

Separate Statement of Commissioner Kevin J. Martin

Re: Remedial Steps for Failure to Comply with Digital Television Construction Schedule, Requests for Extension of the October 5, 2001, Digital Television Construction Deadline, Order and Notice of Proposed Rulemaking (adopted May 16, 2002).

Digital television holds much promise. Consumers will benefit from significantly sharper picture resolution; an astounding choice of video programming, including niche programs and movies on demand; CD-quality music channels of all genres; interactivity; sophisticated program guides with parental control capabilities; and innovative applications we have yet to imagine. Congress has instructed us to guide the transition to digital television, and I am committed to that task.

The item on which we vote today addresses the deadlines by when broadcasters needed to have built their digital facilities. The item both grants extensions of these deadlines for nine stations, and proposes a graduated system of penalties for those stations that do not meet these deadlines and do not merit an extension.

Broadcasters are not the only piece to the transition puzzle; content providers, cable operators, manufacturers, and consumers all have a critical role. Nevertheless, the build-out deadlines were an essential element of our plan to reach the statutory target of 85 percent digital penetration. I am extremely reluctant to extend these deadlines. I recognize, however, that compelling circumstances beyond the broadcaster's control, such as pending regulatory approval, may warrant extension of the build-out deadline. The extensions we grant today present such circumstances, and provide guidance for the industry.

I strongly support the steps we take today to set forth in clear terms the penalties we propose to impose upon broadcasters that fail to meet their build-out deadline and do not warrant an extension. I also support the interim reporting requirements, which require broadcasters to detail their progress in meeting certain milestones as they come into compliance. I believe our proposal is stringent, yet fair. I look forward to comment on this issue, including whether our proposed course of action should be accelerated.

Finally, I commend the many, many broadcasters who have met their build-out deadline.