OFFICE OF
THE COMMISSIONER

Federal Communications Commission
Washington, D.C.

January 16, 2009

The Honorable John D. Rockerfeller IV, Chairman
Committee on Commerce, Science & Transportation
United States Senate

The Honorable Kay Bailey Hutchison, Ranking Member
Committee on Commerce, Science & Transportation
United States Senate

The Honorable Henry A. Waxman, Chairman
Committee on Energy and Commerce
United States House of Representatives

The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce
United States House of Representatives

Dear Chairman Rockefeller, Senator Hutchison, Chairman Waxman, and Congressman Barton:

We are writing to express our deep concern about the state of the nation's readiness for the digital television transition on February 17, 2009. We are nowhere near where we should be only 32 days from a deadline that threatens to pull the plug on television service in millions of American homes.

Unlike Y2K, the DTV transition has not been the focus of a sustained and coordinated public-private partnership. While the FCC and others have been scrambling recently to ramp-up their DTV efforts (often in response to Congressional oversight), the late start has led to a rushed effort with little room for strategic thinking or for anticipating and fixing problems that have arisen.

As Congress considers delaying the transition date, we would like it to be aware of some of the problems that we believe could be ameliorated if the transition were delayed:

1. Inadequate coordination. There has been inadequate coordination between the FCC and NTIA (and other potential government stakeholders), and between the public and private sectors. This has led to a patchwork of disjointed efforts on everything from consumer education to call centers to converter boxes.

2. Inadequate consumer education. There are three steps to preparing consumers for a successful transition: first awareness that a transition is happening; then understanding how the transition affects them and what they need to prepare; and

finally taking effective action (e.g., obtaining and installing a converter box and/or antenna). In our view, there continues to be too much focus on increasing general awareness and not enough on the more difficult challenge of educating consumers about how the transition affects them personally and what they need to do, if anything, to prepare.

3. Inadequate attention to certain key issues. We mention two in which more time could make a real difference.

   First, reception issues. As we travel the country talking to consumers, reception/antenna problems are one of the most common complaints we hear. The FCC began to seriously examine the issue only late last year and by that time, some of the potential solutions (e.g., Distributed Transmission Systems) were adopted with too little time for stations to implement. Similarly, we only recently identified the scope of the potential service losses that some stations will experience and there is no plan for notifying affected consumers that they may lose service.

   Second, closed captioning issues. The FCC has never heeded the repeated recommendation of its own Consumer Advisory Committee to convene a technical working group to address digital closed captioning issues for the deaf and hard of hearing.

4. Inadequate consumer support. We remain concerned about the readiness of the FCC to handle the expected avalanche of calls. Although the FCC recently released a request for proposals for outside Call Center assistance, and industry may step up with additional call center resources, it is unclear at this point what resources will be available and how they fit together. Similarly, there is no plan that gives us comfort that "boots on the ground" will be available to provide in-home assistance to the many vulnerable consumers who may need it.

Three caveats:

1. We do not mean to imply that these are our sole concerns regarding the transition. There are many others—certainly involving the converter box coupon program—that would benefit from a delay in the transition date. We raise these in an effort to flag some issues that may have not received the same level of attention.

2. We do not advise delay for delay's sake. Any delay must be used to better prepare the American people for the DTV transition. We recognize that there will be some consumers who will not be prepared for the transition no matter when the date is. But we believe that number can be significantly reduced and the assistance available to those who lose service can be significantly improved. At the same time, if there were a delay, we must take a flexible approach with sensitivity to the particular circumstances faced by particular communities and stations.

3. In raising the above concerns, we do not in any way mean to diminish the tireless and dedicated efforts of Commission staff. They have done a truly amazing job under exceedingly difficult circumstances. But they cannot do the impossible—and too often that is what has been asked of them.

We look forward to continuing to work with you and the other Members of Congress to make this transition as smooth as possible for the American people.

Sincerely,

Michael J. Copps
Commissioner

Jonathan S. Adelstein
Commissioner