



**Federal  
Communications  
Commission**



# Digital Television Status Update of the Federal Communications Commission

September 2008



## **INTRODUCTION**

This fifth DTV monthly report highlights the Federal Communication Commission's activities as of August 31, 2008. The full reports and lists of stations are available upon request.

The Commission has three primary areas of focus: (1) developing policies and technical rules to ensure a smooth transition for broadcast stations and minimize the burden placed on consumers; (2) enforcement of DTV-related Commission rules to protect consumers; and (3) coordinating and conducting consumer education outreach on the DTV transition. The Commission is devoting significant resources in each of these areas to facilitate a smooth transition. Those efforts are summarized below and included in the various attachments.

## **UPDATE ON FULL-POWER BROADCASTERS' TRANSITION TO DIGITAL**

With regard to our efforts to prepare full-power broadcasters for the end of the transition, the Commission has in place the necessary rules to allow broadcasters to construct digital facilities. Additionally, each station is required to file Form 387 indicating the current status of construction of its post-transition facility and to update its Form 387 filing to convey changes in status as warranted. It is important to note that application and build out status for stations changes daily. The following chart provides a summary of the current status of full-power television broadcast stations at the final five months of the DTV transition. A full list of stations is available upon request.

In the month of August, 10 stations completed construction of their post-transition digital facilities. Thus, as noted in line 2 of the chart below, 1,012 stations indicated that they were completely finished with their DTV transition. In other words, those stations are on their final post-transition channel, have completed construction, and are operating their authorized post-transition digital facility.

On August 18, 2008, the Media Bureau released a report based on Form 387 filings. In response to the release of the report, the Bureau received updated information from 75 stations regarding their status. The updated filings are reflected in the chart below. We note that, based on recently filed Form 387s, approximately 5 percent (97 stations) will take advantage of the flexibility offered by the Commission in the *Third DTV Periodic Review Report and Order* and will be serving at least 85 percent of their service population on February 17, 2009, with final operations beginning sometime thereafter (See line 4 below). Accordingly, line 3 below was adjusted to account for these stations. One station, a satellite of another station, forecasts that it will not be able to complete construction of its digital facility until a few days after February 17, 2009 and will be dark for this brief time (See line 5 below). Finally, 3 stations have not submitted their Form 387s and have not officially reported when they will be ready for the DTV transition, but each station has represented to video division staff orally that it is on track to complete digital construction by February 17, 2009 (See line 6 below). In addition, we note that 10 stations were identified as new permittees without current analog facilities and are not required to construct before 2/17/2009 (See line 7 below). Finally, the total number of full power stations has been adjusted upward to 1,813 (See line 1), as there were two additional stations that have recently been granted applications for new digital facilities, but do not have post-transition construction permits (See line 8).

FULL POWER STATION SUMMARY			
		July	August
1.	Total # of full power stations with DTV channels:	1811	1813
2.	Total # of stations with completed post-transition digital facilities:	1002	1012
3.	Total # of stations on-track to complete construction by 2/17/09:	736	685
4.	Total # of stations expecting to serve at least 85% of their digital population by 2/17/09 (with full construction completed after 2/17/09):	56	97
5.	Total # of stations expecting to complete construction by approximately 2/21/09:	1	1
6.	Total # of stations not filing Form 387:	3	3
7.	Total # of new DTV stations with construction deadlines after 2/17/09 (4/3/2009, 4/10/2009, 6/28/2009, 8/11/2009, 8/24/2009, 9/20/2009, 12/6/2009, 1/10/2010, and 7/20/2010):	10	10
8.	Total # of recently granted applications for new digital stations:	3	5

## UPDATE ON TECHNICAL AND POLICY ACTIONS

The Media Bureau continues to process maximization applications and requests for new channels. As of August 31, 2008, 253 maximization applications have been granted, and 34 Notices of Proposed Rulemaking for new channels have been released, with 4 dismissed. Additionally, as reported by the Media Bureau in August, 106 stations indicate they plan to reduce analog service and 88 stations plan to terminate analog transmissions prior to 2/17/2009. As of August 31, 2008, 49 stations have been granted permission to reduce analog service with 28 having already reduced analog service. Additionally, as of August 31, 2008, 18 stations have been granted permission to turn off their analog stations with 8 stations already shutting down their analog operations.

Below is a summary of the other technical and policy actions taken with regard to the DTV transition in August 2008. A complete Policy and Technical Actions document is available upon request.

Policy and Technical Actions August 2008 Updates	
•	<b>Applications for DTV Facilities</b> – In August 2008, the Video Division of the Media Bureau processed 141 modification and license applications for DTV facilities. As of August 31, 2008, the total number of modification and license applications processed by the Video Division since 1997 is 5471.
•	<b>Applications for Construction Permits</b> – In August 2008, the Commission received approximately 6 construction permit applications from stations implementing their post-transition facilities. As of August 31, 2008, the total number of applications to implement post-transition facilities received is 706.
•	<b>DTV Build Out</b> – In August 2008, the Media Bureau released a report on the status of the digital build out by full power television stations. The report showed that over 96 percent of active full power television stations are either fully operational with digital service or are on track to have their full digital service operational by February 17, 2009.
•	<b>NTIA Certified Converter Boxes</b> – In August 2008, NTIA announced certification of 20 converter boxes including 20 that are capable of analog pass through. In total, as of August 31, 2008, NTIA has certified 149 converter boxes including 75 that are capable of analog pass through.

## **UPDATE ON LOW-POWER BROADCASTERS' TRANSITION TO DIGITAL**

The Commission continues to process digital companion channel and digital flash cut applications for low power stations. As of August 31, 2008, 236 low power stations are operating in digital, with 5 new stations licensed in July. The chart below summarizes the current information related to Class A, low power, and TV translator stations. Additional information by station type and a full list of low power stations is available upon request.

<b>LOW POWER STATION SUMMARY</b> As of 8.31.2008		
	<b>July</b>	<b>August</b>
<b>Total # of Class A, LPTV &amp; TV Translator Stations:</b>	<b>7,088</b>	<b>7,088</b>
<b>Total # of licensed digital Low Power stations (both "Digital Companion Channel" and "Digital Flash Cut" stations):</b>	<b>231</b>	<b>236</b>
<b>Total # of stations with granted digital applications:</b>	<b>1,860</b>	<b>1,900</b>
<b>Total # of stations with accepted/pending digital applications:</b>	<b>186</b>	<b>199</b>
<b>Total # of stations with no digital application filed or application dismissed:</b>	<b>4,811</b>	<b>4,753</b>

## **INDUSTRY OUTREACH EFFORTS**

Broadcast stations must electronically report their consumer education efforts to the Commission on a quarterly basis by filing Form 388 electronically in a database that is publicly available. These reports must also be placed in the broadcaster's public file and on their website. Broadcasters will file the next Form 388 on October 10, 2008, reporting data for the previous quarter. A summary of that data will be provided in November, when we report data from October 2008.

## **ENFORCEMENT**

The Commission's DTV-related enforcement efforts have focused on protecting consumers from unknowingly buying televisions that will not receive full-power broadcast stations following the transition. There are three specific areas of enforcement: (1) the labeling of analog-only televisions; (2) the prohibition on importing and shipment of analog-only televisions; (3) the V-Chip requirement for digital televisions. In addition, we have begun conducting informational interviews of store managers to assess the employee training and consumer education efforts of retailers participating in the NTIA converter box coupon program.

### **A. Labeling Enforcement**

<b>Labeling Inspections</b>		
	<b>August</b>	<b>Total to Date</b>
<b>Retail Stores</b>	<b>129</b>	<b>3,978</b>
<b>Websites</b>	<b>33</b>	<b>72</b>
<b>Citations</b>	<b>3</b>	<b>369</b>

Note: Due to the fact that generally retailers are not FCC licensees, citations must be issued prior to proposing monetary penalty via a Notice of Apparent Liability (NAL).

### **B. DTV Tuner Mandate**

The Enforcement Bureau continues to ensure that no manufacturers import and ship analog-only television receivers and equipment. In August, two new NALs for apparent violation were issued to

Hannspree North America, Inc., and Invision Industries, Inc., for a total of \$336,450. These NALs bring the total to date to five. Previous NALs were issued to Precor, Syntax Brillian Corp., and Regent USA, Inc. Precor and Regent have paid \$421,550 combined, but Syntax Brillian has declared Chapter 11 bankruptcy. The Department of Justice must now file a proof of claim at the appropriate time in the company's bankruptcy proceeding to establish a claim for collection purposes.

**C. V-Chip Requirements**

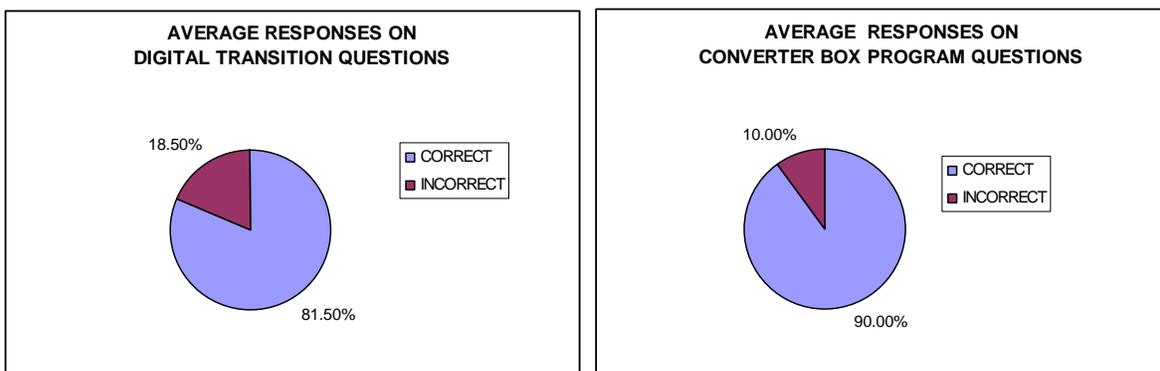
The Commission's rules require digital television manufacturers to include the V-Chip in their equipment and to ensure that their devices can adjust to changes in the content advisory system. We began investigating allegations that some manufacturers were not complying with our rules. We have released three NALs and eight consent decrees with manufacturers to resolve our investigations. The voluntary contributions from these orders totaled over \$3.7 million and payment has already been made to the U.S. Treasury. In addition, the manufacturers agreeing to consent decrees have undertaken significant compliance measures to remedy their past violations and prevent future ones.

**D. Retail Interviews**

As part of our follow-up on the requirements of the recent *DTV Consumer Education Order*, field agents across the country have been interviewing store managers at retail establishments offering digital-to-analog converter boxes. Below is a summary of those efforts.

Retail Interviews		
	August	Total to Date
Visits	111	1,446
Interviews	106	1,397

To date, as reflected graphically below, the Bureau has found that the majority of store managers interviewed are well-informed of the digital transition and the NTIA converter box coupon program. Some managers, however, appear to need additional training in certain areas, e.g., the need of some customers for new antenna equipment, the fact that many low-power television stations will not convert to digital broadcasting on February 17, 2009. Where such training issues arise, field agents are providing information tip sheets and conducting supplemental training sessions.



The Commission also has reviewed 35 retailer websites and contacted ten retailers selling converter boxes by telephone to assess whether they are providing accurate information to the public. We also are conducting compliance reviews of telecommunications carriers, manufacturers, and cable and satellite companies to verify that they have met our consumer education requirements. In addition, we are reviewing hundreds of broadcaster filings to determine whether they have complied with the DTV outreach requirements in the *DTV Consumer Education Order*.

Swift enforcement of all our DTV-related rules is critical to protecting consumers and reducing potential confusion. Our activities in this area will continue to be a priority. Please see **Attachment A** for a list of enforcement actions and a summary of our retailer interview responses through August 2008.

## **NATIONAL CONSUMER EDUCATION AND OUTREACH**

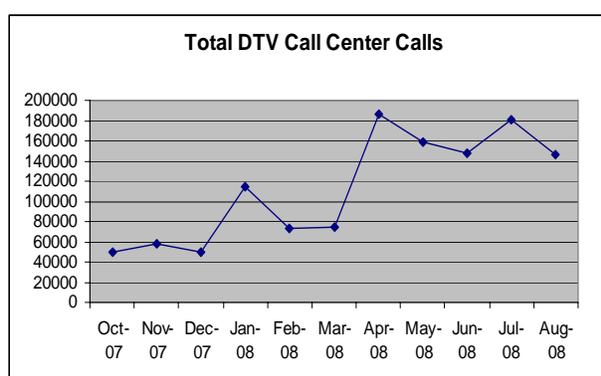
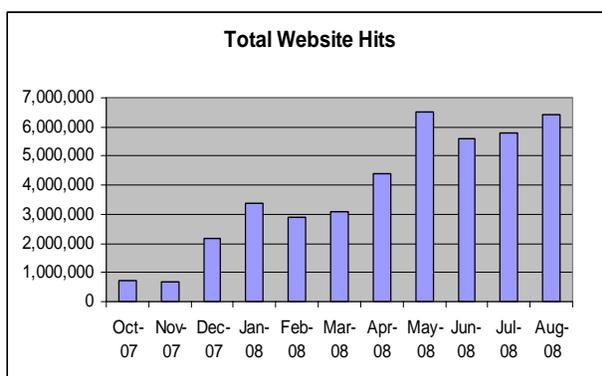
The Commission is actively and directly promoting consumer awareness through our own education and outreach efforts. Our efforts emphasize outreach to over-the-air consumers and other “hard to reach” populations, including senior citizens; non-English speaking and minority communities; people with disabilities; low-income individuals; and people living in rural and tribal areas. Commission staff has been working to form partnerships and commitments from a wide variety of sources – including other Federal Agencies, as well as Tribal, State and Local governments. Below is a summary of outreach efforts of the Commission on a national level for the month of August. A complete report of national outreach efforts is available upon request.

### **A. Information Distribution**

A key part of the Commission’s education and outreach efforts has been the development and distribution of consumer literature. These tools are a cost-effective means to provide information about the transition. In August, over 94,500 pages of DTV-related publications and posters were distributed. Additionally, as part of an agreement with the U.S. Postal Service, thousands of DTV transition posters were distributed to the US Postal Service and are being displayed for the public at Post Offices nationwide. The chart below summarizes the Commission’s distribution efforts.

<b>Distribution of Materials and Information</b>		
	<b>August</b>	<b>Total to Date</b>
<b>Publications Distributed (Pages)</b>	<b>94,552</b>	<b>Over 5.6 million</b>
<b>Posters Distributed</b>	<b>25</b>	<b>41,251</b>
<b>Website Hits</b>	<b>6,397,784</b>	<b>35,298,312</b>
<b>Call Center Calls</b>	<b>146,107</b>	<b>1,188,873</b>

Further, the number of website rose again in August, reflecting an increasing demand for Internet access to information on the DTV transition. Total call volume to the FCC in August 2008 was 146,107, which is a 336% increase since December 2007. The graphs below illustrate the call center calls and website hits since October 2007.



In addition, our most widely distributed DTV one-pager is available in 20 languages in addition to English, including: Spanish, Chinese, French, Korean, Russian, Tagalog, Vietnamese, Hmong, Japanese, Arabic, Cambodian, Navajo, Somali, Amharic, Yupik, Portuguese, Laotian, Creole, Kurdish, and Polish, as well as Braille and audio formats. The public can obtain copies of our various DTV publications, as

well as access other information resources, by visiting our [www.DTV.gov](http://www.DTV.gov) web page or by calling our Consumer Center toll-free at 1-888-CALL FCC.

**B. Media Outreach**

**Billboards:** Ketchum rolled out highway billboards on outdoor advertising space in five additional markets in August, and has now made agreements for donated space in a total of 55 markets. The new billboards went up in Duluth, MN, Springfield, MO, Yuma (El Centro), AZ, Kansas City, MO, and Dayton, OH.

**Public Service Announcements:** Ketchum has produced 18 English and Spanish radio public service announcements, of varying lengths, featuring FCC Commissioners. Ketchum distributed the PSAs to all full-power radio stations nationwide and the PSAs are available on [DTV.gov](http://DTV.gov) as broadcast-quality downloads. Based on preliminary data, Ketchum indicates that, as of August 31, 2008, a total of 180 radio stations aired the PSA, resulting in over 36,000,000 audience impressions. This preliminary data translates into an estimated greater than 6% airing rate nationwide – or over 155,000,000 audience impressions nationwide. Ketchum has produced 12 English and Spanish television PSAs, of varying lengths, also featuring FCC Commissioners. They are being distributed to broadcasters and public access cable programmers nationwide. Ketchum has also produced a longer-form educational video. The television PSAs and educational video are viewable on [www.DTV.gov](http://www.DTV.gov) and broadcast-quality versions are available, upon request, from the Commission.

**C. Participation in Events and Conferences and Utilization of FCC Field Offices**

<b>Cumulative National Outreach Summary</b>		
	<b>August</b>	<b>Total to Date</b>
<b>Visits</b>	<b>632</b>	<b>7,732</b>
<b>Awareness Sessions</b>	<b>163</b>	<b>1,765</b>
<b>Conferences, Events, &amp; Meetings</b>	<b>113</b>	<b>482</b>
<b>Media Interviews</b>	<b>15</b>	<b>101</b>
<b>Partnerships</b>	<b>82</b>	<b>516</b>

As a subset of the numbers above of, in August, FCC field agents have visited 274 senior centers and 327 community centers, which frequently include large numbers of seniors, and gave 95 presentations. Thus far, Field Agents have visited 5,082 senior centers and 2,704 community centers and have given 1,221 presentations.

**D. Coordination with Federal, State, Tribal and Local entities and Community Stakeholders**

The Commission’s ongoing collaboration with public and private sector agencies and organizations continues to produce positive results. Eighty-two DTV outreach commitments were obtained as a result of partnership activities in August 2008. A list of these commitments is available upon request.

## **STATE-BY-STATE CONSUMER EDUCATION AND OUTREACH**

The Commission continues its active outreach on the DTV Transition with a focus on over-the-air households with a particular emphasis on the hard to reach constituencies, including senior citizens, non-English speaking and minority communities; people with disabilities; low-income individuals; and people living in rural and tribal areas.

On August 18, 2008, Chairman Kevin Martin announced a new initiative to increase awareness about the upcoming transition to digital television in target television markets, including all those markets in which more than 100,000 households (or at least 15% of the households) rely solely on over-the-air signals for television. The five FCC Commissioners and other Commission staff will fan out to these and other markets to raise awareness and educate consumers in the days leading up to the digital television transition on February 17, 2009. At each stop, there will be a public event, such as a town hall meeting, workshop, or roundtable with an FCC Commissioner, to highlight the digital transition. In coordination with these visits, the FCC will work with local broadcasters and radio stations to increase the broadcasts of Radio and TV DTV Public Service Announcements. Particular emphasis is being placed on those groups that are most vulnerable in the transition: Seniors, People Living in Tribal and Rural Areas, People with Disabilities, Individuals with Low-Incomes, Minorities and Non-English Speakers.

Additionally, the FCC launched a “Speakers Bureau” to provide groups and organizations throughout the country a convenient way to request speakers to discuss the upcoming transition to Digital Television (DTV) at their meetings and events. The Speakers Bureau is the latest addition to the FCC’s DTV outreach effort. The Commission will provide speakers, without cost, to any group requesting one. To date, we have received over 40 requests for speakers. The requests are being handled by staff traveling for conferences and events, as part of the outreach for our town hall meetings, and by our field agents.

Taking all of these new initiatives and the existing outreach effort into account, for September and October, there are 90 Awareness Sessions planned, with FCC staff attending 30 Conferences, Events or Meetings. Additionally, FCC Field Offices have 145 presentations scheduled in the days ahead. Please see **Attachment B** for detailed information on the public education efforts of the Commission on a state-by-state basis.

## **THE EARLY TRANSITION IN WILMINGTON, NORTH CAROLINA**

The stations in Wilmington, NC transitioned to digital on September 8, 2008. Over the last month, Commission staff continued to focus on at risk constituencies and key messaging in Wilmington. Additional events during this time period included presentations at rotary clubs, pantries, meals on wheels facilities, fire departments and an exhibit at a Wilmington Sharks game. The Commission’s outreach efforts also focused on continuing efforts to help at risk constituencies order and install the digital to analog converter box. Outreach highlights include numerous converter box coupon sign up events at libraries, churches and social services agencies. The FCC sponsored a town hall event focused on educating consumers about closed captioning in the digital television era. Also during August, broadcasters conducted two “soft tests” to assess consumer awareness.

**Attachment C** provides an overview and analysis of the consumer calls received through the first five days of the transition. Additional information on the Wilmington transition will be provided in next month’s report.

Below is a summary of activities taken in Wilmington during the early transition period. Additional detail regarding the outreach is listed in **Attachment D**.

<b>Wilmington, NC Outreach Summary</b>		
	<b>August</b>	<b>Total</b>
<b>Visits</b>	<b>88</b>	<b>427</b>
<b>Awareness Sessions</b>	<b>90</b>	<b>343</b>
<b>Conferences, Events, &amp; Meetings</b>	<b>1</b>	<b>75</b>
<b>Media Interviews</b>	<b>12</b>	<b>24</b>
<b>Partnerships</b>	<b>0</b>	<b>102</b>

## **FCC CONSUMER ADVISORIES**

Commission staff are continually updating and creating new Consumer Advisories as we become aware of new issues and questions from the public. Recently, based on questions and comments from consumers, the Commission prepared a Consumer Advisory on select features in 41 digital-to-analog converter boxes purchased by the Commission. The features described in the advisory include features of particular interest to the disabilities community, as recommended by the Commission’s Consumer Advisory Committee. All of the boxes listed in the advisory are certified under NTIA’s converter box coupon program and, therefore, are eligible for purchase using a free converter box coupon issued by NTIA. The advisory will be updated as more NTIA-approved converter boxes become available at retail stores and online. A copy of the Converter Box Features Consumer Advisory is included in **Attachment E**.