

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS
APPROVING IN PART, CONCURRING IN PART**

Re: Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations

As I have traveled around the country, I have seen first-hand the tremendous benefits that low power television stations and translators bring to the American people. These stations help in significant ways to meet the needs of underserved audiences and to increase localism, competition, and diversity in our media. Hundreds of communities all across this country depend on these stations—often run by municipalities, schools, colleges, churches and small business—for free over-the-air television service. In some rural areas, they may be the only ones providing local news and information. In other areas, low power television stations may fill a void by airing programming, including non-English programming, geared to an under-represented community.

As with any other user of the public's airwaves, these stations have the responsibility to serve the public interest. Today, as analog stations, they generally do, often with great distinction. The digital transition will afford these stations new opportunities to serve their local communities. Our job is to ensure that these new opportunities are carried out in a manner that serves the interests of all the people, most assuredly including those in rural areas for whom digital low power television and translator stations hold such great promise. Today's order, on balance, should help us to promote the digital transition for these stations and achieve this objective.

On one aspect of the decision, however, I do not find the statute as clear as the decision states. In particular, the Order concludes that the auction exemptions clearly do not apply at all for temporary second channels to advance the digital transition. I think this is a debatable reading of the law and of the intent of Congress. We should be looking for ways to facilitate the digital transition for these small stations that often have limited capital to devote to deploying digital technology. I will therefore concur in part in this decision and I urge the Commission to use the means at its disposal to minimize costly conflicts among applicants.

Finally, I note that today's decision applies to low power and translator stations the same rules on use of spectrum for ancillary and supplementary services as were applied to full-service DTV stations. When we adopted the rules on ancillary and supplementary use, we recognized that the fundamental purpose of this spectrum is to provide free over-the-air broadcast services. We further indicated that we would regularly review our approach to permitted ancillary and supplementary services. Moreover, Congress directed us to reexamine our policies from time to time to adjust the fees charged for use of the spectrum for such services. It has been several years since we have undertaken any such analysis. As technology advances and we gain a clearer picture of how broadcasters in general are using the spectrum, I hope that the Commission will carry out such a review.

Thanks to the Bureau and our staffs for their hard work on this proceeding.