

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN**

*Re: In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television.*

I have long advocated that the Commission take steps to ensure that over-the-air viewers are not disenfranchised during or after the digital TV transition, and that all full-power stations are prepared to cease analog transmission and to operate in digital by the end of the transition on February 17<sup>th</sup>, 2009. I support this item because it provides critical information for broadcasters to complete their station's transition from analog to digital transmission. I am pleased we took steps to ensure that this Order, in large part, offers the flexibility and guidance required for broadcasters to make the necessary transition. It is too late in the game to put broadcasters under unduly tight restraints as they rush to complete so much work in so little time.

I am also pleased we recently accelerated our consideration of this Order. For example, in much of the country, important technical work on towers and antennae cannot be accomplished in the winter months, so every day is critical. We have lost valuable time focused on other more tangential aspects of the transition while not moving forward on clarifying urgent demands on broadcasters to get a huge job done in short order. While this should have been completed even earlier, it is critical that we finished this year.

Because the law does not provide for any waivers or extensions of time, February 17<sup>th</sup>, 2009 is indeed the last day that full-power broadcast stations will be allowed to transmit in analog. There are a total of 1,812 stations that will be serving the American people after the transition but, to date, a little over 800 stations are considered to have fully completed construction of their digital facilities and are capable of broadcasting in digital in the final position from which they will broadcast. This data demonstrates the urgent need to have in place the deadlines we establish in this Order for broadcasters to finish their construction. This is especially important because the failure by broadcasters to do so will result in their loss of interference protection.

So, I am encouraged that we have at last lit the pathway for broadcasters, who have invested billions into this effort, to take the final steps on completing the analog to digital transition. I believe this item strikes the appropriate balance in providing specific guidance while taking into account the various conditions faced by each broadcaster. In particular, while this Order sets strict construction deadlines, the item also recognizes the unique technical challenges and other considerations, including weather, equipment shortages, and availability of tower crews, facing broadcasters. Broadcasters with genuine and demonstrable difficulties should be allowed the requisite flexibility, whether it is extensions, late transitions, or pre-transition service reductions and terminations. This additional flexibility should alleviate some of the technical challenges and other concerns broadcasters have raised in this proceeding.

I continue to believe, however, that poor long-term planning and the continued lack of a national, federal and an internal FCC coordination plan have left us in the unfortunate position of playing catch-up. Rather than being proactive – anticipating problems and concerns, and developing an effective strategy – we've been reactive. And so while this *Order* helps to propel

the DTV Transition forward, we must be mindful that there is still a lot at stake and we owe it to the American public not to fail.

I think we have truly taken the right step by establishing a requirement that broadcasters complete a transition status form detailing their transition status, any additional steps needed to commence their full, digital operations, as well as their timeline to meet the February 17, 2009 deadline. I appreciate the majority support for additionally committing to prepare a report on the status of the DTV transition on the basis of the information provided in these forms. It is imperative that we have a comprehensive sense of where each full-power broadcast station is prior to the end of the transition. And while each individual form will be posted on the Commission's website, we, along with Congress, will benefit from a comprehensive report to provide both the broadcaster and ourselves sufficient time for any mid-course correction.

As I've reiterated during this process, everyone has a lot invested in this transition, and with coordinated effort, we can succeed in getting it done right.