

May 7, 2007

Susan Dudley
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D. C. 20503

Dear Ms. Dudley:

The Federal Communications Commission requests clearance under the “emergency processing” provisions of the Paperwork Reduction Act of 1995 (5 CFR 1320.13) for the information collection described in the attached documents. We request approval by May 18, 2007.

I am requesting expedited emergency processing because, as described below, this collection of information is needed prior to the expiration of the normal 120-day time period associated with routine processing of information collections. I also explain below why this information collection is essential to the responsible and effective implementation of the Commission’s mission and the public harm associated with this request.

BACKGROUND:

Congress has established February 17, 2009 as the deadline for the transition from analog to digital television service. After that date full power television stations will not be permitted to broadcast an analog television signal. Consequently, people with analog-only televisions will not be able to receive an over-the-air broadcast signal unless they get a digital TV or a box to convert the digital signals to analog or subscribe to a pay TV service. In light of this transition, the Commission adopted a requirement that televisions manufactured or imported into the US after March 1, 2007 must have a tuner to receive digital signals and cannot be analog-only. It recently came to the Commission's attention that there are many analog-only televisions in retail inventory and that retailers are continuing to sell analog-only televisions after the March 1, 2007 manufacturing deadline but they are not informing consumers that these analog-only TVs will not work after February 17, 2009. Consumers who buy analog-only televisions without knowing that they will not work after February 17, 2009, will be harmed because they will not be able to use the television to receive over-the-air TV signals after that date. Had they been aware prior to purchasing the TV, they might have chosen, instead, to buy a digital TV that would work after February 17, 2009. Therefore, the Commission has adopted a requirement that retailers label any device that has only an analog tuner so that consumers will be warned. Consumers will therefore be made aware before they buy a television or other TV equipment with only an analog tuner that it will not work to receive broadcast signals after February 17, 2009. It would be particularly harmful to consumers to buy a small battery-powered television for emergency use and be unaware that the television will not be able to receive signals in an emergency after February 17, 2009.

If the normal PRA review schedule applies, the rule may not take effect until October or November, by which time many more analog-only televisions will have been sold to unaware consumers. (The consumer electronics industry recently estimated that over 2.5 million analog only televisions will be sold through 2008). The label requirement is the result of a rulemaking in which interested parties had an opportunity to comment. The Commission consulted with manufacturers and retailers concerning voluntary labeling. The industry trade association

proposed voluntary language to its members, but few if any adopted it. The text of the Consumer Alert disclosure is based on language proposed by the House Energy and Commerce Subcommittee on Telecommunications and the Internet. The label is only required to be posted if a retailer is selling analog-only television receivers, and only as long as they offer analog television equipment that lacks a digital tuner. Retailers that do not sell analog-only television equipment have no obligation to display the disclosure.

My staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to assure OMB's approval of this emergency request by May 18, 2007.

Karen Wheelless
Associate Managing Director for Performance
Evaluation and Records Management
Federal Communications Commission