

March 12, 2008

Kevin Neyland
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Neyland:

The Federal Communications Commission requests clearance to submit the information collections described herein under the “emergency processing” provisions of the Paperwork Reduction Act of 1995 (5 CFR 1320.13). The Commission published a notice on March 12, 2008 in the Federal Register announcing request clearance under the “emergency processing” provisions of the Paperwork Reduction Act of 1995 (5 CFR 1320.13) for the information collections (OMB Control Number 3060-XXXX – DTV Consumer Education Initiative, FCC Form 388; Sections 15.124, 27.20, 54.418, 73.674 and 76.1630 and OMB Control Number 3060-0214 – Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files), *see* 73 FR 13231. We request approval for these collections by **March 27, 2008**.

The Commission is seeking expedited emergency processing because, as described below, these collection of information requirements are needed prior to the expiration of the normal 120-day time period associated with routine processing of information collections. As set forth below, these information collection requirements are essential to the responsible and effective implementation of the Commission’s mission, and the avoidance of public harm resulting from a less than successful digital television service transition.

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 purchase a digital TV or digital-to-analog converter box or subscribe to a pay TV service. In light of this transition, the Commission anticipates adoption of a number of requirements, chiefly that television broadcasters must air public service announcements describing the digital television transition and explaining to viewers how the transition will affect them and what they must do to be prepared. These requirements were suggested in a letter from the Honorable John D. Dingell, Chairman of the Committee on Energy and Commerce, and the Honorable Edward J. Markey, Chairman of the Subcommittee on Telecommunications and the Internet, U.S. House of Representatives (“Letter”). The Commission sought comment on these proposals in July, 2007, the comment cycle closed in October, and the Order was adopted by the Commission on February 19, 2008. In addition to the requirement to air transition education information, all full power television stations are also required to report quarterly on these and other consumer education actions so that the Commission can track these activities and ensure compliance.

As suggested in the Letter, the Commission is also requiring multichannel video programming distributors (MVPDs) to provide monthly notices about the DTV transition in their customer billing statements. Manufacturers of television receivers and related devices will be required to provide notice to consumers of the transition’s impact on that equipment. Partners in the Commission’s www.DTV.gov website must provide the Commission with quarterly updates on their consumer education efforts. Eligible telecommunications carriers (“ETCs”) that receive

federal universal service funds must provide monthly notices of the transition to their low income customers, and in their advertisements to potential customers. Winners of the 700 MHz spectrum auction must report their consumer education efforts quarterly. Broadcasters must file a report, FCC Form 388, about its DTV Transition consumer education efforts to the Commission on a quarterly basis, and post these reports on their public website, if applicable. Lastly, commercial and noncommercial education TV broadcast stations must retain in their public inspection files a copy of their DTV Consumer Education Quarterly Activity Report, FCC Form 388. The Commission found that all of these requirements are necessary to ensure that the American public is adequately prepared for the digital transition, but that they will no longer be necessary after the transition is fully complete in 2009. Therefore, these requirements will be in place for a limited time only.

Beginning January 1, 2008, television viewers were able to request coupons to subsidize the purchase of digital-to-analog converter boxes to attach to their analog televisions so that they can continue to work after analog broadcasting ends on February 17, 2009. Given this ongoing program, it is essential that consumer education begin immediately. Although some stations, organizations, and other companies are providing consumer education now, these rules will ensure a concerted effort that will reach all television viewers. Record evidence shows nearly 69 million televisions in current use are analog-only, including 24 million in homes that also have cable or satellite subscription television service. 19.6 million U.S. households (17%) receive only over-the-air, broadcast signals. These are the households that will be most affected by the digital television transition and need consumer education to provide the information to enable them to obtain the equipment they need to continue receiving television service after the transition. Television service is essential not only for news, sports and entertainment, but also for emergency information, including weather alerts.

Emergency OMB approval is necessary for these information collection requirements to ensure that all consumers are aware of the transition from analog to digital television service as early as possible to minimize the burden to the public. The effective date proposed by the Commission provides for these consumer education efforts to commence as early as possible. Due to the limited period of time for which the requirements will be in effect, and the urgent need to ensure that all television viewers are made aware of the upcoming digital transition, we find there is good cause to obtain emergency OMB approval for these collections by March 27, 2008 so that the requirements may take effect immediately thereafter.

Broadcasters must file FCC Form 388 quarterly, beginning no later than April 10, 2008, detailing their compliance with the DTV consumer education requirements set forth in the Commission's Order. Therefore, in order for the Form 388 to be ready for use in time to meet the first April 10, 2008, filing deadline, emergency OMB approval for these information collection requirements are requested by March 27, 2008 to ensure that the form will be effective and available for filing no later than April 10, 2008.

The Commission has published a notice in the Federal Register seeking public comment on the information collection requirements that the Commission is requesting OMB approval. Note also that we are requesting your concurrence that the Commission may inform the public of OMB approval of the collections and the information required by 5 CFR 1320.8(b)(1) and (3) by means of a Public Notice so that the collections may go into effect immediately.

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 **March 27, 2008**.

Mindy Ginsburg
Deputy Managing Director for Performance
Evaluation and Records Management
Federal Communications Commission