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**DTV Conversion:
“On-air Education Efforts” in the Offing
More Media Measures May Be Mandated**

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TV broadcasters may need to adjust their budgets just a tad more for the upcoming DTV transition. It's possible that they'll be having to cough up air time for spots to inform the 10-to-15 percent of TV households without cable or satellite service that their 30-year-old Zeniths may show nothing but snow once D-Day arrives.

In defense of the FCC, the Commission did not come up with this idea – or, more accurately, this inchoate bundle of concepts that might someday congeal into a coherent idea – on its own. Rather, the idea arrived in the mail, in a letter from a couple of influential (read: Committee Chairmen) members of the House of Representatives. They suggested that, with the DTV transition fast approaching, it might be a good idea for the Commission to “require television broadcasters to air periodic public service announcements and a rolling scroll about the digital transition.”

Demonstrating the propensity of semi-liquid substances to flow downhill, the Commission has passed that suggestion along to the broadcast industry in the form of a Notice of Proposed Rulemaking (NPRM). Obviously intent upon placating its Congressional overseers, the Commission makes clear that it does indeed plan to impose on TV licensees the obligation to conduct “on-air consumer education efforts”. But what, exactly, does the FCC have in mind?

It's hard to say. Instead of outlining any specific proposals, the NPRM merely whips Congress's one-sentence vague suggestion into an impressive series of thirteen vague questions (*see* the NPRM excerpt quoted verbatim in the sidebar) and directs the downhill flow to broadcasters. And then, recognizing that many viewers will likely *still* need “additional assistance in preparing themselves” for the DTV transition (notwithstanding the salutary effects anticipated from the sure-to-be-mandated “on-air consumer education efforts”), the NPRM asks for more suggestions on steps the Commission and industry might take to assure that consumers “have access to the information and assistance they need.”

But wait, there's more. The Congressional letter also suggested that it might be a good idea for the FCC to impose a reporting requirement on broadcasters relative to their consumer education efforts – you know, maybe a report to be filed every 90 days, listing the “time, frequency and content” of all transition-related PSA's broadcast. Oh yeah, and Congress also suggested “civil penalties for noncompliance”.

Needless to say, the Commission has included that suggestion in the stream of “proposals” set out in the NPRM. Again, the NPRM offers little of substance, relying instead on a series of vague questions. (*See* the aforementioned sidebar.) The FCC also proposes similar informational obligations for multichannel video programming providers and consumer equipment manufacturers.

Of course, the TV industry has a horse in this race. The last thing anyone in the TV biz wants is to lose the eyeballs of consumers caught unawares by the coming DTV transition. There's money to be made – and potentially lost – from any transition failures.

But the crux of the rulemaking is to codify what the industry *must* do, by government fiat – and, consequently, what resources stations must cough up for public education, resources over and above of the millions of dollars already invested in new equipment and spent on maintaining duplicative digital transmissions long before DTV receivers were widespread. A number of smaller market operators, in particular, have struggled to meet these expensive technical demands given the smaller ratio between ad revenues and DTV equipment investments.

While it's true that digital multicasting may improve over-the-air TV's competitive position, many smaller operators have had to mortgage the farm in order to seed a not-yet-sure DTV harvest – a harvest which is particularly unsure as new digital technology increasingly makes video entertainment and information available from sources other than licensed stations.

On the other hand, it is in the broadcast industry's interests to make D-Day as painless as possible. In a world of 500 channels and virtually limitless Internet content choices, customer retention is not just a good idea, it is mandated by the unyielding laws of survival. So the industry should be taking steps. But whether FCC-mandated requirements will help out is another story entirely.

The FCC is seeking public comment on its “proposals” – *i.e.*, the questions set out in the sidebars elsewhere on this page. If you would like to chip in your two cents' worth, the docket is open for comments until September 17, 2007. Replies to those comments are due by October 1, 2007.

The FCC's “Proposal”, in the FCC's own words . . .

If you think that the Commission has any concrete idea of precisely what new PR and reporting obligations TV licensees should shoulder as Conversion Day approaches, think again. The following lists of questions comprise the totality of the “substance” of the NPRM.

As to the PSA proposal:

“We propose to require television broadcast licensees to conduct on-air consumer education efforts. Such on-air efforts, we believe, are the most effective and efficient way to reach over-the-air television viewers about the coming digital switch-over. What should these announcements include, and when and how often should they run? Should we impose similar requirements on all television broadcast licensees or should there be distinctions made among licensees? Should the Commission produce an announcement or group of announcements to be used by all broadcasters, or simply provide a list of points that must be conveyed in any compliant announcement? What text or images should the rolling scroll include? Would it be constant or intermittent? On what date would it begin to run, and during which hours would it be required? Would the on-air education requirements increase as the transition date approaches? How would we track the effectiveness of the outreach efforts? Should broadcasters be required to formally assess and report on consumer awareness and preparedness, particularly in certain communities? If so, which communities warrant special attention? Should there be some mechanism for making adjustments in our requirements to reflect these ongoing assessments? Should we adopt certification requirements to ensure that broadcasters are complying? Would forfeitures for noncompliance be appropriate in this area? If so, how would they be calculated?”

As to the reporting proposal:

“What level of detail should reports to the Commission on consumer education efforts contain? What additional burdens would preparing, submitting, and retaining such reports place on licensees and permittees? Could these burdens be met by small broadcasters and NCE stations? Is there an alternative to requiring the filing of such reports with the Commission? For example, could broadcasters publicly summarize and describe their consumer outreach efforts via web pages, press releases, in their public file, or otherwise? How would this approach be monitored and enforced by the Commission? What benefits would these reports create for the government and public? How should any forfeitures for noncompliance be calculated?”