

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART, DISSENTING IN PART**

Re: DTV Consumer Education Initiative, MB Docket No. 07-148

This *Order* is long overdue.

After much delay, the Commission is finally adopting measures to ensure that Americans are aware of the DTV transition. I support this item because it is a critical *first* step towards developing a comprehensive consumer education plan – an essential part of the broader DTV transition effort that has sorely lacked focus, leadership and coordination. I am also pleased Chairman Martin has agreed to implement my proposal to reconstitute the Commission’s intra-agency DTV task force that was improvidently dismantled some time ago. We should now act on another one of my proposals – a federal government-wide, inter-agency task force.¹

With disappointment, I dissent in part from this item because the majority of my colleagues have refused to agree to prepare a DTV transition report to Congress and the American people with a detailed plan to reach *and* assist at-risk, over-the-air reliant communities. The Commission’s unwillingness to prepare such a report ignores sound management practices, snubs the recommendations of objective expert observers, and, frankly, defies common sense. It perpetuates uncertainty at a time when everyone needs to know and help execute the game-plan. The quarterback needs to let other players know the play to execute; that’s the only way this nation will win on February 17, 2009.

Unfortunately, the Commission’s refusal to prepare a DTV report to Congress is the latest illustration of its stubborn unwillingness to be proactive and to mitigate risks associated with the transition. While oversight hearings and letters from Congress have certainly made us much more engaged, congressional prodding is not a substitute for Commission planning and leadership.

The Commission’s passive, *reactive* approach has had real consequences on the DTV transition. It has unnecessarily made the daunting task of executing an under-funded, national transition even more difficult. For example, the lack of an analog pass-through feature in the vast majority of the digital-to-analog converter boxes available to consumers could have been avoided. The Commission – the federal agency with a most

¹ For nearly two years, I have repeatedly called on the FCC and the NTIA to take leadership in creating an *inter-agency* task force. See Keynote Address of Jonathan S. Adelstein, Commissioner, FCC, “I Want My DTV: Building a National DTV Consumer Education Campaign,” Entertainment Technology Policy Summit, Consumer Electronics Association (March 15, 2006), at p. 4.
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-264354A1.pdf.

Congressional leaders from both political parties have made similar requests, leading to the extraordinary step by Senate Chairman Inouye and House Chairman Dingell to send a letter to the President urging the creation a federal inter-agency task force.

talented, skilled staff of experts in communications – should have engaged the National Telecommunication Information Administration (NTIA) and participated in the converter box coupon rulemaking proceeding. The NTIA, the Department of Justice, and the Small Business Administration have participated in Commission proceedings whenever they have had an interest to do so. The Commission should have done the same. Instead of lending its expertise to the process, the Commission equivocated about its leadership role in the DTV transition which resulted in the failure to participate in NTIA’s coupon converter box proceeding. The Commission’s lack of engagement with NTIA, particularly during the converter box coupon program rulemaking, has truly complicated the DTV transition for television viewers and the entire broadcasting industry, especially the millions of households that rely on Class A, Low Power and analog translator stations.

Our painfully slow action on a comprehensive education effort is yet another illustration of the Commission’s stubborn unwillingness to take proactive steps and to mitigate risks associated with the transition. As the Government Accountability Office (GAO) has found, “not having a comprehensive plan for the DTV transition limits the government’s ability to measure efforts against planned goals, set milestones, and assess risks.”²

For nearly two years, I have been calling on this Commission to, among other things, develop “a coordinated, comprehensive public/private campaign to educate the American people” about the benefits of digital broadcasting and the steps households need to take to continue receiving the over-the-air signals of full-power television stations.³ I urged the Commission to take advantage of the time we had – *and have now lost* – to make the DTV transition a real national priority by developing an outreach and education plan that integrated the efforts of other federal agencies, state, local and tribal governments and permitted private industry and consumer interest organizations to develop their complementary activities. This coordination was, and still is, needed because of the limited federal resources we have to target, reach, inform and assist consumers to make the transition successfully.

After nine months since Congress prodded us to pay more attention to DTV education,⁴ today the Commission is finally establishing baseline consumer education standards for broadcasters, cable and direct broadcast satellite operators and other industry regulatees. This *Order* is an important step towards developing a coordinated DTV transition message and national education effort. For instance, we emphasize that

² “Increased Federal Planning and Risk Management Could Further Facilitate the DTV Transition,” U.S. Government Accountability Office, GAO-08-34 (November 2007) at p. 33.

³ Keynote Address of Jonathan S. Adelstein, Commissioner, FCC, “I Want My DTV: Building a National DTV Consumer Education Campaign,” at p. 2.

⁴ This is in sharp contrast to the Commission’s urgency to adopt the so-called “viewability,” dual carriage order on September 11, 2007. To the surprise of many observers, the Media Bureau circulated a draft order three business days after reply comments were due, and the Commission adopted final rules within three weeks.

consumers should specify that this is a transition for “full power” stations. The Commission’s own message on posters and some education materials still reads “analog broadcasting end February 17, 2009,” even though we know fully well that is not accurate. If we cannot get the technical details straight, how can we possibly expect millions of casual observers to do so?

While I approve many key features of this *Order*, I must dissent in part because we continue to demonstrate an unwillingness to marshal the expertise of Commission staff and the consultative services of public relations and marketing vendors to develop a report to the nation about the critical next and final steps necessary to ensure a smooth transition on February 17, 2009.

The DTV transition is indeed an enormous undertaking, and doomsday scenarios are counterproductive. But we should have a plan in place so industry, Congress and the American people know what steps are coming next. The half-hearted efforts of a reluctant regulatory agency have made the transition more difficult to administer. As GAO recognized last November, “[s]ince FCC has the broadest telecommunication responsibilities in the federal government, it is in the best position to increase assurances of a successful transition through increased attention to high-level comprehensive planning, performance measurement, and risk mitigation efforts.”⁵ The Commission should begin to take a more proactive leadership role in the DTV education effort. With less than a year left in the transition for full power television stations, time is running out.

⁵ GAO-08-43 at 33.