



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## SUSPENSION OF SEPTEMBER 1, 2015 DIGITAL TRANSITION DATE FOR LOW POWER TELEVISION AND TV TRANSLATOR STATIONS

MB Docket No. 03-185

### September 1, 2015 Digital Transition Date Remains in Effect for Class A Television Stations

In its *LPTV DTV Second Report and Order*,<sup>1</sup> the Commission established a September 1, 2015 deadline for low power television (LPTV), TV translator, and Class A television stations to terminate analog operations and transition to digital. Effective immediately, the Media Bureau announces that the September 1, 2015 digital transition date for LPTV and TV translator stations is hereby suspended pending final action in the rulemaking proceeding in MB Docket No. 03-185.<sup>2</sup> In the *Third Notice* in MB Docket No. 03-185, the Commission recognized that the broadcast television spectrum incentive auction and repacking process will potentially displace a significant number of LPTV and TV translator stations and, because of this, it tentatively concluded to postpone the September 1, 2015 digital transition date to avoid requiring analog stations to incur the costs of transitioning to digital before completion of the auction and repacking process.<sup>3</sup> Given the pendency of that proceeding, we conclude that a suspension of the September 1, 2015 transition date is appropriate in order to allow analog LPTV and TV translator stations to postpone construction of digital facilities that could be impacted by the incentive auction and repacking, if they choose to do so.

We note that our action today does not affect the September 1, 2015 digital transition date for Class A television stations. The Commission did not propose in the *Third Notice* to extend the transition date for Class A television stations,<sup>4</sup> and analog Class A stations may no longer operate in analog mode

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<sup>1</sup> See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732 (2011).

<sup>2</sup> See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations*, MB Docket No. 03-185, Third Notice of Proposed Rulemaking, 29 FCC Rcd 12536 (2014)(*Third Notice*).

<sup>3</sup> *Id.* at 12537-38, para. 2, 12540, paras. 5-6; see also *In the Matter of Expanding the Economic and Innovation Opportunities Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6834-35, paras. 656-57 (2014)(*Incentive Auction R&O*).

<sup>4</sup> See *Third Notice*, 29 FCC Rcd at 12539, para. 2 n.6.

after 11:59 pm, local time, on September 1, 2015.<sup>5</sup> Class A television stations that have not completed constructing their digital facilities must go silent while they complete construction.<sup>6</sup>

We also remind analog Class A stations that we have designated May 29, 2015, as the Pre-Auction Licensing Deadline by which Class A television stations' digital facilities must be licensed in order to be eligible for protection in the repacking process that will be part of the television incentive auction.<sup>7</sup> In order for a Class A television station's digital facility to be afforded protection in the repacking process, it must be licensed or have an application for a license to cover on file by the Pre-Auction Licensing Deadline. Although Class A television stations may wait until the September 1, 2015, digital transition deadline to complete construction and license their digital facilities, those that do not have their digital facilities licensed by May 29, 2015, will be afforded protection based only on the coverage area and population served by their analog facilities, consistent with the *Incentive Auction R&O*.<sup>8</sup>

This action is taken by the Chief, Media Bureau pursuant to authority delegated by 47 C.F.R. § 0.283 of the Commission's rules.

For additional information or questions, please contact Shaun A. Maher of the Video Division, Media Bureau at (202) 418-2324.

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<sup>5</sup> See 47 C.F.R. § 74.731(l).

<sup>6</sup> We remind Class A television stations that they may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission. If a station remains silent beyond 30 days, informal written request to remain silent must be made to the Commission no later than the 30th day for such additional time as may be deemed necessary. See 47 C.F.R. § 73.1740(a)(4); see also 47 U.S.C. § 312(g) (station risks losing its license if it fails to transmit broadcast signals for any consecutive 12-month period). Class A television stations that require additional time to complete construction of their digital facilities beyond their authorized construction deadline may request one last extension of time by filing FCC Form 337 no later than May 1, 2015. See 47 C.F.R. § 74.788(c). After May 1, 2015, Class A television stations will only be able to obtain additional time to complete their digital construction through the tolling provisions in the Commission's rules. See 47 C.F.R. § 73.3598(b).

<sup>7</sup> See *Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline*, Public Notice, 30 FCC Rcd 393 (MB 2015).

<sup>8</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6664-65, para. 218 and n.688.