

SEPARATE STATEMENT OF COMMISSIONER MICHAEL J. COPPS

Second Report and Order: Television Labeling Requirements MB Docket No. 03-15

Labeling of analog-only television sets is a good idea. It would have been an even better idea had we adopted it fourteen months ago when Congress passed the February 2009 deadline. In just 2006, nearly 11 million analog sets were sold in the United States. Even with the tuner mandate now fully effective, 2.5 million more analog sets will be sold this year. Each of these sets is a ticking time bomb for 2009, requiring consumers to go to significant trouble and expense if they want to continue receiving over-the-air television.

How many of these consumers would have made a different choice if they had known of the switchover date? My guess is a lot. Given our phased-in tuner mandate, the analog-only sets sold since 2006 were among the smallest sets, including portable and battery-powered products that are often used primarily to receive off-air signals. Even for those sets intended to be connected to cable or satellite, the Commission has found that consumers expect the televisions they purchase will be able to receive over-the-air broadcast signals.¹ Indeed, meeting this consumer expectation was the reason the Commission required that every digital cable-ready set include an over-the-air digital tuner.²

We will likely have some surprised and unhappy consumers on our hands in 2009, asking why no one told them earlier about the end of analog broadcasting.

I think we should also have adopted a labeling requirement for sets without any over-the-air tuning capability (*i.e.*, “pure monitors”). Surprisingly, we don’t even know how many of these monitors are on the market. Given the Commission’s prior finding that “consumers will continue to expect that digital television receivers will be able to receive over-the-air digital broadcast signals,”³ consumers ought to be notified if the equipment they are buying fails to meet that expectation.

I am not as sanguine as some that manufacturers and retailers are adequately informing consumers about the capabilities – or lack thereof – of their digital products. Go into any retail or online store and take a look around. You’ll find more alphabet soup than a Campbell’s warehouse. Does an LCD Flat-Panel TV have an over-the-air tuner? How about an EDTV Widescreen TV? Maybe an HDTV-Ready DLP? Hmmm, no way to tell from the name, so let’s say you know enough to go to the fine print. Suddenly

¹ See, e.g., *DTV Tuner Order*, 17 FCC Rcd 15978 (2002) at ¶ 44 (“[C]onsumers generally still expect the television they purchase to be able to receive over-the-air broadcast signals. The tuner requirement we adopt today is a mechanism for continuing to meet those expectations as broadcasting transitions from analog to digital.”).

² See *Plug-and-Play Order*, 18 FCC Rcd 20885 (2003) at ¶ 34.

³ See *First DTV Periodic Review*, 16 FCC Rcd 5946 (2001) at ¶ 111. See also *DTV Tuner Order*, above.

you're wading through information on lines of resolution, pixel counts, input jacks, viewing angles, response time, and on and on. But you persevere, and finally, if you're lucky, you locate the entry for tuners, and it says "NTSC/ATSC/QAM." You look around in total desperation for help, wondering why buying a TV suddenly got to be a test you had to cram for.

Some retailers are making an effort to cut through the jargon and I commend them for their efforts. But too many don't. A simple label would have leveled the playing field and given consumers the information they deserve.

Overall, I'm supportive of today's action. We could have gone farther and it's late in the day, but at least we're doing the right thing on the issue in front of us.