

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

May 22, 2008

Kevin Neyland
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Dear Mr. Neyland:

The Federal Communications Commission is seeking OMB emergency processing (5 CFR 1320.13) for a DTV transition-related new information collection, as discussed below. We published a 30 day notice in the Federal Register on May 21, 2008 informing the public of our request for OMB emergency processing of the information collection and with OMB's permission providing a two-week public comment period. Thus, the comment period will close on June 6, 2008, and we are requesting OMB's approval for the information collection by **June 13, 2008**.

The Commission is seeking emergency processing because, as described below, this collection of information cannot wait the normal 120-day period associated with routine processing of information collections. As set forth below, this information collection is 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 service 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 adopted a number of requirements suggested in a letter from the Honorable John 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"). These requirements were made available for public comment and approved by OMB.

On February 19, 2008, the Commission adopted a Report and Order in MB Docket No. 07-148 concerning the DTV Consumer Education Initiative. The Report and Order noted that many retailers have agreed to participate in the National Telecommunications and Information Administration (NTIA) digital-to-analog converter box coupon program.

Those retailers claim to have undertaken significant employee training initiatives regarding the converter box program and the digital television transition. Among other things, the Report and Order offered the Commission's assistance to the NTIA to assess those training efforts. In this regard, the Commission's Enforcement Bureau field agents will regularly visit participating retail stores across the country. They will conduct on-the-spot interviews with retail managers to ascertain whether retailers who participate in the converter box coupon program are fulfilling their commitment to engage in extensive employee training and consumer outreach education. The interview will consist of a series of questions to assess employee training and consumer education efforts and whether the retailers' objectives are being met at stores. The interview is not part of an official FCC investigation and no penalty would result from the interview. The information collected will be forwarded to FCC Headquarters to be consolidated into an aggregated report that will then be forwarded to NTIA for its review and appropriate action.

Emergency OMB approval is necessary for this collection 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. Due to the limited period of time for which these 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 this new collection on the following schedule, so that the requirements may take effect immediately thereafter.

1. Emergency processing notice is published in the Federal Register: 5/21/08.
2. Public comments on new collection due to OMB: 6/6/08.
3. OMB issues its decision on the new collection: 6/13/08.

FCC 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 **June 13, 2008**.

Thank you very much for your assistance with this request.

Sincerely,



Mindy J. Ginsburg
Deputy Managing Director