



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 09-521

Released: February 27, 2009

**MEDIA BUREAU ANNOUNCES EFFECTIVE DATE FOR  
RULES ADOPTED IN DTV DELAY ACT OMNIBUS ORDER  
AND COMMENT DATE FOR NOTICE OF PROPOSED RULEMAKING  
MB DOCKET NO. 09-17**

**Comments Due: March 4, 2009**

On February 20, 2009, the Commission adopted and released a *Second Report and Order and Notice of Proposed Rule Making* (“*DTV Delay Act Omnibus Order*”)<sup>1</sup> to implement the most time sensitive of the remaining actions necessitated by the delay in the digital television transition deadline.<sup>2</sup> By this Public Notice, the Media Bureau announces the effective date of the rules adopted in the *DTV Delay Act Omnibus Order* to implement the DTV Delay Act and the comment date of the companion *Notice of Proposed Rulemaking*.

The *DTV Delay Act Omnibus Order* was published today in the Federal Register.<sup>3</sup> Accordingly, the rules adopted in the *DTV Delay Act Omnibus Order* are now in effect,<sup>4</sup> except for the following rules, which will take effect on April 1, 2009: 47 C.F.R. §§ 15.124, 54.418, and 76.1630.<sup>5</sup> Additionally, the revised Forms 387 and 388 are available now on the FCC Form Page.<sup>6</sup>

---

<sup>1</sup> *Implementation of the DTV Delay Act*, MB Docket 09-17 *et. al.*, Second Report and Order and Notice of Proposed Rulemaking, FCC 09-11 (rel. Feb. 20, 2009) (“*DTV Delay Act Omnibus Order*” and “*NPRM*”). The *DTV Delay Act Omnibus Order* is also available on the Commission's website. [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-11A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-11A1.doc).

<sup>2</sup> DTV Delay Act, Pub. L. No.111-4, 123 Stat. 112 (2009).

<sup>3</sup> 74 FR 8868 (February 27, 2009).

<sup>4</sup> Specifically, 47 C.F.R. §§ 27.13, 27.14, 27.20, 27.1310, 73.624, 73.674, 73.3598, 90.528, and 90.1410. *DTV Delay Act Omnibus Order*, *supra* note 1, Amended Rules Appendix.

<sup>5</sup> *DTV Delay Act Omnibus Order*, *supra*, note 1 at ¶ 86. As discussed in the *DTV Delay Act Omnibus Order*, these rules take effect later in order to give manufacturers, eligible telecommunications carriers and multichannel video programming distributors the necessary time to fully comply with the amended rules. Thus, ETC and MVPD notices mailed in April must include updated language, and the notices included with television receivers and related devices manufactured in April must include updated language. See *Report and Order*, *supra*, note 1 at ¶ 15, note 29, and the Amended Rules Appendix, 47 C.F.R. §§ 15.124, 54.418, 76.1630.

<sup>6</sup> <http://www.fcc.gov/formpage.html>.

The companion *NPRM* was also published today in the Federal Register.<sup>7</sup> Accordingly, comments must be filed on or before March 4, 2009. The *NPRM* set an expedited, one-round comment cycle of five (5) calendar days after publication in the Federal Register.<sup>8</sup> The Commission found that the five-day comment period (with no reply period) provided the maximum possible opportunity for public comment that would still enable it to fulfill the statutory mandate to take such actions as are necessary or appropriate to implement the DTV Delay Act and accomplish its purposes within 30 days of the DTV Delay Act's enactment, *i.e.*, no later than March 13, 2009.<sup>9</sup> Commenters must follow the filing instructions provided in paragraphs 75-77 of the *NPRM*.<sup>10</sup>

For more information, please contact: Lyle Elder, Lyle.Elder@fcc.gov, at 202-418-2120 or Maureen McCarthy, Maureen.McCarthy@fcc.gov, 202-418- 0011 of the Media Bureau's Policy Division. TTY: (202) 418-7172 or (888) 835-5322.

By the Chief, Media Bureau

--FCC--

---

<sup>7</sup> 74 FR 8889 (February 27, 2009).

<sup>8</sup> The Federal Register computes dates by counting the day after the publication day as one, and by counting each succeeding day, including Saturdays, Sundays and holidays. 1 C.F.R. § 18.17(b).

<sup>9</sup> *DTV Delay Act Omnibus Order*, *supra*, note 1, at ¶ 73.

<sup>10</sup> *NPRM*, *supra*, note 1 at ¶¶ 75-77.