



PUBLIC NOTICE

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FCC Releases Lists of Stations Whose Analog Operations Terminate Before February 17, 2009 or that Intend to Terminate Analog Operations on February 17, 2009

The Federal Communications Commission is issuing this Public Notice to provide a list of those full-power television broadcast stations that have terminated or will terminate their analog operations prior to February 17, 2009, and those that have notified the Commission that they intend to terminate analog operations on February 17, 2009 – the previous deadline for the digital television (“DTV”) transition established by the Digital Television and Public Safety Act of 2005 (“DTV Act”).¹

On February 4, 2009, the United States Congress passed legislation, known as the “DTV Delay Act,” that would extend the date for the completion of the DTV transition from February 17, 2009, to June 12, 2009.² Congress extended the transition date in order to permit analog service to continue until consumers have had additional time to prepare. Congress also directed the Commission to provide flexibility for stations wanting to transition prior to the new date. Following the passage of the DTV Delay Act, the Commission issued a Public Notice, FCC 09-06, released February 5, 2009, to announce the procedures that stations must follow if they wish to terminate their analog service on February 17, 2009, notwithstanding extension of the nationwide DTV transition deadline to June 12.³ More specifically, the Commission partially waived the early termination procedures in the *Third DTV Periodic Review Report and Order*⁴ but imposed certain conditions on the waiver, including a requirement that stations intending to terminate analog operations on February 17, 2009 notify the Commission of their intent to do so by Monday, February 9, 2009. Stations that have already terminated their analog operations or that were planning to terminate their analog operations before February 17, 2009 pursuant to

¹ Digital Television and Public Safety Act of 2005 (“DTV Act”), which is Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006) (codified at 47 U.S.C. §§ 309(j)(14) and 337(e)).

² See DTV Delay Act, S. 352, 111th Cong. (January 29, 2009). The DTV Delay Act, passed by the United States Senate on January 29, 2009, was adopted by the United States House of Representatives on February 4, 2009, and is being sent to the President for his signature to be enacted into law.

³ *FCC Announces Procedures to Permit Television Stations to Terminate Analog Service On or After February 17, 2009*, FCC 09-6 (February 5, 2009).

⁴ See *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994, 3041-58, ¶¶ 98-134 (Section V.C.) (2007) (“*Third DTV Periodic Report and Order*”).

the procedures adopted in the *Third DTV Periodic Review Report and Order*⁵ were not required to file a notification on February 9.

Appendix A to this Public Notice contains a list of the 190 stations that have terminated or will be terminating their analog operations before February 17, 2009, and the 491 stations that notified the Commission on February 9 of their intent to terminate their analog operations on February 17, 2009.⁶ Appendix B contains a list of all full-power television stations, grouped by Nielsen Designated Market Area (DMA), and indicates in bold the 681 stations terminating analog service on or before February 17, 2009.⁷

We remind stations that intend to terminate analog operations on February 17, 2009 that consistent with their public interest responsibilities and Congress' delay of the transition to June 12 to give consumers additional time to prepare, the Commission has reserved the right to limit or reconsider the partial waiver of the *Third Periodic Review Report & Order*'s early termination procedures granted in the February 5 Public Notice in the event that the Commission determines that analog termination on February 17 by a station or group of stations is contrary to the public interest. In such event, the Commission will promptly notify the affected station or stations.⁸ The Commission may consider such action if, for example, it finds that all or most of the stations in a market will terminate their analog service on February 17, and that the market is one in which many viewers are unprepared for the transition or at risk if the transition proceeds. In such case, the Commission may require affected stations to submit additional information to explain and justify how their early termination advances the public interest. Such additional information can include significant economic, technical, contractual and other business reasons that support termination on February 17, and efforts being made to protect consumers from service disruptions. The Commission will scrutinize such information closely in light of the important interests at stake to determine whether a compelling case has been made.

For additional information, contact Barbara Kreisman, Barbara.Kreisman@fcc.gov, of the Media Bureau, Video Division, at (202) 418-1600.

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⁵ See *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3041-58, ¶¶ 98-134 (Section V.C.).

⁶ Corrections to the list may be referred to Shaun Maher, Shaun.Maher@fcc.gov, of the Media Bureau, Video Division, at (202) 418-2324

⁷ The column titled "Nite Lite" indicates whether a station intending to terminate on February 17, 2009 will ("Y") or will not ("N") air analog "nightlight" service. See *FCC Announces Procedures to Permit Television Stations to Terminate Analog Service On or After February 17, 2009*, FCC 09-6 at 7.

⁸ 47 C.F.R. § 1.108. See *FCC Announces Procedures to Permit Television Stations to Terminate Analog Service On or After February 17, 2009*, FCC 09-6 at 3.