect to get high-definition signals. In this item, the Commission also

reaffirms that broadcast signals delivered in HDTV must be able to be seen in HDTV by cable subscribers with a high-definition set.

Labeling Item. In November 2005 the Commission mandated that, as of March 1, 2007, all television receivers manufactured or shipped in interstate commerce or imported into the United States must have an integrated digital tuner. Despite this prohibition on manufacture and shipment, retailers may continue to sell analog-only devices from existing inventory. However, at the point of sale, many consumers were not aware that analog-only TVs would not be able to receive over-the-air-television signals without the use of a digital-to-analog converter box after February 17, 2009. Recognizing that an important aspect of preparing for the DTV transition is ensuring that consumers are informed about the transition and able to obtain the television receiver equipment necessary to view over-the-air signals when analog broadcasting ceases, the Commission released a *Second Report and Order* in the Second DTV Periodic Review that requires retailers to fully inform consumers about the DTV transition date at the point of sale. Specifically, the Commission requires sellers of television receiving equipment that does not include a digital tuner to disclose at the point-of-sale that such devices include only an analog tuner and therefore will require a converter box to receive over-the-air broadcast television after the transition date.

Third Periodic NPRM. The Commission released a *NPRM* initiating the Commission's third periodic review of the nation's transition to DTV. This Third DTV Periodic Review provides a progress report on the DTV transition and considers the procedures and rule changes necessary to complete the transition. In particular, in view of the statutory change from a market-by-market transition to a hard deadline the Commission's focus has moved, from simply ensuring that stations are operating in digital, to ensuring that broadcasters complete construction of their final, post-transition (digital) facilities by the statutory deadline which will minimize any consumer disruption. Notably, as of June 12, 2007, approximately 93.5 percent of full-power television broadcast stations were broadcasting a digital signal.

Other Proceedings. The Commission's next objective is to adopt the final DTV Table of Allotments, which will provide all eligible stations with channels for DTV operations after the DTV transition. We are also working on an item that would establish a framework for satellite carriage of the signals of digital-only stations prior to completion of the digital transition and would invite comment on issues related to satellite carriage of television stations' digital broadcast signals post-transition. We hope to issue these orders before the end of the summer. In addition, last year I circulated to the other Commissioners a multicast item. Mandatory carriage of multicast signals will advance the digital transition by facilitating the ability of broadcasters to provide more programming choices, thus making it a smoother process for consumers. This item is currently still pending before my colleagues.

Enforcement Activities

The Commission's DTV-related enforcement efforts are focused on protecting consumers from the unknowing purchase of television equipment without integrated digital tuners. Enforcement actions are centered on two key rule requirements: (1) the labeling requirement for equipment with analog-only tuners; and, (2) the prohibition on the importation and shipment of television receivers without integrated digital tuners.

Labeling Requirement. The Commission's labeling rule, as referenced above, requires retailers of television receiving equipment without a digital tuner to disclose at the point-of-sale that such devices include only an analog tuner and therefore will require a converter box to receive over-the-air broadcast television after the transition date. Immediately after this rule became effective on May 25, 2007, Commission investigators began visiting store locations across the country and reviewing retailer Websites and catalogs. As of June 15, 2007, Commission staff had inspected nearly 600 stores and Websites and issued over 250 citations notifying retailers of the violation and warning of possible enforcement action for future violations. Additional violations could result in further enforcement action, including monetary forfeitures. We note that in response to these citations, several major retailers have altered their processes and are now appropriately alerting consumers about the television equipment.

DTV Tuner Requirement. The DTV tuner requirement took effect according to a phase-in schedule that applied the requirement first to receivers with the largest screens and then to progressively smaller screen receivers and other television receiving devices that do not include a viewing screen, *i.e.*, VCRs and DVD players, to minimize the impact of the requirement on both manufacturers and consumers. Thus, responsible parties were prohibited from importing or shipping television receivers without DTV tuners pursuant to the following schedule: (1) receivers with screen sizes 36" or more – effective July 1, 2005; (2) receivers with screen sizes between 25" and 35" – effective March 1, 2006; and (3) all other television receivers and other video devices capable of receiving television signals – effective March 1, 2007. Notwithstanding these requirements, however, some companies continue to import and ship analog-only television receivers and equipment after the deadlines.

Acting on complaints and its own review of U.S. Customs data, the Commission is tracking down these companies. For example, on May 30, 2007, the Commission issued Notices of Apparent Liability against two companies – Syntax Brillian Corp. (approx. \$2.9 million) and Regent USA, Inc. (\$63,650) (*See Tab 2*). We anticipate taking additional enforcement actions against other companies for similar violations over the next few months.

Consumer Education and Outreach

The Commission's current DTV consumer education and outreach initiative has focused on "no cost" and "low cost" activities due to the budget constraints I mentioned to above. As discussed in greater detail below, we continually develop and update DTV informational materials and distribute these materials to consumers and the media, we

routinely participate in a host of consumer and industry events, and we disseminate information to consumers using the Internet, including our specially-created Internet Website, www.dtv.gov (**See Tab 3**). As funding is made available, we will accelerate our efforts as the deadline approaches.

Advisories, Publications, and News Media. We have prepared and disseminated consumer publications including consumer brochures and tip sheets, designed to alert, inform, and educate consumers about the transition. For example, last week, we issued a consumer advisory on what consumers should know about buying TVs as the analog cutoff date approaches (**See Tab 4**). This advisory, which is posted prominently on our Webpage, offers easily understandable information on what the digital transition is, any purchasing decisions consumers will have to make in anticipation of the transition, and the converter box program. It cautions consumers about purchasing analog TV sets that will not work without converter boxes to receive over-the-air broadcasts after February 17, 2009.

We also issued a consumer advisory on closed captioning for digital television which will help inform and advise people who are deaf and hard of hearing (**See Tab 5**). This advisory provides guidance to consumers if they have problems viewing closed captioning on DTV and HDTV sets.

We have also partnered with a couple of organizations to help us disseminate DTV consumer education information. For example, we have partnered with the Consumer Electronics Retailers Coalition (CERC) and the National Association of Consumer Agency Administrators (NACAA). The “educational and training advisory” distributed by the FCC and CERC to retailers on June 12, 2007 addresses mandatory tuner and labeling requirements (**See Tab 6**). Through its comprehensive distribution network, CERC will ensure that the joint FCC/CERC advisory is distributed directly to thousands of retailers nationwide so that these retailers will have clear, unambiguous reminders of the mandatory tuner and labeling requirements. Millions of consumers considering purchases of television equipment will be the beneficiaries of this coordinated information exchange. Similarly, the joint advisory distributed by the FCC and NACAA to NACAA members on June 12, 2007, including state and locals consumer agencies, is intended to provide information these agencies can use when responding to consumer inquiries about DTV (**See Tab 7**). NACAA will ensure that the joint FCC/NACAA advisory is distributed its member agencies who, collectively, interact with millions of consumers nationwide.

We plan to identify additional outlets through which we can distribute DTV consumer information to senior citizen and aging organizations, government agencies at all levels, state broadcasters’ associations, social workers, community organizations, low-income consumers and minority consumers. And, we added an option to our toll-free consumer line for consumers to request a packet of information on DTV. We have received several hundred requests to date.

We hope to encourage the news media to highlight the upcoming transition in the ongoing news coverage. To this end, we anticipate placing op-eds, working with reporters, and granting interviews for a variety of outlets. For example, we will propose to do a series of articles about the DTV transition in various publications. Of course, we will make Commission staff available to participate in interviews on local television and radio programs as well as local print outlets – either here in DC or traveling for Commission events, such as the media ownership/localism hearings.

Advisory Committees. In addition to these consumer advisories and other publications, we recently issued Public Notices announcing that our Consumer Advisory Committee (CAC) and Intergovernmental Advisory Committee (IAC) will have the DTV transition as their principal area of focus for their current terms (**See Tab 8**). Through their work, the Committees will provide valuable insights that should further the Commission’s goal of ensuring that all consumers are aware of the transition and understand what specific steps, if any, they must take to continue watching television after the transition is complete on February 17, 2009. And, as Chairman Dingell has requested, we have added a broadcast representative to the CAC. We expect that these Committees will provide the Commission with specific recommendations on how the Commission can best ensure a smooth transition.

Events and Conferences. Our event participation has several important objectives: distributing DTV consumer information to individual consumers and organization leadership, providing information that can be used to conduct local DTV transition awareness programs, and tapping into networks that can be used to disseminate DTV information to consumers. The Commission has participated in a significant number of conferences where we have disseminated information concerning the digital transition. A complete list of these events we have participated in, to date, can be found in Tab 9 (**See Tab 9**).

For example, just last year, the Commission spoke and/or disseminated DTV materials at over 30 conferences and events, including the NAACP Annual Conference here in D.C. and “Ask the FCC” Workshops in Harlem, NY and at centers for senior citizens in Poughkeepsie and Port Jervis, NY. In addition, we also sent representatives to the annual conference for the League of United Latin American Citizens, in Milwaukee, WI and the National Council of LaRaza in Los Angeles, CA. Other events attended include the American Library Association annual conference in New Orleans, LA, the annual American Association of Retired Persons Life@50+ annual conference in Anaheim, CA, the Midwest Black Family Reunion in Cincinnati, OH, the American Association of Family and Consumer Sciences annual conference in Charlotte, NC, and the National Association of the Deaf annual conference in Palm Desert, CA. We also participated in meetings and events attended by state and local government officials and tribal leaders, including the National Association of Consumer Agency Administrators annual meeting in Seattle, WA, the National Conference of State Legislatures spring forum in Washington, DC, and the annual meeting of the United Southern and Eastern Tribes in Jackson, MS.

Our event participation is geared in part toward reaching consumers who are more likely to be unaware of the upcoming digital transition. For instance, we have announced that our next Indian Telecommunications Initiative Regional Workshop and Roundtable, which will take place next month in Albuquerque, New Mexico, will focus on the DTV transition with the goal of assisting Indian Tribes in preparing, organizing and conducting their own DTV awareness programs and initiatives and helping to ensure that the Commission's and the Tribes' DTV transition education messages are consistent and effective (**See Tab 10**).

With respect to our education and outreach efforts to reach low-income consumers and senior citizens, earlier this year, we conducted presentations and provided DTV information at senior centers and retirement homes in Richmond, VA and in New York State. A couple months ago, we participated in a taped video segment on the DTV transition for "Retirement Living TV," a Web site containing TV programming on topics of interest to people aged 55 and up. According to a producer for Retirement Living TV, the site has a potential audience of some 23 million seniors. We intend to continue looking for opportunities such as this one to reach as many senior citizens as possible. We have contacted AARP to ask about similar opportunities such as speaking at their annual convention this fall and obtaining prime exhibition space on their convention floor.

In addition to these activities, we are exploring the possibility of conducting, in coordination with NTIA, demonstrations on the operation and use of DTV converter boxes for targeted audiences (e.g., senior citizens) at or near Commission field offices around the country and at the various conferences and events that we attend.

The Commission plans to participate in another 50 events during the remainder of 2007 (**See Tab 11**). A list of the conferences and events that the Commission plans to attend in the upcoming 19 months can be found in Tab 11 to this letter.

Internet. Research by the National Association of Broadcasters reveals that most people expect that the Internet will be their number one source of information about the DTV transition. We constantly update the dtv.gov Website to keep it current and to provide timely and useful information about the DTV transition for consumers who are Internet users. Research by our staff indicates that there are already thousands of links to the www.dtv.gov Website. We will work with DTV Coalition members and other consumer and industry groups, as well as agencies at the federal, state, and local levels to ensure that links to the Website are located where consumers are most likely to find them. One indication of the increasing popularity of the Website is the fact that visits to it increased from an average of about 150,000 per month in October 2006 to over 250,000 per month in April 2007. As we expand and improve the national Web portal, we will coordinate with our local, state, tribal, federal, and industry partners to ensure their Websites are updated with current information. We are also exploring other means of reaching consumers on-line such as producing DTV-related podcasts and streaming videos that can be downloaded. For example, the Commission could produce a podcast that

demonstrates the operation of a converter box and other DTV-related equipment so that consumers could readily learn about how these technologies are used.

Coordination with state, local, and educational entities. We are also developing working relationships with state and local entities and educational institutions, and anticipate conducting joint DTV outreach programs at the local level. For example, we are working with the American Library Association to ensure that DTV information is conspicuously available in their more than 16,000 member libraries. Specifically, we learned in recent conversations by staff with the ALA that posters are particularly effective in reaching the many people who visit libraries everyday. As funding is made available, we are planning to produce posters to provide to the ALA for distribution to and posting at their member libraries.

Ofentimes children are more tech and media savvy than their parents and can be a means of ensuring that families are informed and prepared for the transition. We have also reached out to school districts in four states, including Florida, Illinois, Maryland and Michigan to enlist their cooperation and assistance in getting information into our schools about the DTV transition. We have also launched an innovative “DTV Deputy” program for children (*See Tab 3E*). This program, which contains a quiz available on our Website, is designed to teach kids about DTV and encourage them to take transition information to their parents, grandparents and other caregivers. We are evaluating ways in which we can encourage schools to take advantage of this educational program.

And, we have also developed a “DTV Toolkit,” which is a package of materials that can be used by government agencies, community organizations, and others to conduct their own DTV consumer outreach programs (*See Tab 3B*). For example, the kit contains sample news releases, sample radio PSAs scripts, and a variety of DTV fact sheets that these entities can use to educate consumers that we may be unable to reach directly.

In addition we are reaching out to other state and local entities to enlist their participation in consumer education efforts. We have sent letters, along with numerous DTV-related materials, to the following organizations: the National Association of Regulatory Utility Commissions, the National Association of Telecommunications Officers and Advisors, the National Council of State Legislatures, the National Congress of American Indians, other Tribal organizations, and the U.S. Hispanic Chamber of Commerce, to express our desire to work with them in educating their members about the upcoming transition and to solicit their ideas in getting the word out (*See Tab 12*). We plan to send letters to other organizations as well. It is our hope that by working closely with organizations such as these we can disseminate information at the local level and to groups that are otherwise hard to reach.

Outreach to Targeted Communities. The Commission is committed to educating as many consumers as possible about the upcoming transition. To this end, our Office of Communications Business Opportunities (OCBO) and Disability Rights Office (DRO) are engaged in disseminating information to small businesses and the disability community, respectively. As detailed in Tab 11, these offices will be doing digital

transition outreach at numerous upcoming conferences. And, we are in the process of sending DTV outreach material to OCBO's database of over 3,000 small business entities and other interested parties, including small, minority and women-owned businesses (*See Tab 13*). Along with this material, we are also soliciting ideas for joint efforts that we may undertake to reach small businesses. Some of these recipients include organizations such as the Independent Spanish Broadcasters Association, the National Association of Black Owned Broadcasters, and the American Cable Association.

Similarly, the DRO has sent a DTV outreach letter to over 20 disability groups, representing individuals with hearing, speech, and sight disabilities (*See Tab 14*).

Finally, we have translated our DTV publications into Spanish and have made them available on the DTV Website (*See Tab 3C*).

DTV Coalition. We have already been working closely with the DTV Coalition, a stakeholder organization representing consumers such as AARP and the American Association of People with Disabilities, the U.S. Chamber of Commerce, broadcasters, retailers, manufacturers of consumer electronics, and dozens of other organizations, to help disseminate information about the transition and to coordinate outreach efforts. While we have already been participating in its meetings to date, we anticipate becoming an official member of the DTV Coalition.

Last year we posted a public service announcement (PSA) about the DTV transition throughout the District of Columbia metropolitan transit system (*See Tab 15*). Should funding become available, we will produce some targeted, additional PSAs in coordination with the national, comprehensive DTV Public Service Announcement (PSA) campaign by the members of the DTV Coalition. Because, the DTV Coalition plans to air their PSAs next year, we would endeavor to release additional printed PSAs in 2007 similar to the one posted last year at D.C. metro stations. In any event, we plan to coordinate with the DTV Coalition to ensure that all PSAs are produced and distributed in a manner that will best promote consumer awareness and education.

DTV Workshop. The Commission intends to host a DTV Consumer Education Workshop in the late summer/early fall. This workshop, to be held at Commission headquarters, would consist of officials from organizations who represent a broad range of DTV stakeholders, including government agencies, industry, tribal organizations, disability community groups, non-English speaking groups, senior citizen organizations, low-income consumer representatives and other public interest organizations that may represent underserved customers or those living in rural areas. The purpose of this workshop would be to provide an opportunity for all interested parties to jointly discuss the challenges associated with the upcoming transition and explore ways in which these organizations can work together, in conjunction with the Commission, to develop coordinated consumer education activities.

FY2008 Spending Plan. In addition to helping further the activities already discussed, the \$1.5 million we have requested will allow us to undertake several additional initiatives

which will greatly enhance our efforts to reach those consumers who currently rely upon over-the-air service. As outlined in the attached (*See Tab 16*), we would like to develop contracts with a news feature service for developing and distributing periodic articles and TV and radio features regarding the transition to digital TV and conduct companion distribution to Spanish language stations and publications. In addition, in order to reach consumers more directly, we intend to contract with information distribution services to target low-income communities and senior citizens with DTV transition information through retail stores and other alternative outlets. This would include, for example, the placement of easy to understand DTV transition publications in local grocery stores, community centers and other public locations in low-income and rural communities. We anticipate working with the news media and producing and distributing satellite media tours; audio news releases and tours, and coordination of live and recorded media interviews with FCC officials to make consumers aware of DTV transition-related developments.

In addition we plan to contract with state and local government agencies and community organizations to disseminate DTV transition information directly to consumers. This could include direct distribution of DTV information to walk-in clients, enclosing information in consumer correspondence, translating materials into multiple languages to meet client and constituent language needs, posting of DTV information and links on agency Web sites, and training local volunteers to provide direct assistance to consumers.

Similarly, we expect to develop and distribute multimedia outreach program packets consisting of Web, print, video and audio materials that can be used by organizations in conducting DTV transition awareness campaigns. Working in coordination with DTV Coalition members, we are identifying charitable and social service agencies at the federal, state and local levels and will contact them directly via letters, email, and telephone calls regarding the availability of DTV transition awareness materials that would aid them in informing and assisting the consumers they serve. Of course, these materials will be posted prominently on our Web site and downloadable for any one wishing to use them.

We estimate that the additional funds will allow us to expand our dissemination of published materials through targeted direct mailings of DTV-related information to approximately 300,000 households, with a focus on underserved communities and senior citizens. And, we would translate our DTV consumer education materials into languages other than Spanish, possibly including French and Mandarin, and distribute these materials through government and community organizations serving immigrants and non-English speaking consumers. Finally, we would continue our participation in consumer and industry workshops, conferences and expositions. We would spend money to develop DTV-specific exhibits and to conduct equipment demonstrations at major consumer events such as the AARP conference. We would also participate in DTV-specific community-based "Ask the FCC" programs in order to distribute DTV consumer information to individual consumers and organization leadership, provide information that can be used to conduct local DTV transition awareness programs, and tap into

networks that can be used for disseminating DTV information to large numbers of consumers.

Finally, we will consider surveying consumers about their awareness of and the steps they must take to prepare for the transition.

Utilization of Existing Commission Authority. You suggest several ways the Commission could use its existing authority to help inform consumers, and we will endeavor to implement them. I have already circulated to the other Commissioners a Notice of Proposed Rulemaking that seeks comment on requiring broadcasters, multichannel video programming distributors, retailers, and manufacturers to take certain actions to publicize the digital transition. Specifically the item: (1) asks whether the Commission should require, as a license condition or through customer service or other consumer protection or public interest requirements, all multichannel video distributors (MVPDs) to insert periodic notices in customer bills that inform consumers about the digital television transition and their customers' future viewing options, with civil penalties for noncompliance; (2) asks whether we should require broadcast licensees and permittees to report, every 90 days, their consumer education efforts, including the time, frequency, and content of public service announcements aired by each station in a market, with civil penalties for noncompliance; (3) seeks comment on whether we should require manufacturers to include information with television receivers and related devices about the transition, with civil penalties for noncompliance; and (4) asks whether we should work with NTIA to require retailers who participate in the converter box coupon program to detail their employee training and consumer information plans and have Commission staff conduct spot inspections to ascertain whether such objectives are being met at stores.

In addition, this rulemaking seeks comment on requiring partners identified on our Website to report on their specific outreach activities on a formal basis (we already receive such reports on an informal basis).

Finally, it asks whether we should require television broadcasters to air periodic public service announcements and a rolling scroll about the digital transition.

Utilization of Commission Resources. You mention in your letter some additional initiatives the Commission could undertake. Some of these we have already undertaken and some we will implement going forward.

For example, we have already asked our advisory committees to provide us recommendations on how best to conduct our outreach efforts. We also intend, as you suggest, to coordinate with NTIA in its dispensation of converter box coupons. As soon as coupon applications are available, we intend to distribute these from our regional field offices.

We will also ensure that our Public Safety and Homeland Security Bureau solicits the help of local emergency officials in coupon application distribution. In addition, the

Public Safety and Homeland Security Bureau will be attending all the events listed in Tab 11 and, at these events, will work with local emergency officials to disseminate information about the upcoming transition.

As described above, our Office of Communications Business Opportunities Office (OCBO) and Disability Rights Office (DRO) are already actively engaged in conducting outreach to small businesses and the disabled community, respectively.

As you suggest, and as described above, we have already charged two of our advisory committees, the CAC and IAC, with looking at these issues. As also discussed above, we have sent letters to the National Association of Regulatory Utility Commissions, the National Association of Telecommunications Officers and Advisors, the National Congress of American Indians and other tribal organizations with regard to consumer outreach and education about the transition. In addition, as mentioned earlier, the digital transition will be the focus of next month's Indian Telecommunications Initiative Workshop and Roundtable.

As you suggested, we have also prepared material concerning the transition that Congressional offices can send to their constituents (**See Tab 17**). We are forwarding to each office a package of such information.

The Commission's Website already links to NTIA's converter box coupon program. (**See Tab 3A**). We will also be sure to enable consumers to download a converter box application from our www.dtv.gov and www.fcc.gov Websites as well as post on these Websites a list of retail locations through which consumers can redeem converter box coupons. When appropriate, we will issue a Public Notice announcing that these materials and information are available on our Website.

I am committed to ensuring that Americans are not left in the dark after the digital transition. Through all of our activities -- policy, enforcement, and consumer outreach -- the Commission is dedicated to minimizing the negative impact of the digital transition. I look forward to working closely with Congress, other agencies, and industry and consumer groups during the next 19 months to minimize the burden on consumer and ensure that all consumers reap the benefits of the digital transition. In particular, we plan to continue our close coordination with the NTIA and the DTV Transition Coalition to ensure that all Americans are aware of the transition and understand what steps they need to take in order to continue watching TV when analog broadcasting ends. I intend to inform you on a quarterly basis on the progress of this transition.

Thank you for your interest in this very important matter. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Martin". The signature is written in a cursive style with a prominent flourish at the end.

Kevin J. Martin

Attachments