



PUBLIC NOTICE

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February 13, 2009

FCC Releases Lists of TV Stations' Responses to Requirements for Analog Termination on February 17, 2009

On February 11, 2009, the Commission released a Public Notice, FCC 09-7, identifying 123 stations which had indicated their intention to terminate analog service on February 17, 2009, and whose early termination was determined by the Commission to pose a significant risk of public harm.¹ These stations were located in Designated Market Areas (“DMAs”) in which all of the major network-affiliated stations in the market would be terminating their analog service on February 17, 2009, or in individual communities within the larger DMAs where there would be a similar loss of network service.

With respect to these stations, the Commission reconsidered the partial waiver (granted on February 5, 2009)² of the requirements for early termination of analog service prescribed in the *Third DTV Periodic Report and Order*³ and required stations that wish to seek reinstatement of the waiver to file with the Commission, no later than 6:00 p.m., EST, today. Stations could either certify that they would undertake certain measures specified in the *February 11th Public Notice* as a means of ameliorating the public interest harms that the termination of their analog service would engender, or submit a showing that extraordinary, exigent circumstances, such as the unavoidable loss of their analog site or extreme economic hardship, require that they terminate their analog service by February 17th. Stations not certifying or submitting a showing were required to notify the Commission that they will continue to provide analog service.

All 106 stations required to file⁴ responded to the *February 11th Public Notice* by 6:00 p.m. today. Attached as Appendix A is a list of the 53 stations that certified they will comply

¹ Public Notice, “FCC Requires Public Interest Conditions for Certain Analog TV Terminations on February 17, 2009; Certain Stations Must Respond by Friday, February 13, 2009,” FCC 09-7, (rel. Feb. 11, 2009) (“*February 11th Public Notice*”).

² *Id.* at 3.

³ 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 (2007).

⁴ The difference between the 123 stations identified in the *Appendix* to the *February 11th Public Notice* and the 106 stations required to file today results from technical corrections made to the *Appendix* after its publication.

with the public interest conditions set forth in the *February 11th Public Notice*. The partial waiver is reinstated for these stations, which may cease analog operations on February 17, 2009, subject to the conditions.⁵ Appendix B identifies the 10 stations which made an alternate showing. These showings are now under review and the Media Bureau will endeavor to resolve these cases prior to February 17th and will notify the stations of the results.⁶ Appendix C lists the 43 stations that, in response to the *February 11th Public Notice*, indicated that they no longer intend to terminate analog operations on February 17, 2009.

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

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⁵ The Commission reserves the right to take appropriate action against stations that certified that they will meet the conditions but fail to do so.

⁶ See *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Report and Order and *Sua Sponte* Order on Reconsideration, FCC 09-9 (rel. Feb. 13, 2009).