

FCC Sets Digital TV Rules

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The FCC adopts measures to ensure a smooth transition to DTV in 2009, which is necessary to free up the 700MHz band for wireless voice and data.

The Federal Communications Commission voted on April 25 to adopt a number of measures that will help ensure a smooth transition to digital television in February 2009. This transition is necessary to free up the 700MHz band for wireless voice and data and for a variety of other communications needs, including interoperable emergency communications.

The new rules include a provision that requires retailers to alert customers in writing if they buy an analog television set, or any set that does not include a digital television tuner. The FCC also announced a Notice of Proposed Rule Making on its third review of the DTV transition, and it asked for comments on proposed rules that would assure that cable television providers continued to support users with analog TV sets.

The warning label provision requires a warning label on all TV reception devices (which include TV sets, VCRs, computer TV cards and the like) that starts off with "Consumer Alert." The label explains the issue, starting with the sentence, "This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009."

The new rules are to make consumers aware of the change to digital TV,

and how the change will affect them. The idea is to help consumers choose digital TV sets where possible. This order goes into effect immediately. All television receivers of whatever type were supposed to have digital tuners as of March 1 of this year anyway, but retailers have been allowed to sell their existing stock. With the new rules, consumers will be warned about buying such a TV.

"Labeling of analog-only television sets is a good idea," FCC Commissioner Michael Copps said in a prepared statement. "It would have been an even better idea had we adopted it fourteen months ago when Congress passed the February 2009 deadline." Copps noted that consumers bought 11 million analog television sets in 2006 alone and wondered how many consumers would have chosen a digital set if they had only known how short the lifetime of such analog sets would be.

The FCC also announced that it has begun its third review of the DTV transition. In an NPRM (notice of proposed rule making) adopted April 25, the FCC said it will limit any extensions for time to build digital television facilities, offer expedited processing for stations that are changing over to digital and adopt policies to ease the transition of existing stations to digital transmission. In addition, the FCC will require all television stations to provide the current status of the station's transition to digital by Dec. 1.

"The Commission will make any necessary adjustments to the Commission's technical rules and policies to facilitate the transmission of digital broadcast signals by February 17, 2009," FCC Chairman Kevin Martin said in a statement.

The FCC also announced that it is seeking comments on the DTV transition as it regards cable television providers. First the FCC said it plans to require that cable companies either provide signals to analog television users in analog form or that they make digital-to-analog

converters available for analog television users.

Second, the FCC said it will require that all HDTV signals be provided to cable customers in HD format. The commission said it will seek comments on whether it should require that the HD signals be transmitted without any material degradation or whether some standard should be set for the delivery of HD signals.

The cable television rules are intended to make sure that TV viewers get what they get now in the form that works best for them. However, analog signals are only required to be delivered to analog users if they meet the "must carry" criteria, which basically means local television stations.

"The 1992 Cable Act is very clear. Cable operators must ensure that all local broadcast stations carried pursuant to this Act are 'viewable' by all cable subscribers," explained Martin, in a statement. "These commercial and non-commercial must-carry broadcast stations provide consumers with valuable local news, information, and entertainment. Under the statute, cable operators cannot simply cut off these broadcast signals to any of their customers after the transition to digital."

"Cable subscribers, like all consumers, deserve to have access to the benefits digital is capable of bringing us," said Copps in a statement. "Indeed, given that most households in the U.S. subscribe to cable, it's doubtful that we could have a successful digital television transition without the full participation of the cable industry. I therefore do not treat the digitization of over-the-air broadcasting, cable, and satellite as separate transitions."

Copps said that it's critical that the needs of all cable viewers be taken into account during the transition, and that none be left behind.

The transition to digital television is closely linked to the success of the 700MHz spectrum auctions set for later this year. Those frequencies are supposed to be available to wireless voice and data providers as of Feb. 18, 2009, and a delay in implementing the transition to DTV could have far-reaching consequences.

"Far too much - including far too much money - is riding on the deadline to cause any uncertainty," said FCC Commissioner Jonathan Adelstein in a statement. "The Commission is statutorily required to commence an auction of the reclaimed 700MHz 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."

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