



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

The Honorable Herb Kohl  
Chairman  
Special Committee on Aging  
United States Senate  
G31 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Kohl:

Thank you for your letter concerning the digital transition that will take place on February 17, 2009. I share your concern that the transition must occur in a seamless manner without any disruption in service for the millions of affected households. Moreover, I too believe that special emphasis must be placed on ensuring that households including or headed by seniors are sufficiently aware of the upcoming transition and its implications for them.

For some time now, we have been working both on our own and in cooperation with industry, other government agencies, and consumer groups to advance the transition and promote consumer awareness. Our efforts to date have been three-fold. First, we have been working to get the right rules in place to facilitate a smooth transition. Second, we have been actively enforcing our rules to protect consumers. And, third, we have been promoting awareness of the transition through our consumer education and outreach efforts. Through all of our activities, the Commission has been dedicated to minimizing the negative impact of the digital transition on consumers while maximizing the benefits to them.

Without the proper policies in place, some viewers may be left in the dark or be unable to realize the full opportunities offered by digital technology. Such an outcome would be unacceptable. The Commission, therefore, has initiated several rulemaking proceedings designed to facilitate the upcoming transition. In one recent proceeding, the Commission proposed to ensure that cable subscribers do not lose access to broadcast signals because of the digital transition.

About 50% of cable subscribers today subscribe to analog not digital cable. Nielson estimates that of the 77.9 million people that receive analog cable and no premium networks, almost 20% are senior citizens. That means that at least 14.8 million senior citizens may lose access to these analog broadcast signals after the digital transition unless the Commission Acts. According to the 1992 Cable Act, cable operators must ensure that all local broadcast stations carried pursuant to this Act are "viewable" by "all" cable subscribers. The Commission is currently considering a rulemaking that would require cable operators to ensure their analog customers don't lose their broadcast signals. Cable operators can either continue to carry signals in analog format to the millions of analog cable subscribers or alternatively, cable operators who have chosen to go all-

digital can provide their subscribers with the necessary equipment to view broadcast and other channels.

One of the most important actions we have taken to facilitate a smooth transition is to ensure that electronics retailers fully inform consumers at the point of sale about the DTV transition date and the equipment necessary to continue to be able to receive over-the-air television signals. Accordingly, the Commission released an order in April requiring retailers to disclose to consumers that a television with only an analog tuner will not receive over-the-air broadcast signals after February 17, 2009. Such notice should ensure that consumers are making a fully informed decision about the television that they seek to purchase *before* bringing it home. It will also help educate consumers about the upcoming digital transition.

And, just last week, the Commission adopted a Notice of Proposed Rulemaking on several DTV education initiatives. This NPRM seeks comment on requiring broadcasters, multichannel video programming distributors, retailers and manufacturers to take certain actions to publicize the digital transition. I intend for the Commission to complete this proceeding expeditiously.

In addition to our policymaking activities, we have also been vigorously enforcing our digital transition-related rules. Swift enforcement of all of our DTV-related rules is critical to protecting consumers from purchasing television sets that may be rendered useless in 18 months. As examples of our enforcement resolve, I would note that the Commission has issued Notices of Apparent Liability against two companies – Syntax Brillian Corp. (approx. \$2.9 million) and Regent USA, Inc. (\$63,650) for violations of Commission rules designed to protect consumers from the unknowing purchase of television equipment without integrated digital tuners.

In addition, as of July 24, 2007, Commission staff had inspected 1089 stores and websites and issued 262 citations notifying retailers of violations for failing to provide a Consumer Alert label for television receiving equipment with analog-only tuners. As an outgrowth of our investigations, I recently presented my colleagues with Notices of Apparent Liability against seven large retailers for apparently violating the Commission's television labeling requirements. These fines, in the aggregate, total over three million dollars. Enforcement activities in this area will continue to be a priority for the Commission in the coming year.

In addition to our policymaking and enforcement activities, we have devoted resources to promoting consumer awareness of the upcoming transition through education and outreach efforts. As detailed in our responses to your specific questions and recommendations below, many of these efforts include educating and assisting senior citizens.

*How will your agency ensure that older Americans who rely on over-the-air broadcasting are not left without television service on February 17, 2009?*

Please be assured that the Commission is doing everything within its statutory authority and budgetary capacity to ensure that older Americans who rely on over-the-air broadcasting are not left without television service on February 17, 2009.

Without the proper policies in place, some viewers may be left in the dark or be unable to realize the full opportunities offered by digital technology. Such an outcome would be unacceptable. The Commission, therefore, has initiated several rulemaking proceedings designed to facilitate the upcoming transition. In one recent proceeding, the Commission proposed to ensure that cable subscribers do not lose access to broadcast signals because of the digital transition.

About 50% of cable subscribers today subscribe to analog not digital cable. Nielson estimates that of the 77.9 million people that receive analog cable and no premium networks, almost 20% are senior citizens. That means that at least 14.8 million senior citizens may lose access to these analog broadcast signals after the digital transition unless the Commission Acts. According to the 1992 Cable Act, cable operators must ensure that all local broadcast stations carried pursuant to this Act are “viewable” by “all” cable subscribers. The Commission is currently considering a rulemaking that would require cable operators to ensure their analog customers don’t lose their broadcast signals. Cable operators can either continue to carry signals in analog format to the millions of analog cable subscribers or alternatively, cable operators who have chosen to go all-digital can provide their subscribers with the necessary equipment to view broadcast and other channels.

A successful completion of the digital transition also depends upon government and industry working together in promoting consumer awareness. For some time now, we have been working both on our own and in cooperation with industry, other government agencies, and consumer groups to advance the transition and promote consumer awareness. Our efforts include focusing on groups that may not otherwise learn about the transition, including senior citizens, non-English speaking consumers, minority communities, people with disabilities, low-income individuals, and people living in rural and tribal areas.

For example, earlier this year, we conducted presentations and provided DTV information at senior centers and retirement homes in Richmond, VA and New York State. We have also exhibited and made presentations on DTV to seniors attending the American Association of Retired Persons (AARP) annual conferences, NAACP conventions, the national Black Family Reunion, the Midwest Black Family Reunion, and the Congressional Black Caucus. A couple of months ago, we participated in a taped video segment on the DTV transition for Retirement Living TV, a Web site containing TV programming on topics of interest to people aged 55 and up. According to the producer for Retirement Living TV, the site has a potential audience of some 23 million viewers. We continually look for other opportunities to reach as many senior citizens as possible with information about the transition and what it means to them. In addition, we have worked with AARP to arrange a speaking role for Commission staff on the DTV transition at AARP’s annual convention this fall in Boston, MA, on one of the convention’s “Presentation” stages. We are also working with AARP to obtain prime exhibit space on their

convention floor that will further enable us to spotlight the DTV transition and its implications for seniors.

Our work with AARP is not limited to participation at AARP sponsored events. We are working with AARP on the creation and placement of articles about the DTV transition and preparation for it, in the periodic publications that it circulates to its members, including one that is published in Spanish. These publications have a combined circulation of over 22,000,000 people. We conduct meetings, conference calls, and other communications regularly with AARP representatives about DTV developments and opportunities to reach AARP members with information about the transition. Our work with AARP serves as a model for effective collaboration with other organizations that represent or assist elderly Americans and we expect to duplicate the successes we have achieved working with AARP as we advance our relationships with these other agencies and organizations.

We are actively seeking out ways in which we can get the word out to senior citizens. For example, we recently coordinated with the U.S. Administration on Aging, seeking to partner with them on DTV education and outreach to seniors, as well as their families and caregivers. Similarly, we have also coordinated with the National Council of Aging to express our desire to work with them, as well as the umbrella Leadership Council of Aging Organizations (LCAO), in educating seniors about the upcoming transition.

*How will your agency address the unique needs of frail, homebound, disabled, limited English proficiency, minority, rural and low-income older Americans that will need specific guidance and assistance in order to purchase and install a converter box through the National Telecommunications and Information Administration's (NTIA) Digital-to-Analog Converter Box Coupon Program (coupon program) without any undue burden?*

The Commission also plans to address the unique needs of frail, homebound, disabled, limited English proficiency, minority, rural and low-income older Americans that will need specific guidance and assistance in order to purchase and install a converter box through the National Telecommunications and Information Administration's (NTIA) Digital-to-Analog Converter Box Coupon Program (coupon program) without any undue burden.

We are especially aware of the many and varied special needs that seniors across the country have for information and assistance. We are working to develop meaningful relationships with a number of state and local entities and community-based organizations, and anticipate conducting joint DTV awareness outreach activities at the local level especially designed for seniors who may require special assistance. Similarly, by working in coordination with DTV Transition Coalition members and our local, state, tribal and federal partners, we are identifying other charitable and social services agencies at the federal, state and local levels, and will contact them directly via letters, email and telephone calls regarding the availability of DTV transition awareness materials that would aid them in informing and assisting the seniors and other consumers they serve. Specifically, we plan to coordinate with many of these agencies and organizations in disseminating DTV transition information directly to seniors using their established distribution networks. This could include, for example, direct distribution of DTV

information to walk-in clients, enclosing information in consumer correspondence, reproducing DTV publications in large print to make them easier for seniors who may have low vision, translating materials into multiple languages to meet the needs of seniors with limited English proficiency, posting information and links on Web sites that are frequently visited by seniors, and training local volunteers to provide direct assistance to seniors who need or request it.

*How will your agency provide guidance to the families, caregivers, and aging support networks of these vulnerable older Americans?*

The Commission will do its best to provide guidance to the families, caregivers, and aging support networks of these vulnerable older Americans. We already have produced numerous fact sheets and advisories, many of them also in large print and Spanish language formats, to provide guidance to consumers on the DTV transition. Topics include: advisories on the mandatory labeling of TVs with analog-only tuners; guides to buying TVs; public television stations in the digital age; compatibility of cable TV and DTV receivers; closed captioning for DTV; and various general publications, including an extensive booklet titled “DTV: What Every Consumer Should Know.” As I described above, the Commission is working to get this information directly to seniors through various distribution networks. In this regard, we are making a special effort to identify agencies and organizations that provide services to elderly Americans, and will work with these organizations and agencies to inform and assist seniors with regard to the DTV transition. Through these means, we also will ensure that this information is put into the hands of the families, caregivers, and aging support networks for seniors.

*How will your agency mitigate the potential scams that may target the elderly once the coupon program is initiated?*

The Commission will work to mitigate potential scams that may target the elderly once the coupon program is initiated. We will investigate and address complaints of scams and other inappropriate conduct connected with the DTV transition with the same resolve and determination we have demonstrated in enforcing our labeling requirement and tuner mandate. In this regard, it is our goal to investigate, or assist other law enforcement agencies in investigating, opportunistic individuals or companies preying on unsuspecting seniors and other vulnerable consumers. In addition, to the extent that we become aware of or have reason to suspect that seniors are being targeted by scams associated with the DTV transition, including the coupon program, we will work in coordination with NTIA and the Federal Trade Commission (FTC) to prepare and issue consumer alerts and advisories on how to avoid falling victim to such scams. We will ensure that any such alerts and advisories are distributed broadly through our distribution networks and those of our local, state, tribal, federal and industry partners, as described above.

In your letter, you also include several recommendations for developing and implementing a DTV transition program to inform and educate households that include or are headed by seniors.

We appreciate the useful suggestions reflected in these recommendations and provide responses to each of them in the paragraphs below.

*An easily comprehensible explanation of the DTV transition, including its effective date and who is affected.* I agree that our education and outreach materials must be clear and impart all the information needed by seniors and other consumers in order to prepare for the DTV transition. From the beginning, our DTV outreach and education initiative has been focused on developing and distributing clear, unambiguous publications designed to educate consumers about the transition and the steps they may need to take to continue watching over-the-air television after the transition is complete. For example, we recently issued a consumer advisory titled “Buying the Right TV: What Every Consumer Should Know.” As you have recommended, this advisory offers easily understandable information on what the digital transition is, any purchasing decisions consumers will have to make in anticipation of the transition, and NTIA’s converter box program. The advisory also cautions consumers about purchasing analog TV sets that will not work without converter boxes to receive over-the-air broadcasts after February 17, 2009. Many of our DTV advisories and publications, including the aforementioned one, are available in large print. We continually update and develop new DTV publications, and we welcome any additional suggestions you may have about making our publications even more useful and practical for seniors and other consumers. Furthermore, seniors may receive DTV-related information by calling our toll-free number, 1-888-CALL-FCC.

*The public safety and emergency preparedness concerns the DTV transition will address, such as updating of the Emergency Alert System and the potential public safety hazards of not successfully transitioning.* During the DTV transition and beyond, it is critically important that seniors receive accurate and timely alerts, other necessary information, and services during emergencies. With respect to the Emergency Alert System (EAS), the Commission has expanded participation in the EAS over the years. Today’s EAS includes not just digital and analog TV broadcasters, but also digital and analog radio broadcasters, digital and analog cable TV service providers, wireless cable service providers, Direct Broadcast Satellite (DBS) systems and Satellite Digital Audio Radio Systems (SDARS). In May, the Commission revisited the EAS rules in a Report and Order that requires wireline telephone companies providing video programming services to participate in the EAS. In other words, seniors and other Americans currently receive EAS alerts and warnings not just from broadcast TV stations, but from a wide variety of communications services providers.

This service diversity will be strengthened as EAS providers implement a digital or “Next Generation EAS” over the coming years. Next Generation EAS will make possible a host of new alert capabilities and will include a build-out of diverse and redundant delivery systems that will be a vast improvement over the infrastructure currently in place. The EAS Second Report and Order and Further Notice of Proposed Rulemaking were released on July 12, 2007.

In addition, as part of our Public Safety and Homeland Security Bureau's outreach efforts, we will solicit the help of local emergency officials to educate the public on the potential public safety hazards of not successfully transitioning to DTV.

*Instructions to determine whether a television(s) will receive a digital signal and, if not, the options to ensure reception of a digital signal and the related costs; Information related to the coupon program, eligible versus non-eligible converter boxes, certified retailers and important associated deadlines.* The Commission's consumer education and outreach plans are geared toward not only educating the consumer about what the DTV transition is, but also what the consumer must do in order to ensure the continued ability to view over-the-air television programming. To that end, we recently updated on the Commission's website a Consumer Fact Sheet called "DTV is Coming (and Sooner Than You Think!)," which presents in easily understandable terms what actions seniors, their families and caregivers can take to ensure that seniors and all others in their households or under their care are able to continue watching over-the-air television after the transition is complete on February 17, 2009. This Fact Sheet explains several ways consumers can determine whether their televisions are able to receive digital over-the-air broadcast programming, thus negating the need for a digital-to-analog converter box. This Fact Sheet is available in large font format and will be widely disseminated, particularly to groups such as the elderly who may rely solely on over-the-air broadcasts for their television programming. As we do with other DTV publications, we will distribute this Fact Sheet broadly to consumers, community-based organizations, the media, and local, state, tribal, and federal agencies. In addition, we will highlight it at the various conferences and events we attend, and post it prominently on our specially-created Internet Website, [www.dtv.gov](http://www.dtv.gov).

In addition, consumers who cannot readily determine whether their television contains a digital tuner are advised to (1) check their set for the manufacturer and model number, and (2) then contact the set manufacturer or the retailer where they purchased the set to determine if it contains a digital tuner. This information may also be available online through the manufacturer's or retailer's website. Consumers are further advised to contact their local broadcast stations to determine the channel numbers on which the stations are broadcasting digital programming and then tune their televisions to those channels to see if they can receive the digital broadcast programming.

Current Commission publications, the [dtv.gov](http://www.dtv.gov) website, and the NTIA website (<http://www.ntia.doc.gov/dtvcoupon/index.html>) provide information for consumers on the upcoming digital-to-analog converter box coupon program administered by NTIA, which is scheduled to begin on January 1, 2008. I would note that the Commission's Website already links to NTIA's converter box coupon program. We will also be sure to enable consumers to download a converter box application from our [www.dtv.gov](http://www.dtv.gov) and [www.fcc.gov](http://www.fcc.gov) Websites as well as post on these Websites a list of retail locations through which consumers can redeem converter box coupons. When appropriate, we will issue a Public Notice announcing that these materials and information are available on our Website.

As NTIA makes information available about its DTV converter box coupon program, we will also coordinate with NTIA to update our Fact Sheets and other consumer publications to include, as you suggest, information about eligible versus non-eligible converter boxes, certified retailers, associated deadlines and other information designed to inform and assist seniors and other consumers. We will disseminate this information broadly through the distribution networks I described above, with a special emphasis on getting the information to elderly Americans. Our staff meets regularly with NTIA regarding DTV developments, possible joint consumer education activities, and strategies for reaching seniors and others who may need additional or tailored information about converter boxes and the coupon program, in order to prepare for the transition.

*Tips on how to avoid potential fraudulent schemes related to the DTV transition that may target the elderly.* Once NTIA has finalized the converter box coupon application process and made it available to the public, we will coordinate with NTIA to ensure that seniors and other consumers are provided clear, easy to understand information about the application process. We will also list in our various publications and on our Website contact information for authorized vendors of converter boxes as that information becomes available. In addition, we will work with NTIA to ensure that seniors, when they request converter box coupon applications, receive detailed information about where to direct any questions or complaints they may have. To the extent that we are made aware of scams or other unscrupulous activities associated with the DTV transition, we will work with NTIA and the FTC to prepare and distribute consumer alerts and advisories which, as you recommend, will include tips on how to identify and avoid such scams. In addition, as I stressed above, we will vigorously investigate any complaints or other information we receive indicating that consumers, including seniors and other vulnerable groups, are being taken advantage of in connection with the DTV transition.

In addition to the activities described above, the Commission has been active on a number of other fronts as set forth in the Appendix. We believe that our participation in these activities will enable us to directly reach senior citizens, as well as other Americans, to prepare them for the transition.

I am committed to ensuring that all Americans, including senior citizens, are not left in the dark after the digital transition. Through all of our activities -- policy, enforcement, and consumer outreach -- the Commission is dedicated to minimizing the negative impact of the digital transition. I look forward to working closely with Congress, other agencies, and industry and consumer groups during the next 18 months to minimize the burden on consumers and ensure that all consumers reap the benefits of the digital transition. In particular, we plan to continue our close coordination with NTIA and the DTV Transition Coalition to ensure that senior citizens are aware of the transition and understand what steps they need to take in order to continue watching TV when analog broadcasting ends.

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Thank you for your interest in this very important matter. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Kevin J. Martin". The signature is written in black ink and is positioned above the printed name.

Kevin J. Martin

## APPENDIX

*The DTV Transition Coalition (“DTV Coalition”)*. We recently became a formal member of the DTV Coalition, a stakeholder organization representing consumers such as AARP and the American Association of People with Disabilities, the U.S. Chamber of Commerce, broadcasters, retailers, manufacturers of consumer electronics, and dozens of other organizations. In this capacity, we intend to help disseminate information about the transition and to coordinate outreach efforts.

*Public Service Announcements (“PSAs”)*. Last year we posted a PSA about the DTV transition throughout the District of Columbia metropolitan transit system. Should funding become available, we will produce some targeted, additional PSAs in coordination with the national, comprehensive DTV Public Service Announcement (PSA) campaign by the members of the DTV Coalition. Because the DTV Coalition plans to air their PSAs next year, we would endeavor to release additional printed PSAs in 2007 similar to the one posted last year at D.C. metro stations. In any event, we plan to coordinate with the DTV Coalition to ensure that all PSAs are produced and distributed in a manner that will best promote consumer awareness and education.

*DTV Workshop*. We recently issued a news release announcing that we will host a DTV Consumer Education Workshop on September 26. This workshop, to be held at Commission headquarters, will consist of officials from organizations who represent a broad range of DTV stakeholders, including senior citizen organizations, government agencies, industry, tribal organizations, disability community groups, non-English speaking groups, low-income consumer representatives and other public interest organizations that may represent underserved customers or those living in rural areas. The purpose of this workshop will be to provide an opportunity for all interested parties to jointly discuss the challenges associated with the upcoming transition and explore ways in which these organizations can work together, in conjunction with the Commission, to develop coordinated consumer education activities.

*FY 2008 Spending Plan*. In addition to helping further the activities already discussed, the FCC requested \$1.5 million from Congress to allow us to undertake several additional initiatives which will greatly enhance our efforts to reach those consumers who currently rely upon over-the-air service. For example, in order to reach consumers more directly, we intend to contract with information distribution services to target low-income communities and senior citizens with DTV transition information through retail stores and other alternative outlets.

We estimate that the additional funds will also allow us to expand our dissemination of published materials through targeted direct mailings of DTV-related information to approximately 300,000 households, with a focus on underserved communities and senior citizens. And, we would translate our DTV consumer education materials into languages other than Spanish, possibly including French and Mandarin, and distribute these materials through government and community organizations serving immigrants and non-English speaking consumers.

In addition, we would continue our participation in consumer and industry workshops, conferences and expositions. We would spend money to develop DTV-specific exhibits and to conduct equipment demonstrations at major consumer events such as the AARP conference. We would also participate in DTV-specific community-based "Ask the FCC" programs in order to distribute DTV consumer information to individual consumers and organization leadership, provide information that can be used to conduct local DTV transition awareness programs, and tap into networks that can be used for disseminating DTV information to large numbers of consumers.