

April 3, 2009

Alexander Hunt
Chief, Information Policy Branch
Office of Information and Regulatory Affairs
Office of Management and Budget

Dear Mr. Hunt:

By this letter, the Federal Communications Commission (FCC) requests approval under the Paperwork Reduction Act of 1995, and in accordance with OMB's emergency processing rules (5 CFR 1320.13), to modify the following DTV transition-related information collection requirements, as described in detail below: OMB Control No. 3060-XXXX (informal notifications to FCC). Because this voluntary reporting form must be made available immediately and will last only for the few months until the June 12, 2009 transition deadline, we request expedited OMB approval by **April 7, 2009**.

On February 11, 2009, the DTV Delay Act was signed by the President and enacted into law, extending the nationwide DTV transition date from February 17 until June 12, 2009. As a result, after June 12, 2009, full-power television broadcast stations must transmit only digital signals, and may no longer transmit analog signals,¹ except for limited analog "nightlight" service.² The DTV Delay Act directs the Commission to take any actions "necessary or appropriate to implement the provisions, and carry out the purposes" of the DTV Delay Act, and to do so within 30 days.³ Congress extended the transition date in order to permit analog service to continue until consumers have had additional time to prepare.⁴ But Congress also directed the Commission to provide flexibility for stations wanting to transition prior to the new date.⁵ Stations may have made extensive

¹ See DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009). The DTV Delay Act (to be codified at 47 U.S.C. §§ 309(j)(14) and 337(e)), amends Section 309(j)(14) of the Communications Act to establish June 12, 2009 as the new nationwide deadline for the end of analog transmissions by full-power stations. 47 U.S.C. § 309(j)(14)(A) ("A full-power television broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond June 12, 2009."). See also 47 U.S.C. § 337(e)(1) ("Any full-power television station licensee that holds a television broadcast license to operate between 698 and 806 megahertz may not operate at that frequency after June 12, 2009.").

² See the Short-term Analog Flash and Emergency Readiness Act, Pub. L. No. 110-459, 122 Stat. 5121 (2008) ("Analog Nightlight Act").

³ DTV Delay Act § 4(c) ("Notwithstanding any other provision of law, the Federal Communications Commission ... shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act."). In addition, the DTV Delay Act amends the Digital Television and Public Safety Act of 2005 ("DTV Act"), Pub. L. No. 109-171, 120 Stat. 4 (2006), to direct the Commission to "take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by June 13, 2009; and (2) to require by June 13, 2009, ... all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive)." 47 U.S.C.A. § 309 Note.

⁴ See, e.g., Cong. Rec. H895 (daily ed. February 4, 2009).

⁵ DTV Delay Act, § 4(a) ("PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.— Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of

preparations for a February 17 digital transition and some may have difficulty altering their commitments at this time. The Commission's challenge is to provide opportunities for some stations to end analog broadcasting early without sacrificing the goal of giving consumers additional time to prepare.

The Commission is in the process of releasing a Public Notice, in which the following information collection requirement will be adopted:

Voluntary In-Person Education Reporting Form to allow stations to voluntarily submit to the FCC information about "DTV Walk-In Help Centers" and other opportunities for face-to-face DTV education of which they are aware. The last DTV order (FCC 09-19) required most analog broadcasters to publicize the locations and hours of walk-in DTV help centers located in their market. The analog termination form was designed to collect some of this information from early terminators. This new voluntary form, if adopted, would be used by any station to voluntarily notify the FCC about Walk-In Centers and other education opportunities in their service areas. This information will not be collected via the Media Bureau CDBS, but instead will be collected electronically, and made publicly available, online through the FCC's National Call Center web site and will allow the Call Center to better help consumer and direct them to opportunities for face-to-face assistance.

FCC staff is ready to work with your PRA Desk Officer to immediately provide any additional information needed to assure OMB's approval.

Sincerely,

Mindy Ginsburg
Deputy Managing Director
Federal Communications Commission

the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007)").