

DTV TRANSITION: "IT IS NOT TOO LATE TO GET IT RIGHT"

**REMARKS OF COMMISSIONER JONATHAN S. ADELSTEIN
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Thank you, Mark (Pescatore), for that introduction.

I also would like thank to Government Technology magazine for sponsoring this expo, and for its award-winning coverage of information and digital technology's role in state and local governments.

I've been traveling all over America to prepare communities for the digital TV transition. While there are a lot of reasons why I'm glad this Expo returned to Washington, DC this year, I'm most pleased that I only had to travel down the street to join you today.

As many of you know, the full Commission has been doing outreach nationwide to prepare for the upcoming DTV transition. We're trying to get the word out and provide consumers with much-needed information and assistance. In the past few months, I've visited television markets from Yakima, Washington to Brooklyn, New York. I've lead over 15 community town halls in places like Chinatown in San Francisco, the Coeur D'Alene Indian reservation and a senior citizen center in Portland, Oregon that services primarily African Americans. There are many more communities to visit, and an enormous amount of work to do still, but time is running out.

Everywhere I go, I hear the similar themes. A lot of people have a lot of good questions that need answers. And a lot of people are going to need help, but it's not yet clear where that help is going to come from.

Well today, I'm here to ask for your help. You are exactly the people we need to volunteer in your communities to help those who will need answers to their questions and need someone to actually help them make their TV work. If there were a coordinated effort to enlist tech-savvy public servants like yourselves to help citizens in your community make the switch, how many of you would be willing to participate?

Great! That's what I thought. Now we are just going to need to establish a mechanism to link people like those of you willing to volunteer, or do this as part of your jobs, with those that need help. Amazingly, that hasn't been done yet. But I'm working on ways to help make that happen.

Let me step back for a moment and explain how we got here. There are only 76 days left before February 17th, which is the day full-power TV stations cease broadcasting in

analog and begin broadcasting exclusively in digital. But the DTV transition itself started about 20 years ago when the FCC and broadcast engineers believed that we were on the cusp of a development as big as the advent of UHF, or the introduction of color broadcasting. As we now know, the introduction of this dynamic and flexible digital technology is the most significant change in the history of broadcast TV service and watershed moment in the history of communications. These changes have major implications for everyone, including state, local and tribal governments.

In addition the enhanced picture clarity and better sound quality, digital TV offers more local programming. Going digital enabled us to reallocate analog broadcast channels to help alleviate the critical shortage of public safety spectrum, and make new spectrum available so companies can offer new services to the American people, like better wireless broadband.

The FCC is now considering how to use the spectrum we reclaimed to create a nationwide interoperable broadband wireless network for public safety entities. I look forward to working with state and local governments to devise a plan that would help us achieve this important goal.

Today, I would like to focus on the remaining weeks of the DTV transition, and how we can work together to ensure that no citizen in any of our communities are left out.

Think about it: less than 30 days after the inauguration of President Obama, this nation will experience an unprecedented change in TV. And we are far from prepared to ensure it goes smoothly. The DTV transition isn't ready for prime time.

The number of over-the-air reliant households remains enormous – an estimated 15 to 20 million. This is more than just for entertainment – this is public safety. Most households rely heavily on analog TV to receive emergency information, including the Emergency Alert System. And, according to reports, only a small percentage of over-the-air households own a digital television.

As the Commission has observed, “the households that principally rely on OTA broadcasts are the most vulnerable and difficult to reach: almost half have annual incomes of less than \$30,000, and two-thirds are headed by someone over 50 years of age or someone for whom English is a second language.”

And, as Nielsen has recently reported, Hispanic TV households remain the slowest group to prepare for the transition.

So, millions of households will need a “digital-to-analog” converter box to continue to use their TV sets that are not connected to either cable or satellite. Far too many are still not prepared. Indeed, nearly half of all distributed converter coupons have not been redeemed.

With most major TV stations ceasing to broadcast in analog all at once on the same day, it's a huge challenge. Unfortunately, the FCC's management of the DTV transition continues to underestimate the task.

I testified over a year ago before the Senate Commerce Committee that the Governmental Accountability Office has found that no agency was in charge of the transition, and there was no strategic plan. Here we are, with a precious year passed, and there is still no established structure or strategic plan. Nobody is ultimately responsible for vetting, prioritizing and implementing ideas from both the public and private sectors into a comprehensive and coherent course of action.

We're sending out weak signals, so the public isn't getting a clear picture.

I believe that only the federal government can play the role of referee to ensure that industry representatives with sometimes conflicting priorities are coordinated to send a clear message that serves all consumers and is not skewed by self-interest. And I hear from many perspectives that our government agencies themselves aren't coordinated.

As GAO testified, the FCC is best positioned to lead this effort, and our talented staff performs well whenever they are given proper guidance. But while the FCC staff has been hard at work, and despite some improvements, the Commission's overall DTV effort is not a model of effectiveness. Congressional interest and public scrutiny have rightly forced the FCC to expand its overall outreach, enforcement and technical efforts. But much more is needed.

Because we've failed to plan, we've been playing catch-up. Rather than being proactive – anticipating problems and concerns, and developing an effective strategy – we've been reactive.

For instance, we've always known that there would be some loss of signal coverage in certain areas due to unavoidable engineering changes or environmental and zoning issues. As the Commission has recognized, a portion of the existing analog service areas of some full-power stations will no longer be able to receive service after the station transitions to digital. But the Commission has only recently started to address this very real concern.

The distributed transmission system technology item, which authorized the use of synchronized, same channel translators to provide service to loss areas or to populations in area with difficult terrains, was released a few weeks ago — although the *Notice Proposed Rulemaking* was pending for more than 3 years. And only recently did we begin to consider the creation of a DTV translator service to replace the loss of analog service. Yet still, the FCC hasn't acted in any meaningful way to look into providing a lifeline or nightlight analog service to viewers who are left behind in the transition.

While the Senate has passed the Rockefeller/Capps DTV nightlight legislation, the Short-Term Analog Flash and Emergency Readiness Act, and the House of Representatives is

likely to consider it next week, the Commission needs to begin looking on a market-by-market basis to determine need and availability.

As many of you may know, the beach resort community of Wilmington became the “first in flight” to cut off analog TV broadcasting and go digital in September. The common wisdom is that everything went “smoothly,” with a few glitches. The reality is that a minor turbulence in one small town, magnified nationwide, portends a transition not ready to fly.

Rather than giving us a false sense of complacency, Wilmington should force us to jumpstart the Commission’s lackluster efforts. We could easily find more than 2 million Americans, many of whom are elderly, physically-impaired, non-English speaking, living in rural areas or with limited incomes, needing help. We expect to see snow in many driveways next winter. But a lot of people are going to be surprised to see snow on their TVs if the FCC doesn’t get its act together.

The issues viewers experienced in Wilmington at first glance seem modest. It was manageable since it amounted to 2,272 calls in the first couple of weeks. But Wilmington is a small town, and this is a big country. A fuller picture emerges when you consider that only 7 percent of Wilmington viewers receive their TV over the air, versus 12 percent nationwide. And Wilmington is flat as a board, in contrast to the hills, valleys, waterways and buildings that impact broadcasting which are found in so many parts of America.

While in Wilmington only 14,000 households rely exclusively on over-the-air TV reception, 13.6 million do so nationwide. That means we should expect calls from at least 2.2 million households nationwide seeking help in the first days after the national transition deadline. And that’s the optimistic scenario.

In the months before this test, the FCC probably spent more resources in Wilmington than in the rest of the country combined. For months, at least five high-ranking staffers were on the ground in every county, at every blueberry festival. We even paid firefighters to go into homes to help those who needed it. If today we shut down the FCC and sent every employee across the country, it wouldn’t touch the impact we had in Wilmington. And yet, even after all of that, we got thousands of calls.

Yet there’s no plan remotely comparable to reach out nationwide. In San Francisco Bay market, for example, there are over 6 million households, mountainous terrain, ongoing tower construction issues and a diverse population with non-English speaking immigrants. The Commission’s main outreach effort in the Bay Area to date has amounted to my two-day visit a couple of months ago.

Awareness of the transition was 97 percent in Wilmington. Even so, there were problems with converter boxes, antennas, the loss of TV signals and more. All of the problems led viewers to need either phone or direct technical assistance, which could take upwards of 40 minutes on the phone for each household.

With little time left, I believe the prevailing view that the federal government cannot give each U.S. television market individualized attention is defeatist. We have an obligation to provide direct assistance to every part of the country. We've achieved near universal TV ownership and telephone access in America, because we started out with the belief that no one should be left out.

We urgently need to take an active role in working with all of you, and with broadcasters, cable and satellite TV operators, and yes, community organizers to put ourselves in a position to respond to the problems we know are coming.

To begin, we need to conduct more simulated, field analog tests. These efforts, which involve a temporary analog cut off or roadblock for 30 seconds to 5 minutes, help to educate viewers, manage their expectations, and identify potential problems before the whole country takes the plunge.

Many individual stations have conducted market-wide soft tests in recent months in Las Vegas, Portland, Orlando, San Francisco, Milwaukee, Philadelphia and Spokane, to name a few. And, with the leadership of ION Media, NBC Universal and the Association of Public Television Stations, markets in Washington, DC, Los Angeles and New York performed 2-minute tests yesterday, Hartford is scheduled to perform two 30-minute soft tests today, and Dallas will conduct a 5-minute soft test tomorrow.

Univision has conducted a series of soft analog shut-off tests and has engaged in perhaps the most aggressive consumer education outreach effort. Tomorrow, Univision's KMEX in Los Angeles station will shut off its analog signal for one minute each hour between 5 a.m. and midnight. That's truly commendable.

As I recommended to the Commission last summer, these local tests could build to regional ones, culminating into national "soft" cut-offs shortly before the transition date, possibly on December 17th and January 17th, or in the weeks before February 17th. Viewers would learn firsthand what to expect before the actual transition, and retailers and broadcasters would have opportunities to assess their readiness. Just last week, the TV Board of the National Association of Broadcasters passed a resolution in support of a coordinated national soft test 30 and 60 days prior to the transition, and encouraged its members to participate.

It is important to recognize that the Commission cannot do this alone. In the remaining months before the transition, we need to develop and execute a coordinated nationwide grassroots effort to bring crucial information and assistance to Americans who need it most. We need to systematically ask local officials to get involved. This grassroots campaign, of which you can be a part, would include several dimensions.

First, like the GOTV effort for a presidential campaign, we need to assemble and train teams of DTV assistance workers to go into every market, city and town in the U.S. to ensure that every community get a baseline level of organizational and resource support.

This effort needs to be federal government-wide, and then we also need to work with state and local governments to develop statewide or communitywide DTV teams. These teams need to have clear goals, objectives and performance measures.

Broadcasters, community organizations and local governments in markets like New York, San Francisco and Portland are organizing volunteer outreach teams on an ad hoc basis, but we do not have a coordinated effort to ensure consumers are receiving the right information and getting their needs met. Since many communities aren't yet organizing an outreach effort, the most vulnerable members of society – our targeted audiences – will likely be left to fend for themselves. This is unacceptable, especially when it simply requires organization and a little foresight.

Second, we need to facilitate a viral campaign in coordination with congressional and governmental offices and community organizations to encourage tech savvy individuals to assist family members, friends, and neighbors with converter box installation. Creating partnerships with local communities where the FCC does not have the resources to get people in the field should be a priority. We need to put in place a plan to connect trained volunteers and government workers with those who need assistance in their homes. That was done in Wilmington, but we are nowhere near ready to accomplish that nationwide.

Third, we need to encourage elected officials, from Governors to Mayors and beyond, to get involved in making this happen on the ground. As part of this effort, they can cut public service announcements that focus on preparedness. These PSA's could be broadcasted during a market wide or national soft cutoff. Most of all, we will need local officials to spearhead response efforts community by community, or it will never get done in time.

Fourth, as I have been recommending since early summer, we need to increase our phone bank capacity to handle 2 million phone calls in the days immediately following February 17. Currently, there are about 50 FCC employees and 50 full-time contractors working the phone bank in DC and in Gettysburg, PA. In the beginning of December, an additional 35 contractors will be added. We may need to allocate \$5 to \$6 million to fund the expansion of these call centers. And while we appreciate the hard work of the National Telecommunications and Information Association (NTIA) and its management of the coupon program, I believe the FCC and the NTIA should pool their resources to streamline the process. For instance, NTIA and FCC each have their own call center. By merging these valuable services, as I suggested we do over a year ago, we can avoid consumer confusion and provide direct answers and technical assistance. To be sure, however, we will still need to supplement our national phone banks with local phone banks in every major community in America. Many questions will require a localized response that our national call centers will not be positioned to provide.

Fifth, we need to move much faster to finalize grants to community organizations and event planners to assist with the transition effort. Currently, the FCC procurement office is reviewing proposals from across the country, but with 76 days left we need to let

everyone know whether we will be providing resources directly to communities of need. While we need to move quickly, we should not be sloppy. Resources are scarce, so we need to use each dollar in the most efficient manner.

Sixth, we should ask our telco, cable and satellite partners to get involved on a local level. We should ask them to assist with local phone banks and help people to install converter boxes and new antennas in homes. Direct in-home assistance has been one of the most overlooked issues throughout this transition. Each company has a local presence – trained employees and vehicles -- in every city or town in America. And based on their willingness to support this national transition effort in the past, I am sure that they would be willing to provide a measure of in-home assistance to ensure a smooth transition for those who would otherwise be left behind,

These are just some of the steps we need to take. They will be challenging to implement in the next 76 days, but they will accomplish a great deal if they are implemented. They just require a little cooperation and planning.

But we need to act now, because time is running out. As it now stands, the DTV transition is not ready for primetime.

Just as the American people expect a smooth transition of presidential power, they expect a smooth transition to digital television. All of you here today can play an important role in our national DTV transition effort. We need your help.

You know that this transition is about much more than broadcasting. It is about ensuring that everyone can get emergency news and information, that we improve our national broadband standing, and that state and local first responders have access to an interoperable, wireless public safety communications network to save lives.

But in order for all of us to realize these benefits, we must first ensure that everyone successfully transitions just 76 days from today. There's not a lot of time left, considering the work we have ahead of us.

Thank you for making me part of this, and for your interest in making this work.