

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: *In the Matter of Alabama Broadcasting Partners Request for Early Transition and Phased Transition Relief for Station WAKA-DT, Selma, AL.*

I vote to approve this item, because it is important for us to send a clear message to broadcasters that the Commission and staff are poised to provide them with the necessary flexibility to upgrade their facilities to digital and serve their viewers. On February 17, 2009, there will be no excuses for broadcasters to remain unprepared to cease analog broadcast and operate solely in digital. Broadcasters should not leave any viewers out.

This item presents an unusual set of requests for authority to operate two digital channels for approximately one month, to begin early digital operations on WAKA's post-transition channel 42, and to operate at reduced power after the transition deadline. Based on the Media Bureau's recommendation, I support the grant of this temporary authority.

According to staff and the Alabama Broadcasting Partners, "six percent of existing viewers will lose service from WAKA for 34 days and 14% of existing viewers will lose service from WAKA for eight days, during which time most of these viewers will have service from another CBS affiliate." While this is unfortunate, the alternative – complete termination of WAKA's pre-transition DTV operation – is much worse. Providing service to the vast majority of WAKA's viewers is better than temporarily terminating service to all viewers. Moreover, this arrangement apparently does not cause impermissible interference to other stations.

For these reasons, I approve this item.