

**REMARKS OF ACTING CHAIRMAN MICHAEL J. COPPS
EN BANC HEARING ON DIGITAL TELEVISION
FEBRUARY 5, 2009**

Good Afternoon and welcome to this special en banc hearing on the Digital Television Transition, which also serves as our February FCC meeting.

First, a word of thanks to the many people, both inside the Commission and outside, who have eased my own personal transition to Acting Chairman. I realize more than ever the high caliber of public servants who work at the FCC and their enthusiasm in helping me get launched on this exciting but time-limited experience is deeply appreciated. My two colleagues and friends, Commissioners Adelstein and McDowell, have gone far out of their way to help and to expedite our work and I'm grateful to both of them. And my thanks to the many individuals and organizations outside the FCC who have not only shared their good wishes, but offered their help and cooperation.

It's a pleasure to welcome you all here to discuss our Nation's transition to digital television. The good news is that Congress has now given us some extra time to help consumers prepare for this important switch-over. I welcome this delay because it has long been clear to me—and it has become even more clear in the less than two weeks that I have been Acting Chair—that we were not ready for a nationwide transition on February 17. Now some say that we won't be ready on June 12, either, and that there will still be some consumers left behind. It's true this transition will not be seamless. But it will dislocate a lot fewer people in June than it would have in 12 days and 10 hours. With the additional time, with adequate additional resources for this and other affected agencies to do their jobs, and with a committed and coordinated public-private partnership—the kind of effort we're starting to put into place and you'll hear about today—I believe we can make a real difference. We can improve consumer outreach and support—especially for our most vulnerable citizens. We can have a more effective and integrated call center program. We can get a better grip on coverage and reception issues that so many consumers are struggling with—serious problems that were for too long minimized or wished away. And we can certainly improve the converter box coupon program, which at last count had over two million U.S. households on a waiting list.

It's too early to present a grand new plan for the next four months. The ink on the legislation is not even dry. But I thought it was important to hold this meeting—to take stock of where we are; to describe what has been happening here at the Commission over the past couple of weeks; to discuss the public and private resources that will need to be brought to bear; and to wrestle with some of the tough issues we face in creating a new and more effective game plan. While we don't have all the answers, we can work through what we know, ask the tough questions and realize that even though it's a work in progress, it's important to be as open and transparent as possible.

I think we have brought better focus and more coordination to some of the challenges we face in the past couple of weeks, although we are not yet anywhere close to where we need to be. Hopefully—with the right coordination and adequate

resources—we can get there soon. We will have more meetings like this, but we also need action meetings to bring all interested parties together even more frequently. Those dialogues need to be regular, inclusive, coordinated, and directed. I believe we are on the road to making that happen.

One of the first things we need to get our arms around is what is going to happen on February 17. Congress passed the DTV Delay Act primarily to give consumers additional time to prepare for the end of analog service. We must keep this consumer focus front and center as we proceed. At the same time, Congress directed the FCC to give stations flexibility about turning off their analog signals in advance of June 12. Broadcasters have been planning for the end of analog service on February 17, and some would face real hardship if they had to reverse course. The law passed yesterday states very explicitly that nothing in the Act is intended to prevent a licensee from moving early to digital so long as all early switch-overs are conducted in accordance with current FCC requirements.

Clearly, then, we have a balance to strike. On the one hand, the fundamental premise of the new law is that many consumers are not ready, that coupons are unavailable to them, and that they haven't been adequately informed about how to prepare, why they are having difficulty getting reception, and where they can turn for help. On the other hand, we must proceed cognizant of the requirement to retain sufficient flexibility to recognize the unique circumstances of individual stations in markets across the country.

Today we have released a Public Notice to provide a framework for striking this balance. You will hear more about it on Panel Three this afternoon, but generally it requires stations that wish to turn off their analog signals on February 17 to notify the FCC by next Monday—February 9—of their intent to do so. We reserve the right to deny those requests if we find that it would not serve the public interest or if it would frustrate Congress' goal of giving consumers adequate time to prepare. For instance, if all or most stations in a market are planning to terminate analog service on February 17, that will merit our close scrutiny, and we may require the stations to file additional information to demonstrate whether they really have a compelling case. After February 17, we revert to the standards set forth in our rules for the termination of analog signals.

I am happy to report that some broadcasters have already stepped up to the plate and expressed their commitments to staying on the air until June 12. These broadcasters are truly serving the public interest by giving real-world meaning to what Congress did yesterday. I agree wholeheartedly with what Senator Rockefeller said yesterday: “put consumers first.” Thus far, the following broadcasters have committed to continuing to transmit in analog and digital on their owned-and-operated stations through June 12: CBS, Fox, NBC and Telemundo and ABC. In addition, Gannett and Hearst-Argyle have said that the “vast majority” of their stations will maintain an analog signal until June 12. These broadcasters deserve our gratitude. I encourage other broadcasters to join them. Never have we asked consumers to jump through so many hoops in order to pick up a broadcast signal or, perhaps, to receive any consumer product or service. In a situation

where many are unable adequately to prepare themselves—and also wherein many who *have* prepared themselves may still lose signals—we have the most solemn obligation to inform and assist them.

There are many other changes that need to be made in coming days—PSAs, websites, literature, the list goes on and on. And it includes some Commission rules, too. Some of these rules concern consumer education requirements. We need to clarify how the old rules work with the new date. To take one example, right now most stations are required to run a “countdown clock” to remind consumers how many days are left until the transition. Now that the date has been changed, the countdown clock could be misleading. I have discussed this matter with my colleagues and our view right now is that only stations planning to transition on February 17 should be running a countdown clock to February 17. All other stations should not carry a countdown clock until they are within 100 days of their transition dates. While we can’t officially change the rule yet, we would not expect the Commission to take action against any station that follows this course.

So there is much to do. That’s why no one should use the delay as an excuse to take a break but, rather, as an opportunity to redouble our efforts and work even more closely together. Everyone in this room needs to be part of the solution. Working together, we can make a huge difference for consumers. Everyone here, and the organizations they represent, worked hard and expended lots of energy and resources over the past many months. But you were also deprived—and it wasn’t your fault—of the kind of government help and leadership that are required to mobilize the resources needed to surmount a challenge of this magnitude. I want to thank you again for all the work you’ve done. I want to pay special respects and offer my deepest thanks to my FCC colleagues who are working—many have volunteered—to develop a transition that works. They are at work all around this place—and in many other places around the country. I’ve been with them in many cities and towns across America over the past year, and so have Commissioners Adelstein and McDowell. They have made the situation so much better than it otherwise would have been, and now that we can give them some additional time—and hopefully more adequate resources—they are going to help consumers and citizens throughout the country cross over the bridge to DTV.

Before I close, let’s put all these problems and hurdles aside for just 30 seconds and understand that once we have surmounted the obstacles, we will have brought not just broadcasters, but all Americans, closer to full participation in the Digital Age. Better and more varied television—sure. But also spectrum freed up so we can build—at long last—a public safety network worthy of its name. Spectrum freed up for more and better wireless service—and for broadband so that we can put America at the head of the list of nations—so far ahead that nobody would even debate it—in getting broadband out to all our citizens. In the end, that will make all our current headaches and heartaches worth it.