

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL
APPROVING IN PART, CONCURRING IN PART**

RE: *DTV Consumer Education Initiative*, Order on Reconsideration and Further Notice of Proposed Rulemaking, MB Docket No. 07-148

I am pleased that we have clarified our rules regarding the consumer education requirements imposed on manufacturers. I concur in part, however, with respect to the further notice that seeks comment on whether we should require MVPDs to provide on-air consumer education about the DTV transition. As the Further Notice cites, the cable industry is already engaged – voluntarily – in an extensive DTV consumer education campaign, which includes \$200 million in English and Spanish-language TV advertising. Along with cable companies, other MVPDs such as DirecTV and Verizon – again, voluntarily – are members of the Digital Television Transition Coalition. This coalition has commenced marketing and public education strategies to distribute consistent, accurate information about the DTV transition to the public. The MVPD industry has stepped up to partner with the government and with the broadcasters – through on-air and other efforts – to help ensure that consumers get the message about the DTV transition. Why then are we seeking comment about whether to require something that the industry is already doing? Where is the need for government regulation? Because this issue is being addressed in a notice, I cast a concurring vote. I am highly skeptical, however, about further Commission action being needed.

In our previous order, we required all MVPDs to provide notice of the DTV transition to their subscribers in monthly bills or billing notices, for each month starting with this one and ending after the transition is completed. We already mandated speech by MVPDs to serve a governmental purpose. Going further to again mandate speech – in the form of on-air ads – should raise First Amendment concerns that we all should carefully consider. I would prefer that we resist the temptation to intervene where we are not needed. Therefore, I concur in this part of the further notice.