

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 07-91)

The national transition to digital broadcasting is the Commission's single biggest responsibility in recent history. Similar to the nation's preparedness for the unrealized Year 2000 computer threat that captivated our attention just seven years ago, the only proper response is to over-prepare. The DTV transition will impact everyone in the United States, yet the primary responsibility to make this transition successful rests principally on the Commission and its regulated entities. Accordingly, I am pleased to support this item because it advances our national preparedness for the impending digital transition, but there is much more work ahead.

That analog broadcasting *as we know it* will end forever on February 17, 2009, is made eminently clear throughout this item. This hard deadline was created by Congress, and the Commission does not have the authority, the discretion or the inclination to change it. In very real terms, the transition is far too important, and far too much is riding on its success.

It is too important because the terrorist attacks of 2001 revealed the underlying weakness of our public safety communications infrastructure. First responders are eagerly waiting for the 24 MHz of spectrum that Congress has allocated to serve as the foundation of a potentially inoperable system. And far too much – including far too much money – is riding on the deadline to cause any uncertainty. The Commission is statutorily required to commence an auction of the reclaimed 700 MHz broadcast spectrum no later than January 28, 2008, and to deposit the proceeds in the Digital Television Transition and Public Safety Fund no later than June 30, 2008. The estimated market value of the reclaimed broadcast analog spectrum is upwards of \$10 billion, according to the Congressional Budget Office.

I am pleased that this item informs full-power television broadcasters that the transition deadline is firm. In today's item, the Commission proposes that February 17, 2009, will be the construction deadline for all stations that are building digital facilities on new channels. And for stations whose pre-transition channels are the same as their post-transition assignments, we propose that those stations will have six months to complete construction. The Commission also proposes to heighten the standard by which we will grant extensions to time to construct digital facilities. I support these and many other proposals, such as developing an expedited procedure to process construction permits, because they should establish a regulatory framework that is firm and flexible.

I am especially pleased that we decided to develop a simple form that will allow every full-power television broadcast station to inform the Commission of their status and what the additional steps the station needs to take to meet the February 17, 2009 deadline. While the form itself is important, what we do with them is even more important. It is not sufficient to simply post them on a website. I believe the Commission, as the principal agency in charge of the digital transition, needs to prepare a comprehensive report that aggregates and details where every single station is exactly one year before the transition ends. Our failure to know and report this information to the American people and Congress would be an abrogation of our responsibility.

Finally, while I am pleased that we are marching on with the mechanics of the digital transition, I am concerned that we have not yet provided broadcasters and the public with a concrete understanding of broadcasters' public interest obligations in the digital age. This necessary piece of the transition continues to lag further and further behind. Congress made clear that broadcasters continue to have public interest obligations in the digital world, but left it up to us to specify how to apply them.

As we continue to speed the arrival of the best possible digital television service to the public, an

important proceeding that could bring certainty continues to linger at the Commission. More than seven years ago, the Commission inquired generally how it should update broadcasters' public interest obligations for the digital age. In the *Second Periodic Report and Order*, we sought additional comment and stated our goal for prompt resolution. Yet, no further action has been taken on this issue of enormous public and consumer importance. Especially in light of our interest curtailng violence on broadcast television, I urge my colleagues to act on clarifying the public interest obligations of digital broadcasters as soon as possible. A crystal clear digital picture is important, but quality programming is just as, if not more, important.

We owe it to the public and to broadcasters to devote sufficient time and resources of this Commission to establishing concrete, measurable public interest obligations to fulfill Congress's vision of this enhanced digital viewing experience. Let us not leave the public behind as we continue finalizing the blueprints for digital television.