

**OPENING STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL**

***En Banc* Hearing: DTV Transition
March 5, 2009**

Thank you, Mr. Chairman, for convening another en banc hearing to review our progress on the DTV transition. Now that we have gotten through February 17 – a date that, thankfully, will not live in infamy but turned out to be just a first step in the rolling transition to a final nationwide analog cut-off – I look forward to an open, frank discussion about what went well, and what did not. I hope that everyone is truly committed to applying the lessons learned during that period to the major challenges ahead of us. I join in congratulating our hard-working staff, the broadcasters, the cable industry and the legions of other dedicated people, including many volunteers, for a relatively successful first wave of the transition. But I expect we will hear from our panelists today about some bumps we encountered along the way in terms of reception issues, converter box problems, lack of coupons, and questions about the call center agents’ level of technical expertise. I’m pleased that we’ll be talking about both the good and the bad – and working together to apply those lessons to the tasks ahead.

Speaking realistically, February 17 is not a fully reliable harbinger of things to come on June 12 – the last and, in all likelihood, biggest of all the rolling transition dates. The February 17 transition did not end analog broadcasting in those locations, even in those communities where all stations made the switch. People in every market affected by the February turn-offs still had access to some analog programming, whether it was provided by an “enhanced analog nightlight” station or other stations that continued to broadcast a full analog service. So we’re still grappling with some unknowns in trying to

figure out how to take the February data and project those numbers ahead to the day when analog broadcasting ceases entirely.

We confront noteworthy hurdles because we haven't yet had a transition on a large scale or in our largest cities. As I have said for months, when that big transition does come, it will be messy in places. While the Delay Act has given us more time to improve on our outreach efforts, extra time will not allow us to make the transition flawless. We cannot predict with perfect certainty what problems may arise and when.

For instance, we know that some TV viewers who are most at risk of being left behind – those over-the-air viewers who are elderly, handicapped, low income or non-English speaking – will be hard to find and help in advance. I look forward to hearing from the National Telecommunications and Information Administration (“NTIA”) on coupon developments since passage of the economic stimulus bill, and from the Consumer Electronics Retailers Coalition on the issue of box availability. In addition, I want to learn more from several of our witnesses about what the government, working with third-party outreach providers and volunteers, can do to effectively connect with the hardest-to-reach households.

We also know that consumers in many places around the country are going to encounter reception problems – an unwelcome surprise that may not actually emerge until analog broadcasts cease. I'll be paying close attention to the insights from our experts on those issues. I hope also to hear from other witnesses, including the FCC's own outreach team, on how we should change our messaging so that viewers are better informed about potential signal losses and possible antenna problems.

Thirdly, we know that our call center operations, which worked reasonably well

during the February 17 period, still could stand improvement. I want to take this opportunity to extend sincere thanks to our partners in the industry, under the leadership of the National Cable & Telecommunications Association (“NCTA”) and the National Association of Broadcasters (“NAB”), for working to combine what had been, as of January 26, two separate and unrelated national call centers – one under the FCC and one under the industry – into a single unified operation with a single call-in number. Your willingness and technical skill, together with that of our own staff, improved callers’ experiences. But resources going forward are limited, which could result in longer waiting times for callers in the future. And I’m also aware that some callers were dissatisfied with the technical expertise of some call center agents, many of whom had only a few days for limited training before they began answering the phones. We need to focus now on improving agent quality through better training, even as we weigh our resource allocations for April, May and June.

Finally, we know that many of the broadcasters who transitioned in February made concerted efforts to ensure that their viewers were informed about the upcoming transition – and had one or more local contact points, including walk-in centers and local telephone numbers, from which to seek help if they needed it. I look forward to hearing from NAB on whether broadcasters in the markets where multiple stations transitioned together worked in an organized, joint fashion on these tasks, and how the lessons learned in those markets are being passed along to broadcasters in the many markets that haven’t yet made the switch. In short, does each local market now have a Designated Market Area (“DMA”) leader?

Again, let me thank everyone involved in the DTV transition, especially

Chairman Copps and Commissioner Adelstein, for their efforts – often extraordinary ones
– to minimize the inevitable disruption and confusion that the analog turn-off will bring.