



PUBLIC NOTICE

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MEDIA BUREAU RELEASES UPDATED FORM 388 FOR BROADCASTERS THAT COMPLETED THEIR TRANSITION AFTER MARCH 31, 2009 TO REPORT DTV CONSUMER EDUCATION ACTIVITIES

Must be filed by: July 10, 2009

On March 13, 2009, the Commission adopted the *Third Report and Order and Order on Reconsideration* in the Commission's proceeding regarding the delay of the digital television (DTV) transition. Among other things, the *Order* revised the rules requiring television stations to provide consumers with information about the digital television transition.¹ Television broadcasters are required to file quarterly reports regarding their DTV consumer education activities using the "DTV Quarterly Activity Station Report" (FCC Form 388).² The Media Bureau has updated Form 388 so that stations can report their compliance with the revised DTV consumer education rules.³

This updated DTV Quarterly Activity Station Report must be filed by every station that had not completed construction and commenced operation of their full authorized post-transition digital facility by March 31, 2009, and that as a result had consumer education obligations in the second quarter of 2009.⁴ For most of these stations, the Form 388 describing the second quarter will be the last quarterly report they are required to file. However, stations that have not completed construction of their full authorized facility, including stations operating pursuant to STA for a phased transition or other extension, must continue providing on-air consumer education until they complete and commence

¹ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399 (2008) ("*Order*").

² *DTV Consumer Education Initiative*, MB Docket No. 07-148, Report and Order, 23 FCC Rcd 4134, (2008); see also 47 CFR §§ 73.3526(e)(11)(iv) and 73.3527(e)(13).

³ The updated form is available online at <http://www.fcc.gov/Forms/Form388/388.pdf>. The Commission obtained OMB approval on June 18, 2009 for the changes to FCC Form 388. See OMB Control Nos. 3060-1115. For additional information concerning this information collection, contact the FCC's Office of Managing Director (OMD), Performance Evaluation & Records Management (PERM): Cathy Williams, Cathy.Williams@fcc.gov, at 202-418-2918.

⁴ *Order* at ¶ 37.

operation on their full authorized post-transition digital facility, and must file this updated Form 388 for each quarter in which the consumer education obligations apply.⁵

Form 388 must be filed in the Commission's Consolidated Database System (CDBS), and will be available there no later than July 1, 2009.⁶ Stations that began their filing early must transfer their information to the "June 2009" version of the form.⁷ Older versions of the form will not be accepted for filing. We remind all stations to place their completed Form 388s in the station's Public Inspection File and post it on their website. These copies must be made available for at least one year after they are filed with the Commission.⁸

For additional information, contact Lyle Elder, Lyle.Elder@fcc.gov, of the Media Bureau, Policy Division, at (202) 418-2120; or Hossein Hashemzadeh, Hossein.Hashemzadeh@fcc.gov, of the Media Bureau, Video Division, at (202) 418-1658.

By the Acting Chief, Media Bureau.

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⁵ *Id.* at n. 91.

⁶ For more information on filing via CDBS, please visit: <http://www.fcc.gov/mb/cdbs.html>.

⁷ *See generally Id.* Using the CDBS "Copy Form" function, stations can transfer information already entered on the old Form 388 into the equivalent spaces on the June 2009 version of the form.

⁸ *See supra*, n. 2.