



PUBLIC NOTICE

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TEMPORARY WAIVER OF 100-DAY COUNTDOWN REQUIREMENT

The DTV Consumer Education Initiative¹ originally required broadcasters that elected to comply with the Option Two consumer education requirements² to run a daily countdown clock for the last 100 days prior to the February 17 transition.³ Those broadcasters are required to air a notice at least once a day during the 100 days preceding the nationwide termination of analog broadcasting that, at a minimum, gives the number of days remaining until the transition, and a website or phone number that viewers can call for more information.⁴ In our recent Order revising some of our rules to implement the Congressional delay of the transition date to June 12, 2009,⁵ we required all Option Two stations to begin a new 100-day countdown on March 4, 2009, “barring any additional Commission action” before that date.⁶ In the companion NPRM, we sought comment on the 100-day countdown requirement, and indicated that we might modify the requirement in the next Order in this docket.⁷ The expedited comment period ends on March 4, and we expect to take up the issue of the countdown clock in the Order to be drafted soon thereafter. We find that it could be confusing for viewers to see a 100-day countdown beginning on March 4, only to see a different clock in the event that we revise the requirement soon thereafter.⁸ Therefore, we temporarily waive the Option Two requirement to air countdown information until the effective date of the relevant rule adopted in the pending rulemaking proceeding, MB Docket No. 09-17.⁹ Stations that elected to comply with the Option Two requirements will then be required to comply with the consumer education requirements as revised in that Order; in the interim, we remind broadcasters that all other provisions of the DTV Consumer Education Initiative rules remain in effect.

For additional information, contact Eloise Gore, eloise.gore@fcc.gov, (202) 418-7200 or Lyle Elder, lyle.elder@fcc.gov, (202) 418-2120.

Action taken by the Commission on March 3, 2009: Acting Chairman Michael J. Copps and Commissioners Jonathan S. Adelstein and Robert M. McDowell.

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¹ *DTV Consumer Education Initiative*, MB Docket No. 07-148, Report and Order, 23 FCC Rcd 4134, (2008) (“*DTV Consumer Education Initiative*”).

² See 47 C.F.R. § 73.674(a) (Broadcast stations must comply with one of three sets of requirements for consumer education, choosing Options One or Two if they are a commercial station, or Options One, Two, or Three if they are a noncommercial station).

³ 47 C.F.R. § 73.674(d)(6).

⁴ *Id.*

⁵ DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009).

⁶ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Second Report and Order and Notice of Proposed Rulemaking, FCC 09-11, ¶ 19 (rel. Feb. 20, 2009) (“*DTV Delay Act Omnibus Order*”).

⁷ *Id.* at ¶ 59.

⁸ We agree with the National Association of Broadcasters on this point. NAB February 27, 2009 and March 3, 2009 *ex partes* (MB Docket No. 09-17). We note, too, that several broadcasters have informally contacted the Commission questioning the benefit of requiring stations that have already transitioned to continue airing a countdown clock. They express concern that such information could confuse viewers. We will address this issue in the upcoming Order.

⁹ 47 C.F.R. § 73.674(d)(6).