

Transition in Trouble: Action Needed to Ensure A Successful Digital Television Transition

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The civil rights community views access to communications as a fundamental right of every American, and believes the digital television transition has the potential to open the door for more Americans to fully participate in the digital age. This will only be true, however, if all families are able to access digital television programming. The purpose of this report is to highlight what's at stake for the civil rights community and to offer an action agenda to help ensure that no community is left behind.

The authors and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

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Executive Summary

On February 17, 2009, the nation's full-power television stations will turn off their analog signals and exclusively broadcast digitally. In addition to sharper images and superior sound, digital television offers the potential of many important benefits over analog television, including better service to those with hearing or visual disabilities, translations in languages other than English, more local programming, and more efficient use of the public airwaves.

However, a May 2008 Nielsen Media Research report estimated that over 23 million households will wake up on that day either completely or partially unready to receive digital broadcast television service, unless they take action soon. And on June 10th of this year the Government Accountability Office (GAO) found that "nearly half of the households that could lose television service after the transition to digital broadcasting are still unprepared for the switch."

Despite months of education and outreach efforts by government, industry, nonprofit community organizations such as the members of the Leadership Conference on Civil Rights, and numerous other groups, many American households remain either completely unaware or only partially aware of the impending digital television transition. Those who are aware of the transition are often confused about whether they will be impacted, and what actions, if any, they should take.

Broadcast television is the primary news source for most Americans. Especially reliant on free over-the-air television are low-income Americans, seniors, persons with disabilities, non-English speakers, and minorities—many of the communities served by members of the Leadership Conference. These communities also own a disproportionate number of older analog television sets that require a converter box to receive digital broadcasts.

For many members of these communities, free over-the-air broadcast television is a lifeline. It keeps them informed and

engaged in their communities and warns them about potential life-threatening situations. Many Americans owe their lives to emergency weather or public safety warnings broadcast to their television sets.

It is critical that on February 17, 2009, America leaves none of its communities and viewers behind as it transitions to digital television.

The Leadership Conference applauds the work done so far by the federal government, the broadcasting industry, retailers, community organizations, nonprofits, and others to educate and prepare the American public for the impending digital television transition. However, the evidence gathered in this report demonstrates that unless much more work is done, the digital transition will likely leave many of our nation's viewers in the dark.

Serious problems with the transition identified by the Leadership Conference include:

- Absence of clear federal leadership and a comprehensive transition plan;
- Lack of viewer awareness;
- Viewer and retailer confusion;
- TV converter box coupon program problems and complexities;
- Excessive and unanticipated costs and burdens to viewers to make the transition;
- Loss of community television stations;
- Difficulties in procuring and attaching converter boxes;
- Reports of unnecessary retailer upselling;
- Difficulties for seniors and people with disabilities in accessing captioning and any available video description on digital converter, cable, or satellite boxes, and finding converter boxes that support video description; and
- No rapid response capability to deal with problems on and after February 17, 2009.

The Leadership Conference has several recommendations that, if adopted, will significantly increase the number of viewers who will be prepared for the digital transition. They include:

Improve the organization of the transition. The federal government should engage in the same kind of comprehensive planning for the nation's digital television transition that it did for the nation's Y2K computer transition, as recommended by the GAO in its November 2007 report on the DTV transition.

Provide increased consumer outreach, education and research. The cost of a Senate campaign in Ohio in 2006 was nearly \$9 million. But for the nationwide campaign to educate consumers about the DTV transition, Congress has so far allocated only \$5 million. To increase consumer awareness and reduce confusion, the federal government must appropriate additional funding to provide public education and outreach to alert and assist populations at risk of losing over-the-air television service. The government should also encourage broadcasters to conduct analog shut-off tests such as that recently completed in Orlando and upcoming in Wilmington, NC, in more, if not all markets, prior to February 17, 2009.

Reduce costs and burdens of transition on viewers.

The federal government should:

- Provide funding for home visits to deliver and install converters and antennas for those who need assistance;
- Make more DTV converter box coupons available overall and make more available per household;
- Eliminate the expiration date for coupons, or at the very least extend the expiration date to March 2009;
- Eliminate the burdensome certification requirement of the second stage of the coupon program;
- Mail DTV converter box coupons in envelopes that are easily identifiable by those with visual challenges;
- Provide more opportunities for mail order or Internet redemption of coupons for converter boxes;

- Make more converter boxes that pass through an analog signal eligible for coupons and available in stores so that viewers will not lose access to their analog community (low-power) broadcast television stations;
- Work with cable companies to reduce the costs and burdens on cable customers from the digital transition;
- Work with retailers to provide accurate information to consumers about the transition and prevent unnecessary upselling;
- Certify and publicize which DTV converter boxes eligible for coupon redemption incorporate video description and make them readily available; and
- Require TV and converter box manufacturers to include automatic software updating capability to remedy software flaws that impact closed-captioning, video description, and other functionality.

Preserve communities' access to their television stations.

The federal government must address the problem of preserving access to analog low-power community broadcast stations and rural translator stations with education, outreach, and a greatly increased supply of coupon-eligible converter boxes that enable a single analog television to receive both digital and analog broadcasts. The problem of consumers trying to access both digital and analog broadcasting along the U.S. - Mexico border must also be addressed.

Prepare for rapid response to problems. The federal government should fund and organize Rapid Response Teams ready to act starting January 1, 2009 to assist the most vulnerable populations who may end up losing television service after February 17, 2009. Congressional offices should have staff trained and ready to answer constituents' urgent, confused, and potentially angry questions about the transition and how to restore their lost television service. The NTIA and FCC DTV consumer assistance telephone lines should be fully staffed and include customer service representatives trained in languages other than English, or in assisting people with disabilities, to help those who are confused about the transition or the coupon program. Community-based organizations should be empowered and funded to mobilize teams that will assist their members who are unsuccessful in making the transition.

Small steps can make a big difference. There are also many small steps the federal government can take to educate the public about the DTV transition that will make a big difference next February. For example, the President should film a public service announcement on the upcoming DTV transition and convene a “summit conference” on the state of the DTV transition. Every government agency should have links on their websites to www.dtv2009.gov and place informational bill stuffers in all their mailings. The Postal Service should place DTV transition posters in all post offices and issue a DTV transition postage stamp. Congressional offices should add links and banners to their websites, use their franking privileges and outreach services to educate their constituents about the transition, and train staffers to assist constituents with procuring coupons and solve other problems associated with the transition.

Bold and decisive action such as that recommended by the Leadership Conference must be taken quickly, or potentially millions of viewers in our nation’s most vulnerable communities will be at risk of losing their lifelines to those communities—free over-the-air television service. The stakes are too great for our nation to allow the digital television transition to become the Digital Television Divide.

It is the responsibility of Congress to ensure that communities and consumers are not unfairly and excessively burdened by the nation’s transition to digital television. This is not the time for members of Congress to be “penny-wise and pound-foolish,” for they will ultimately suffer the wrath of consumers and voters if the digital transition is a failure. Adopting these common sense recommendations will help considerably in the challenge of ensuring that on February 17, 2009, America leaves none of its communities and viewers behind.

Introduction

The Leadership Conference on Civil Rights (LCCR) is the nation's oldest and most diverse coalition of organizations dedicated to advancing civil rights. LCCR consists of approximately 200 national organizations representing persons of color, women, children, organized labor, persons with disabilities, seniors, gays and lesbians, and major religious groups. LCCR, together with the Leadership Conference on Civil Rights Education Fund (LCCREF), seeks to further the goal of equality under law through legislative advocacy and public education. LCCR and LCCREF are privileged to present this report on behalf of the civil and human rights community concerning the significant challenges that threaten to undermine the success of the nation's upcoming transition to digital television. These challenges must be boldly and rapidly addressed if the digital transition is to succeed in leaving no viewers behind.

By law, at midnight on February 17, 2009, the nation's full-power television stations will turn off their analog signals and exclusively broadcast in digital. Although not required by law, an estimated one-third of the nation's low-power stations and translators will also broadcast exclusively in digital on that date.¹ Digital television offers many benefits over analog television, including sharper images, superior sound, and more efficient use of spectrum. Broadcasters will be able to provide more free over-the-air programming to viewers in their local communities, utilizing multiple new digital channels rather than just one analog channel at a time.

Perhaps more important, because a digital signal can include much more information than analog, it has the potential to provide not only additional channels to meet the needs of underserved communities, but more services, such as closed captioning and video description service for people with disabilities, and secondary audio channels to better serve those who speak languages other than English. We do not know if the broadcasters are going to provide these innovative and enhanced services, but we do know

that there is the potential to do so. Additionally, valuable spectrum now used for analog television broadcasting will be reclaimed for other important uses, such as public safety and homeland security, additional mobile phone service, wireless broadband Internet service, and more.

Thus, the transition could, if successful, open the door for more Americans to participate fully in the digital age. This will only be true, however, if all households have the opportunity to access digital television programming.

A May 2008 Nielsen Media Research survey shows just how important television is in Americans' lives: on average, an American spends more time watching television than using all other media combined. Importantly, the primary news source for most Americans remains broadcast television.²

Therefore, it is critical that the hundreds of millions of television viewers in our nation are still able to view television after February 17, 2009. But that is no easy task. TV sets that are not connected to cable or satellite, or do not have a built-in digital tuner, will need a converter box to receive digital broadcast television after the transition occurs. Cable customers, who many assume will not be impacted by the digital transition, may in fact be substantially impacted if they subscribe to basic analog cable service.

Recent Nielsen report data confirm the magnitude of the challenge that the DTV transition poses. Though DTV transition publicity and a coupon distribution program have been underway for months, Nielsen reports that as of April 30, 2008, at least ten million American households—9.4 percent of total U.S. households—are still "Completely Unready" to receive digital broadcast television. Another 13 million households—12.6 percent of total U.S. households—are still "Partially Unready."³

The primary news source for most Americans remains broadcast television.

Those alarming findings are seconded by a GAO report released June 10, 2008 that concluded “nearly half of the households that could lose television service after the transition to digital broadcasting are still unprepared for the switch.”⁴

While many cheered the U.S. Department of Commerce’s announcement that, as of early May 2008, more than one million households had redeemed government-issued \$40 coupons to purchase TV converter boxes that would allow their analog televisions to receive digital signals, it is daunting to note that there are over 21 million U.S. households that rely exclusively on over-the-air, free television, according to the GAO. The real story behind the “one million households have already redeemed coupons” announcement is that after months of outreach and education efforts, at most only five percent of the 21 million U.S. households that rely exclusively on over-the-air broadcast television are prepared for over-the-air digital broadcasting. This may overstate the actual preparedness of exclusively over-the-air households since households that subscribe to cable or satellite television also were entitled to receive coupons during this period.

The digital transition impacts low-income Americans, seniors, people with disabilities, non-English speakers, and minorities—many of the communities served by LCCR members—more than the general population. These communities are disproportionately reliant on free over-the-air broadcast television; they own a disproportionate number of older analog television sets that require a converter box to receive digital broadcasts;⁵ and, if they are cable customers, they may be more likely to subscribe to less expensive analog cable.⁶

For many members of these communities, who too often may be among society’s most vulnerable and disadvantaged, free over-the-air broadcast television is a lifeline that, through news and other local programming, helps to keep them informed and engaged in their communities. It also warns them about potential life-threatening situations, such as dangerous weather or public safety emergencies.

Therefore, a successful transition from analog to digital television is vital to ensuring that those who may be on the remote edges of the economy and society, and already on the wrong side of the Digital Divide, do not suddenly also find themselves on the wrong side of a Digital Television Divide. For a few, should an emergency strike, it may even be a matter of life and death.

To help facilitate the nation's successful transition to digital television, the Leadership Conference became a founding member of the DTV Transition Coalition, which includes the Federal Communications Commission, the U.S. Department of Commerce, the National Association of Broadcasters and other industry groups, grassroots and membership organizations, manufacturers, retailers, trade associations, civil rights organizations, and community groups. We applaud the hard work put into this critical effort by these groups and others, including many policymakers and elected officials, to make the transition to digital television as smooth and successful as possible. We support the analog shut-off test scheduled for September 2008 in the Wilmington, NC market and the recently completed test in the Orlando market. We also support tests in many more markets, as proposed by FCC Commissioner Jonathan Adelstein.⁷ We hope these tests will provide valuable insights on the progress of the digital transition, as well as the challenges that remain.

But the evidence gathered in this report clearly demonstrates that we cannot afford to wait months for the results of these tests to address the substantial challenges that are now threatening the success of the digital transition. To make certain none of our nation's viewers are left behind on February 17, 2009, much more work needs to be done, and it needs to be done boldly and quickly. The serious problems with the transition identified by the Leadership Conference include:

- Absence of clear federal leadership and a comprehensive transition plan;
- Lack of viewer awareness;
- Viewer and retailer confusion;
- TV converter box coupon program problems and complexities;
- Excessive and unanticipated costs and burdens to viewers to make the transition;
- Loss of community (low-power) broadcast television stations;
- Difficulties in procuring and attaching converter boxes;
- Reports of unnecessary retailer upselling;
- Difficulties for seniors and people with disabilities in accessing captioning and any available video description on digital converter boxes, cable, or satellite boxes, and in finding converter boxes that support video description;
- No rapid response capability to deal with problems after February 17, 2009; and
- Many other unanticipated problems and unintended consequences that must be addressed.

These issues will be detailed below, followed by several recommendations for policymakers.

Many Will Suffer Significant Harm if the DTV Transition Fails

The Leadership Conference believes that access to communications is a fundamental right of every

American. What is at stake for our nation in making a successful transition from analog to digital broadcasting is not simply a matter of being able to watch *Dancing With the Stars* or reruns of *Friends* with higher quality audio and video. At stake is the ability of the nation's most vulnerable populations to maintain uninterrupted access to their key source of news and information and emergency warnings: free, over-the-air television. It would be a denial of this fundamental right to access communications, as well as a great tragedy, if in February 2009 these millions of Americans are suddenly cut off from local community news, information and emergency warnings because their televisions do not receive digital broadcasts.

The need to preserve this critical television lifeline is particularly important for the communities that LCCR member organizations represent. In 2005, the GAO found that up to 19 percent, or roughly 21 million American households, rely exclusively on free over-the-air television. These consumers will face an expensive choice in transitioning to digital television: subscribe to cable or satellite, buy a digital television set, or purchase a digital-to-analog converter box. All of these options cost money. While the government's converter box coupon program will provide up to two converter box coupons per household, there are many households with more than two older televisions that rely exclusively on free over-the-air television, or that for a variety of reasons will not participate in the coupon program. For many low-income families and for many elderly persons living alone and on Social Security, a single converter box purchased without the government coupon can cost more than a week's food budget. And, obviously, the cost of purchasing a new digital television set or subscribing to cable or satellite is even higher.

We are especially concerned because poor, minority, senior, and disabled communities are disproportionately affected by

the transition, as they are far more likely to rely on free over-the-air television.

- Forty-eight percent of over-the-air television viewers have incomes under \$30,000, according to the GAO⁹.
- Non-white and Hispanic households are more likely to rely on over-the-air television than are White and non-Hispanic households, according to the GAO⁹.
- One-third of the 21 million over-the-air households (or seven million people) are Spanish-language speakers¹⁰.
- Eight million of the 21 million over-the-air households include at least one person over 50 years of age¹¹.
- One-third or more of over-the-air television viewers have disabilities, according to the American Association of People with Disabilities.

America's Hispanic community, for example, "depends on over-the-air television service as a critical source of news, public affairs and other uniquely local information that is necessary to keep Spanish-speakers in the mainstream of American life," according to Manuel Mirabal of the Hispanic Technology and Telecommunications Partnership.¹² Mirabal testified to Congress that, "as the FCC and the GAO recently acknowledged, reliance on over-the-air analog reception is highest among Hispanic viewers, one-third of whom continue to rely *exclusively* on over-the-air reception for all of their television viewing. An additional seven percent of Hispanic households are direct broadcast satellite households that rely on over-the-air reception for all of their local programming. Thus, a total of 40 percent of Hispanic households nationwide rely exclusively on over the-air reception for their local news, emergency information, and other local programming."

Yet Nielsen found that although Hispanic households make up 11.3 percent of total U.S. households, they make up 19.9 percent of households that are "Completely Unready" for the DTV transition.¹³ Moreover, reports Nielsen, "10.3% of Completely Unready households speak Only Spanish, a

To make certain none of our nation's viewers are left behind on February 17, 2009, much more work needs to be done, and it needs to be done boldly and quickly.

penetration that is five times greater than that of Only Spanish households in the U.S. In addition, 5.6% of Completely Unready households speak Mostly Spanish, a penetration that is nearly double that of Mostly Spanish households in the U.S.”¹⁴

Clearly more needs to be done—and done quickly—to inform Hispanic households about the digital television transition. As Mirabal testified to Congress, “Local broadcast stations featuring *Univision*, *Telemundo*, *TeleFutura*, *Azteca* and other Spanish-language programming available over-the-air provide to their audiences Spanish language news, information, and other programming on current events that affect their daily lives and keep them connected to their communities and the world.” He concluded that, “While we (the Hispanic community) all look forward to the benefits that digital television will bring to all Americans, the DTV transition must be managed in a way that does not disenfranchise millions of Hispanic Americans. Only then will Americans of Hispanic descent, who depend on free, over-the-air television, be fully included in the digital transition.”¹⁵

Other communities for whom English is not the primary language express similar concerns about potential disenfranchisement by the digital transition. For example, the Asian American Justice Center (AAJC) notes that, “(T)hree of the five largest Asian American ethnic groups are among the most limited English proficient racial and ethnic groups in the United States, with 61 percent of Vietnamese, 46 percent of Koreans, and 45 percent of Chinese nationwide experiencing some difficulty speaking English. Furthermore, six Asian American ethnic groups: Vietnamese, Hmong, Cambodian, Laotian, Bangladeshi, and Taiwanese have majority limited English proficient populations.” At the same time, many of these groups have significantly higher numbers than the national average living below the federal poverty line. As a result, AAJC is very concerned that the limited English-speaking members of its communities are not only least likely to know about the coupon program but will also be least likely to receive the first-come, first-served coupons.

For the elderly, “television can be a primary connection to the outside world—providing life-saving weather forecasts, public safety announcements, information on government and politics, and community news. In fact, Americans aged 50 and above watch the greatest average number of hours of television a day, almost 5.5 hours,” according to Nelda Barnett, a member of AARP’s board of directors.¹⁶ She noted that “for older Americans additional, non-monetary costs (of the digital transition) may be especially challenging: the inconvenience of searching for an available converter box, potential difficulties in attaching the converter box to the back of their set, and confusion regarding the transition itself.”

In July 2007, the Association of Public Television Stations (APTS) commissioned a study by the Centris group on the potential impact of the digital transition on the elderly. Centris found that older Americans:

- Over age 65 are more likely to be found in OTA (over-the-air) households;
- As a group, are less likely to have purchased a new TV in the past three years;
- Are less likely to have HDTV capabilities in their households; and
- Are less likely to own a digital TV.

The survey analysis conducted by Centris concluded:

- Older Americans over 65 are a more vulnerable group with respect to maintaining television services as the digital transition is completed;
- Older Americans will not be as exposed to DTV transition messages from electronic retailers as will younger members of the population; and
- The population of older Americans will need special focus in efforts to educate the public with respect to the end of the DTV transition.¹⁷

Wallace Page, 87, illustrates the reliance many seniors place on television, and the challenge of coping with the digital transition. According to a recent story in *The Washington Post*,¹⁸

At stake is the ability of the nation’s most vulnerable populations to maintain uninterrupted access to their key source of news and information and emergency warnings: free, over-the-air television.

(Page) begins and ends each day with his television. His tired legs don't let him get out much anymore, he doesn't own a computer and reading often strains his eyes. The TV set is sometimes his only connection to the outside world.

Page said his TV is often all that breaks the solitude of his days at Friendship Terrace Apartments, a retirement community in Northwest Washington.

"For people who are alone, the TV is the only voice you hear," said Page, who mostly watches news and documentary programs. He also recently got hooked on "That '70s Show" reruns, which remind him of a different time.¹⁹

Regarding the digital transition, Page said, "[I]t's a little frightening to hear about such a vast change."²⁰

Veronica Damesyn Sharp, the executive director of The District of Columbia Health Care Association, which oversees 16 nursing homes, worries that "some residents are too frail to go to the common room to watch the buildings' main TVs, which are hooked up to cable. And many cannot afford to buy a new TV or a converter box, let alone get cable service."²¹

Television is "a connection to the outside world" for many seniors, says Debra Berlyn, a spokeswoman for the AARP on the digital television transition. Because many elderly are shut-ins who may have no relatives or who might require help in purchasing and installing the converter boxes, making the digital transition a success for many seniors is "not just a matter of giving someone a brochure—it's going a step beyond that. We're calling on everyone in the community to help."²²

For people with disabilities, the challenge of the digital transition may be even more daunting. In addition to all the other difficulties and concerns reported by other communities, individuals with disabilities face unique issues in successfully transitioning to digital television. Claude Stout, executive director of Telecommunications for the Deaf and Hard of Hearing, Inc., testified on behalf of the Coalition of Organizations for Accessible Technology (COAT)

before the U.S. House of Representatives Subcommittee on Telecommunications and the Internet²³ that:

- Caption viewers report a number of technical difficulties associated with viewing captions on digital televisions, including captions that are garbled, delayed, misplaced, or otherwise unintelligible;
- Networks whose analog channels were previously covered by the FCC's closed captioning mandates now deny coverage for their new HD channels, even when the newer channels have the same programming format as their analog predecessors;
- Viewers are having a hard time figuring out how to access closed captions and video descriptions on DTV components, including tuners supplied by television manufacturers and set top boxes provided by cable and satellite companies;
- Consumers are struggling to resolve complaints about DTV issues with companies or with the FCC; and
- Individuals who are blind or have low vision still have negligible access to television programming because of the scarcity of video description.²⁴

And, while converter boxes are required to pass through closed captioning, they are not required to pass through video description.²⁵ For people with disabilities, learning which boxes are certified to pass through video description, and then actually locating and purchasing such a box, is an arduous task.

Importantly, many non-disabled seniors also rely on captioning to receive information from their televisions. To address ongoing problems with closed captioning and video description that disproportionately impact many LCCR communities, the American Association of People with Disabilities, Consumer Federation of America, National Hispanic Media Coalition, and other groups recently wrote to FCC Chairman Kevin J. Martin calling for the commission to consider whether television manufacturers should include "an inexpensive automatic software upgrade capability" to quickly remedy software flaws so that "new DTVs and converter boxes will be more durable and useful for consumers than is the case without that capability."²⁶

Some or all of these potential problems with the digital transition impact a large percentage of Americans. COAT reports that there are "over 31 million individuals with hearing loss, 10 million individuals who are blind or have hearing loss, and millions of individuals with other disabilities who benefit greatly from accessible television programming."²⁷ Moreover, reports Stout, industry and government customer service representatives are not adequately trained to help people with disabilities who have questions about how to set up captioning and other features on their digital televisions and converter boxes.

The bottom line is that television is a critical connection to American society for tens of millions of members of LCCR communities, including low-income families, people with disabilities, seniors, and those for whom English is not their primary language. If the transition from analog to digital television is not successful for these communities, then on February 17, 2009, an important connection to their communities and the rest of the nation may be severed.

The Leadership Conference Has Identified Numerous Issues that Threaten a Successful DTV Transition

With the February 17, 2009 date fast approaching for shut off of analog full-power television stations, the efforts of the government, industry, consumer, public interest and other groups to facilitate the nation's transition to digital television have increased significantly. We applaud these efforts, and they unquestionably have led to greater awareness of the upcoming digital transition among many Americans. We are also now able to identify significant shortcomings and gaps in these efforts, as well as unanticipated problems and unintended consequences, which must be addressed boldly and quickly to ensure that no viewers are left behind. These are detailed below.

TRANSITION PLANNING LACKS LEADERSHIP AND A COMPREHENSIVE PLAN

In November 2007, in response to a request from Congress, the GAO issued its report, *DIGITAL TELEVISION TRANSITION: Increased Federal Planning and Risk Management Could Further Facilitate the DTV Transition*,²⁸ praising some transition efforts and noting shortcomings in others with the goal of ensuring a successful DTV transition for all Americans on February 17, 2009.

In its report, the GAO criticized the lack of a comprehensive federal government digital television transition plan and issued a single "Recommendation for Executive Action":

To help facilitate the DTV transition through comprehensive planning and risk management, in consultation with public and private stakeholders, we recommend that the Chairman, FCC, develop and communicate a comprehensive plan for the various aspects of the DTV transition, encompassing technical, policy, consumer outreach, and other critical elements. The plan should include (1) detailed goals, milestones, and time frames that can be used to gauge performance and progress, identify gaps, and determine areas for

*improvement; (2) strategies for collaboration between public and private sector stakeholders to agree on roles and responsibilities; (3) a description of reporting requirements to track stakeholder efforts against planned goals; and (4) strategies for managing and mitigating risks to avoid potential problems and target federal resources.*²⁹

In issuing this single Recommendation for Executive Action, the GAO recalled how well the government and citizens had been served by the development and communication of a similar comprehensive plan at the time of an analogous, challenging transition: updating the government's computers for Y2K.³⁰

Drafting and carrying out such a comprehensive plan, involving all agencies of the government, would seem common-sensical, low cost, and ideally suited to a challenge of the magnitude of the upcoming digital television transition. It would clearly establish the goals, priorities, strategies, reporting requirements, responsibilities, timetables, and other relevant information necessary to manage the risks of the transition and ensure its success. It would be overseen by a top government official who would regularly convene meetings with other government, industry, public, and private groups to assess how well the plan was being implemented and decide how to best allocate the scarce resources appropriated to the transition.³¹

The GAO is not alone in criticizing the FCC's approach to the digital television transition. According to members of Congress, the FCC is too preoccupied with other issues now and is not focusing enough on the upcoming transition. Senate Commerce Committee Chairman Daniel Inouye, D. Hawaii, recently told FCC Chairman Kevin J. Martin that "too many Americans remain in the dark about what the digital television transition means... I have deep reservations about the FCC spending its limited time and resources in media areas unrelated to the transition."

The federal government should engage in the same kind of comprehensive planning for the nation's digital television transition as it did for the nation's Y2K computer transition.

Commerce Committee Vice Chairman Ted Stevens, R. Alaska, seconded Inouye's concerns. "The digital transition must be the FCC's number one priority this year. No other issue before the FCC has the same critical countdown as this transition... It is crucial that government officials, industry, and consumer advocacy groups increase their outreach efforts to senior citizens and rural Americans."³²

The federal government should engage in the same kind of comprehensive planning for the nation's digital television transition as it did for the nation's Y2K computer transition. Failing to carry out such comprehensive planning places the digital television transition, already fraught with complications and challenges, at needless additional risk.

TRANSITION AWARENESS IS LOW; CONSUMERS AND RETAILERS ARE CONFUSED; OUTREACH EFFORTS ARE INADEQUATE

Recent surveys indicate that although consumer awareness and understanding of the digital television transition is increasing, it is still far too low. A June 2008 survey released by the National Association of Broadcasters found that while 90 percent of total U.S. households were aware of the upcoming digital television transition, and awareness among Hispanics was also 90 percent, awareness was only 84 percent among African-American households.³³ The same survey reported 39 percent of African-American households and 29 percent of Hispanic households that rely exclusively on over-the-air television incorrectly believe they will not be affected by the transition, figures that are slightly higher than the rest of the nation.³⁴

An earlier poll released by Consumer Reports found similar lack of awareness and confusion: 74 percent of those polled had "major misconceptions" about the transition. Confusion was rampant about who would be impacted by the transition, when it would occur, what actions were necessary to transition to digital TV, and other issues.³⁵ FCC Commissioner Adelstein said, "The good news is that surveys from Consumers Union and the broadcast industry show that more Americans are becoming aware of the DTV transition. The bad news is that there is still a lot of

confusion that could turn into widespread panic if the government doesn't take a more proactive role."³⁶

Interestingly, an online survey conducted in May 2008 by Bridgevine.com found "36 percent (of the survey respondents) said they were not prepared for the digital transition and another 6 percent were completely unaware of the conversion." Vinny Olmstead, CEO of Bridgevine, expressed concern, stating, "With a customer base that is generally quite savvy about digital services and related issues, we were surprised by the number of those people who are not prepared for the transition. The survey results clearly indicate a lapse in consumer education and strongly suggest that additional awareness initiatives around the switch to digital are needed for consumers nationwide."³⁷

In another revealing illustration of consumer confusion and lack of preparedness for the digital transition, Nielsen Media Research will push back its broadcast television "sweeps" that occur in February of each year to March for 2009 because it fears the digital transition in February will be disruptive and that only "most homes" in its audience ratings sample will be ready for the digital transition. Nielsen also has canceled all vacations for its field representatives in January and February of 2009 to better cope with problems it foresees in the transition.³⁸

As the Leadership Conference and the then-Democratic minority warned at the time, it is now apparent that the \$5 million that Congress appropriated to NTIA to educate consumers about the digital transition and the coupon program is woefully inadequate to support the kind of public education effort that the transition requires. Public education campaigns are not unlike state election campaigns in terms of scope. Therefore, consider California, Pennsylvania, and Ohio, whose combined population is approximately 21 million households—comparable to the number of households that will likely need to be educated on the digital television transition. The cost of a Senate campaign in Ohio in 2006 was nearly \$9 million; for all three, it was approximately \$39 million.

For these reasons, LCCR wrote to members of Congress seeking additional funding for a targeted grassroots

The cost of a Senate campaign in Ohio in 2006 was nearly \$9 million. But for the nationwide campaign to educate consumers about the DTV transition, Congress allocated only \$5 million.

At a minimum, every federal agency should be required to participate in educational outreach, and if possible, serve as a site where coupon applications can be distributed. These efforts should also be replicated at the state and local levels.

consumer outreach campaign to ensure that at-risk individuals—seniors, individuals residing in rural areas, people with disabilities, and minorities—do not lose their television service when their local television stations, as mandated by Congress, cease transmission of analog broadcast and switch to digital television signals. After all, voters will look to Congress if their televisions suddenly stop receiving the broadcast stations or programs they rely on.

It is critical that more federal, state, and local agencies, public and private, conduct outreach efforts to their clients. While both NTIA and the FCC are committed to educating consumers about the transition and the coupon program, a public education effort of this magnitude should not be limited to only a few agencies. At a minimum, every federal agency should be required to participate in educational outreach, and if possible, serve as a site where coupon applications can be distributed. These efforts should also be replicated at the state and local levels.

For example, there are a number of federal assistance programs, such as those administered by the U.S. Department of Health and Human Services, which could be tapped to help. To reach the elderly, the aging network represents a great resource. The Administration on Aging, State Units, and Area Agencies on Aging (AAA's), along with the wide range of service providers they fund, could play critical roles in education and outreach. Some direct service providers, such as some Meals on Wheels programs and local senior centers, are already engaged in outreach efforts; these voluntary efforts would be strengthened if the respective federal agencies were required to provide support and assistance. Low income assistance programs, such as Supplemental Security Income (SSI), the Low Income Home Energy Assistance Program (LIHEAP), and the Commodity Supplemental Food Program should also be engaged in distributing information to the low-income population most vulnerable in this transition.

In addition, the effort to ensure that all Americans retain access to over-the-air digital television should not be left to government and industry alone; the lack of sufficient resources within the digital television transition consumer education effort to support nonprofit, social justice, or

community-based organizations further limits the scope of public education efforts that will be possible. Private charitable organizations that work directly with the populations most at-risk need to be engaged, but they need support. These grassroots groups can—and will—conduct the training workshops; develop and disseminate the informational materials that are linguistically appropriate and in alternate forms (Braille, audiotapes, ASCII disk, large font, closed captioned); and provide the technical assistance that will help the low-income households, minorities, limited English-speaking families, seniors, and persons with disabilities who are most dependent on television make the transition.

The Leadership Conference is committed to working with our community-based member organizations, including groups that serve populations who speak languages other than English, and those that assist working families such as unions and religious organizations, to make sure their members know about the transition and the coupon program. However, based on our decades of outreach experience, we are skeptical about the success of these efforts without additional resources.

Resources are also required to fund sufficient independent research and polling to make sure that messages about the digital television transition are effective for these populations. We will need to know who is taking advantage of the coupon program during the first phase of the process, so that NTIA knows how to respond or whether and where to deploy additional funds. The government can play an important role in conducting this research through the GAO, with Congress tracking the progress.

Such research can answer, for example, whether there is too heavy a reliance on the Internet to educate consumers about the transition, when many of the consumers most impacted by the transition, such as non-English speakers, seniors, people with disabilities, and the poor, are disproportionately impacted by the Digital Divide and less likely to access the Internet.³⁹ Are educational materials culturally sensitive, linguistically appropriate, and readily available in alternate formats so that they fully inform members of these disproportionately impacted

The digital transition is not the time for members of Congress to be “penny-wise and pound-foolish,” for they will ultimately suffer the wrath of consumers and voters if the digital transition is a failure.

communities? Are there sufficient customer service representatives trained in languages other than English, or in assisting people with disabilities, to help all who are confused about the transition or the coupon program?

As Senator Maria Cantwell, D. Wash., recently observed, there is a “great sense of confusion” about the digital transition and if people aren’t better informed, there could be “a train wreck for American consumers.”⁴⁰ We must make sure that vulnerable communities avoid this train wreck and, after the transition is complete, retain access to their critical broadcast television lifeline to news, weather, and emergency alerts.

The digital transition is not the time for members of Congress to be “penny-wise and pound-foolish,” for they will ultimately suffer the wrath of consumers and voters if the digital transition is a failure. It is imperative that, to ensure a successful transition, Congress appropriate additional funding for education, outreach, and research.

COUPON PROGRAM IS CONFUSING, BURDENSOME, AND RESTRICTIVE

With the NTIA TV Converter Box Coupon Program now in operation for several months, a number of issues relating to the procurement and redemption of the coupons are surfacing that disproportionately impact many LCCR communities.

Perhaps the biggest problem is the two-phase structure of the coupon program. In the first phase, where \$990 million is allocated, all U.S. households will be able to apply for up to two \$40 coupons per household to purchase converter boxes on a first come—first served basis. The second phase is open only to households that certify in writing that they rely exclusively on over-the-air television.

Unfortunately, this coupon program structure may have the unintended consequence of keeping coupons out of the hands of the very people who are most reliant on over-the-air television—those in lower-income, older, non-tech savvy, non-English as a primary language communities. They are

the hardest to educate and include in the digital transition. By the time they receive word about the need to apply for coupons, all the coupons may already have been snapped up, many by households that are not exclusively reliant on over-the-air television.

Or, if members of these hard-to-reach communities do apply, but only in phase two of the program, in order to qualify for a coupon they must then take the added step of certifying they are reliant on over-the-air television. That may be an added disincentive to even submitting an application for a coupon, as Alex Nogales, president and CEO of the National Hispanic Media Coalition, testified before Congress:

Indeed, the certification will be a deterrent to low-income families, especially those that do not dominate the English language. Ladies and gentleman, I have no doubt that the disenfranchised population that will be the most impacted by the digital transition will be the last to apply for the coupons. This being the case, having to certify in writing that they rely on over the air reception is just adding an additional burden that will discourage many of them from applying for the converter boxes. A two phase-plan with an added burden for those that are hardest to reach doesn't make a lot of sense. If the reason for this two-phase system is because NTIA thinks there is a likelihood that the program will run out of funds before all the impacted households have obtained their coupons, then NTIA should go back to Congress and ask for additional funding.⁴¹

Nogales concluded, “(W)e can’t afford to make mistakes on a program that is a first-come, first-serve program where the populations that are in most need of these coupons run the risk of being the last to hear about the program.”

We applaud NTIA for showing flexibility with other problematic provisions of the program. For example, in response to widely held concerns, NTIA appears to be willing to modify the coupon program to allow nursing homes with multiple residents to apply for multiple coupons, and to show flexibility in issuing coupons to those who receive mail at a post office box.⁴²

However, numerous other problems remain, including whether the digital converter boxes are even available at retailers once consumers receive their coupons. Many converter box models, particularly those that are lower cost or pass through an analog signal, have been slow to reach retail stores.⁴³ "Consumers are finding few choices in their local stores," said Joel Kelsey, policy analyst for Consumers Union, nonprofit publisher of *Consumer Reports*. "This is a consumer Catch-22. Those who acted early in requesting coupons face limited or expensive choices in converter boxes, but can't wait for more options because their coupons are expiring."⁴⁴

Senators Inouye and Stevens of the Senate Commerce Committee recently shared with NTIA acting Head Meredith Attwell Baker their concerns over the coupons expiring after 90 days. They want consumers to be able to use their converter box coupons to preorder the boxes so that they might order boxes that are out of stock or in limited supply and not run afoul of the expiration date. Also, they want consumers to be able to reapply for coupons if their coupons have expired, as the coupons presently have no ability to replace or reapply for expired coupons.⁴⁵ Another problem with the 90-day expiration date is the inability of those who applied early for coupons to purchase lower priced converter boxes, such as that marketed by Echostar, which will not come to market until summer.⁴⁶

Other problems or challenges with the coupon program include:

- Households with multiple families and/or televisions are still eligible for only 2 coupons;
- Converter boxes are either not available or in short supply in many rural areas;
- Many large national retailers such as Best Buy, Wal-Mart, Radio Shack, and others refuse to accept coupons for mail-order or Internet purchases of converter boxes, making it difficult for infirm, disabled, or rural households to purchase boxes;
- Persons with disabilities are not aware which converter boxes that are eligible for coupons accurately display closed captioning and support video description;
- The envelopes used to mail converter box coupons are

not sufficiently distinguishable from junk mail by people with visual disabilities; and

- Coupons may not be used for many models of converter boxes that pass through an analog signal, a requirement to receive broadcasts of many community and low-power TV stations that will not transition to digital on February 17, 2009 (more on this below).

These challenges to the success of the coupon program are significant impediments to a digital television transition that leaves no viewers behind. They must be addressed quickly, so that those who rely exclusively on over-the-air television are able to receive coupons and affordably transition to digital television by February 17, 2009.

COSTS AND BURDENS TO MANY COMMUNITIES AND VIEWERS ARE EXCESSIVE OR OVERWHELMING

For many households, particularly those in LCCR communities, the costs and burdens of the digital transition have been vastly underestimated and pose a serious threat to its success.

For example, the unique characteristics of digital broadcasting may mean that an older television that received an adequate picture of an analog broadcast channel may receive no picture whatsoever of the same channel broadcast digitally, even with a converter box attached. Centris, a leading market research firm, found

serious 'gaps' in digital TV signal coverage across the country. Coverage that millions of households will rely upon once analog signals are switched off exactly one year from now. "We predict that digital TV signal coverage will be more limited than currently anticipated. An issue that, until now, has been completely overlooked by the FCC and governing bodies, and could have serious—and costly—implications for millions of consumers," says David Klein, Executive Vice President of Centris.⁴⁷

These digital gaps are not confined to sparsely populated rural areas; rather, according to Centris, millions of viewers

in New York, Los Angeles, Boston and other major metro areas will experience digital gaps in coverage.

There are two possible fixes for the loss of digital television in these circumstances: a consumer must either purchase a new, more powerful television antenna or subscribe to a cable, satellite, or telecom video service provider. Both options are costly, neither will be reimbursed by the government, and both most likely place at risk those who can afford it least—the 21 million households that rely exclusively on over-the-air television. Says Klein of Centris, “Consumers are being urged to purchase equipment that may or may not work when they bring it home—never before has such an important transition been conducted on a trial and error basis. The reality is, if consumers want guaranteed ‘free’ TV, they will have to pay for it.”⁴⁸

Consumers who bought battery-powered televisions to preserve their lifelines to television service during power failures and public safety emergencies are also going to face higher costs and potentially dangerous situations as a result of the digital transition. Nearly all of those televisions receive only analog signals. No converter box has been made that will easily hook up to these portable televisions, nor does one exist that operates on batteries in the event of a power failure. Says Megan Pollock, a spokeswoman for the Consumer Electronics Association, “We haven’t seen a good, quick fix for portable TVs.” Many consumers who believe they have a television lifeline during an emergency will have that lifeline cut on February 17, 2009, unless they buy a new digital battery-powered television. Unfortunately, there are only five models on the market, with an average cost of \$200.⁴⁹

Cable television subscribers may also bear a substantial cost and burden in the transition to digital television. No doubt this will come as quite a shock to them since, as the *Associated Press* recently wrote, “(F)or months, TV viewers have been told by government, by industry and by the media that if they already subscribe to cable, there’s no need to worry about the coming transition to digital broadcasting.”⁵⁰

One shocked cable customer is Doris Spurk, a 63-year-old Florida resident, who recently discovered that as the result of the transition to digital television, her cable company required

her to rent a digital cable converter box for \$5.95 per month, for each television set in her home, plus pay for a \$60 service call to install them. Spurk has five televisions, meaning the digital conversion will increase her cable bill by 75 percent.

“It really ticks us off,” Spurk says. “If they are in the right and can do this—charge these prices—then the educational effort that the FCC is doing is really misleading everybody.”⁵¹

Spurk is one of the 28 million cable customers who subscribe to analog service—meaning they probably plug their cable wire straight into the back of their set and do not have a set-top box. These customers usually take the lower cost analog cable packages. While the largest cable companies, such as Comcast, are currently accommodating their analog customers by converting digital signals to analog at the “head end”—the cable office—other cable systems are taking advantage of the transition to eliminate analog and turn into more efficient all-digital systems. In the latter situation, such as Ms. Spurk is suffering, the cable companies place a cable digital-to-analog “down-conversion” set-top box on each of their analog subscribers’ televisions. This cable converter box is different from and incompatible with the broadcast converter box, and is not covered by the government coupon program.

However, now it is reported that even the largest cable operators, including Comcast, are planning to use down-conversion boxes to move their analog customers to digital.⁵² Whether the companies will pay for the boxes, or force customers like Ms. Spurk to pay for them, is up to each cable operator.⁵³ But even if the cable company provides cable converter boxes to the consumer at no charge, it is likely that the consumer will be forced to do the installation—or order a costly service call from the cable company.

In any event, with cable companies now about to distribute their own converter boxes for their own digital transition, which are not compatible with converter boxes for the over-the-air digital transition, the potential for consumer confusion is exponentially increased. Should this cable industry initiative to go all-digital become widespread, vastly increased resources will need to be devoted to consumer education. Retailers and video distributors are also helping to raise the

cost of the digital transition for consumers in numerous ways. In February 2008, the U.S. Public Interest Research Group (U.S. PIRG) Education Fund conducted “secret shopper” surveys at 132 locations of five of the nation’s leading electronics retailers.⁵⁴ U.S. PIRG found numerous examples of attempts to “upsell” consumers to more expensive digital TVs rather than inform them about lower cost converter boxes. Specifically, the study found:

- 81 percent of the sales staff did not know about or gave out inaccurate information about converter boxes;
- 78 percent of the sales staff provided inaccurate information about the federal government’s coupon program for converter boxes;
- 42 percent of sales staff provided inaccurate information about the month of the digital transition deadline date; and
- 20 percent of sales staff tried to upsell surveyors to digital TVs or upscale converter boxes.

Another retailer practice that raises costs to unwary consumers is the sale of analog televisions that do not bear FCC warning labels stating they will not work without a converter box after February 17, 2009. Recently, the FCC fined a number of the nation’s largest electronics retailers for this violation of commission rules.⁵⁵ Some of these retailers are now challenging the FCC’s authority to levy such fines, which means even this too-little, too-late enforcement mechanism may have to be abandoned.⁵⁶

Cable and satellite operators are also taking advantage of the digital transition to market their services to households that presently rely on over-the-air television with scary headlines on brochures such as this from a seller of Dish Network:

NOTICE!

Are you ready for the Digital TV conversion?

Soon all television stations are converting to a digital signal. You may lose your local channels.⁵⁷

The elderly, the poor, people with disabilities, and those for whom English is not the primary language may be particularly susceptible to these kinds of sales pitches and practices, even though to continue to receive local broadcast channels they may only need to purchase, with

the assistance of a government coupon, a converter box.

These communities also bear other added costs and burdens associated with the digital television transition. Many of these households have multiple families, or multiple generations of one family, living under one roof, with multiple televisions. Yet each of these households is limited to just two government coupons. These households are then forced to decide whether to purchase added converter boxes without a coupon, or to subscribe to cable or satellite, or to buy new televisions.

For seniors and persons with disabilities, additional, non-monetary costs may be especially challenging: the difficulties of searching for and purchasing the converter box, potential problems in attaching the converter box to the back of their set, and confusion regarding the transition itself. The installation process may require moving the television to connect the box, which could be difficult for frail or disabled persons, including many older Americans living on their own. Of course, there is also the possibility that the actual connection process required will be difficult for some to master. This can be especially true for communities that do not have the converter box instructions printed in their language or in alternate formats such as large print, Braille, or audiotape.

Clearly, two of the unintended consequences of the digital transition are high costs and excessive burdens on communities and consumers who can least afford them. It is the responsibility of elected officials to ensure that these communities and consumers are not unfairly and excessively burdened by the nation’s transition to digital television. Where the costs and burdens of the digital transition are too great for consumers, we believe it is not too much to ask that the government, which recently received \$19 billion in the auction of the spectrum freed up by this transition, assist these viewers.

Two of the unintended consequences of the digital transition are high costs and excessive burdens on communities and consumers who can least afford them.

MANY COMMUNITIES WILL LOSE, NOT GAIN, TELEVISION STATIONS AND SERVICE

One of the biggest misconceptions of the digital transition is that “all” over-the-air analog broadcasts will end at midnight on February 17, 2009. In fact, more than 2,900 low-power community broadcasting stations and about 4,400 signal-relay stations, known as “translators,” which extend broadcasts to rural areas, are not required to turn off their analog signal by that date. Indeed, many of these stations will remain analog after the transition date because they lack the resources to convert to digital broadcasting. According to the FCC, low-power television stations “are operated by diverse groups and organizations including high schools and colleges, churches and religious groups, local governments, large and small businesses and individual citizens.”⁵⁸ These stations and translators are often broadcast lifelines relied upon by rural, underserved urban, elderly, and non-English speaking communities. These communities risk losing these analog lifelines if they convert their televisions to digital on February 17, 2009.⁵⁹

Unfortunately, the vast majority of the DTV converter boxes that are available and eligible for government coupons will not “pass-through” the analog signal of these low-power community broadcasters. “Every time a person gets a coupon, buys a converter box and plugs it in, we lose that viewer,” says Ronald Bruno, president of the Community Broadcasters Association (CBA). He terms the DTV transition a “death sentence” for community broadcasters.⁶⁰

Says Peter Tannenwald, CBA legal counsel, it is “absurd” to “allow and to promote the sale of boxes that actually cut off access to 80 percent of the nation’s TV transmitters.”⁶¹ The CBA’s lawsuit to stop the distribution of DTV converter boxes that do not allow the pass-through of analog signals was recently rejected by the U.S. Court of Appeals for the District of Columbia.⁶² The CBA has now asked Congress to appropriate \$450 million to reimburse the cost of purchasing digital equipment for each of the 2,900 low-power broadcasters.⁶³

A similar problem exists for communities, particularly Hispanic communities, near the U.S.-Mexico border, many

of which rely on over-the-air broadcasting. These communities receive both U.S. and Mexican broadcast signals, and Mexican broadcasters will remain analog after the U.S. digital transition. Many in the Spanish-speaking community are concerned that Spanish speakers on the U.S. side of the border will not undertake the cost and burden of purchasing digital converter boxes and simply use their analog televisions to exclusively watch Mexican analog broadcasts. These communities would then be left “in the dark” on important emergency and community information broadcast by U.S. stations that are required to transition to digital. At the time this report was drafted, legislation delaying for five years the transition date for border TV stations has passed the Senate Commerce Committee, but the bill’s future prospects are unknown.⁶⁴

Significant outreach, education, and resources must be devoted to this difficult problem of communities that rely on over-the-air broadcasters that will remain analog after February 17, 2009. If this critical part of the digital transition is mishandled, the lifeline between these community broadcasters and the communities that rely upon them will be cut. We believe no viewer should be left behind in the transition, and this unintended consequence of the transition, not yet well understood or publicized, has the potential to leave millions behind. Those most at risk are disproportionately poor, elderly, and those for whom English is not the primary language—the very communities that rely the most on over-the-air television, are the hardest to reach to educate about the transition, and may have the fewest resources to cope with it.

NO RAPID RESPONSE IS IN PLACE TO DEAL WITH INEVITABLE TRANSITION PROBLEMS

Recently, LIN Television CEO Vince Sadusky was quoted as saying about the potential for problems occurring after the analog shut-off on February 17, 2009, “In the worst case scenario, you will have a few... grandmothers out there who will wake up and not have their TVs working...[but] they’ll have a resolution within a few days.”⁶⁵ Having reviewed numerous significant problems and unintended consequences that are already threatening the success of

the digital transition, we must respectfully disagree. Indeed, such complacency on the part of a major broadcaster, which operates in Austin, Albuquerque, Buffalo, and other communities that are home to many poor, elderly, disabled, and others for whom English is not the primary language, is extremely troubling. It is one reason why the Leadership Conference is compelled to issue this report now on the challenges facing a successful transition.

It is time to honestly acknowledge that many Americans will turn on their analog televisions on February 18, 2009 and be “in the dark.” There is simply too much confusion in the marketplace, too many people to transition, too many potential challenges and problems in making the transition, and too few resources dedicated to the task to assert otherwise.

At present, the government has no plan in place to rapidly assist those who, for whatever reason, find that they wake up on February 18, 2009 and discover their over-the-air television service has vanished. Low-income households, seniors, minorities, or persons with disabilities cannot be permitted to lose their television lifelines, even for just a day or two.

In this nation’s transition to digital television, it is critical that we plan now for how we rapidly respond to those most vulnerable populations who are left behind after February 17, 2009, as some inevitably will be. It is vital that the government provide funding for home visits to deliver and install converter boxes and antennas for those who need assistance. Congress and the agencies in charge of the transition cannot allow these viewers to languish with their television lifelines cut for any longer than is absolutely necessary.

Recommendations

IMPROVE ORGANIZATION OF THE TRANSITION

To better facilitate and manage the DTV transition, the federal government should immediately adopt the "Recommendation for Executive Action" contained in the GAO's November 2007 report calling for the Chairman of the FCC, to "develop and communicate a comprehensive plan for the various aspects of the DTV transition, encompassing technical, policy, consumer outreach, and other critical elements." The GAO identified the following key elements of the plan:

1. Detailed goals, milestones, and time frames that can be used to gauge performance and progress, identify gaps, and determine areas for improvement;
2. Strategies for collaboration between public and private sector stakeholders to agree on roles and responsibilities;
3. A description of reporting requirements to track stakeholder efforts against planned goals; and
4. Strategies for managing and mitigating risks to avoid potential problems and target federal resources."⁶⁶

Of critical importance in this comprehensive planning is the creation of an inter-agency task force to oversee the DTV transition in an approach similar to that successfully employed by the federal government for the Y2K transition. Y2K problems were prevented because there was a government-wide response. But unless we do more on the DTV transition, many people will turn on their televisions on February 18, 2009, find static, and flood government offices with questions and pleas for help.

FUND INCREASED CONSUMER OUTREACH, EDUCATION AND RESEARCH

Currently the federal government has allocated only \$5 million to educate consumers about the DTV transition and

the government coupon program. As this report illustrates, that is not nearly enough. To increase awareness and reduce confusion, the federal government must appropriate additional funds in the FY 2008 supplemental appropriations bill to provide public education and outreach to alert populations at risk of losing over-the-air television service. In addition, independent research and polling must be funded to better understand what these populations know about the transition, and how best to reach them. The auction of the spectrum reclaimed by the government as the result of the DTV transition generated \$19.5 billion, which was \$9.5 billion more than anticipated. A small portion of that money should be devoted to public education about the transition.

To better educate, inform, and prepare the public, the government should also encourage broadcasters to conduct analog shut-off tests such as that recently completed in Orlando in more, if not all markets, prior to February 17, 2009.

Importantly, there are also many small steps that the federal government can take starting today to educate the public about the DTV transition that will make a big difference next February. For example, the Executive Branch should:

- Have the President film a public service announcement on the upcoming DTV transition and convene a "summit conference" on the state of the DTV transition;
- Require a DTV information link on the website of every government agency;
- Place bill stuffers in Social Security check envelopes and all other government mailings; and
- Urge the Postal Service to place DTV transition posters in all Post Offices and issue a DTV transition postage stamp.

All Congressional offices should:

- Use their franking privileges and outreach services to educate their constituents about the transition;

The federal government should fund and organize Rapid Response Teams ready to act starting January 1, 2009 to effectively assist the most vulnerable populations who may end up losing television service on February 17, 2009.

- Train staffers to provide helpful information to constituents, assist them with procuring coupons, and solve other problems associated with the transition;
- Add links, buttons, banners on their website to the government coupon website, www.dtv2009.gov;
- Insert articles and countdowns to February 17, 2009 in constituent newsletters;
- Request coupon application forms from NTIA and make them available in Congressional D.C. and district offices. Hang posters and flyers as well;
- Talk about the transition at community events and town hall meetings. Give the audience the toll-free number (1-888-DTV 2009) and have coupon application forms available;
- Share DTV information with state leaders and ask them to share the information with their local communities; and
- Do press outreach. Ask local community affairs programs to air a "Prepare for the DTV Transition" segment.

REDUCE COSTS AND BURDENS OF TRANSITION ON VIEWERS

With the federal government reaping a \$19.5 billion financial benefit from the sale of spectrum generated by the DTV transition, it is only fair to ask that it use a small portion of those proceeds to help consumers and communities defray the costs and burdens imposed on them by that same transition. It is vital that the government provide funding for home visits to deliver and install converter boxes and antennas for those who need assistance. In addition, the government should:

- Make more DTV converter box coupons available overall as well as per household;
- Eliminate the expiration date for coupons, or at the very least extend the expiration date to March 2009;
- Eliminate the burdensome certification requirement of the second stage of the coupon program;
- Mail DTV converter box coupons in envelopes that are easily identifiable by those with visual challenges;
- Provide more opportunities for mail order or Internet redemption of coupons for converter boxes;

- Make more converter boxes that pass through an analog signal eligible for coupons and available in stores so that viewers will not lose access to their analog community (low-power) broadcast television stations;
- Work with cable companies to reduce the costs and burdens on cable customers from the digital transition;
- Work with retailers to provide accurate information to consumers about the transition and prevent unnecessary upselling;
- Certify and publicize which DTV converter boxes eligible for coupon redemption incorporate video description and make them readily available; and
- Require TV and converter box manufacturers to include automatic software updating capability to remedy software flaws that impact closed-captioning, video description, and other functionality.

languages other than English, or in assisting people with disabilities, to help all who are confused about the transition or the coupon program. Community-based organizations should be empowered and funded to mobilize teams that will assist their members who are unsuccessful in making the transition. The NTIA and FCC should be prepared to conduct significant and rapid outreach to media outlets that may reach those who have lost television service, such as community and ethnic newspapers and radio. Each rapid response team should include an individual trained in the technical problems of pass-through of captioning and video description services.

PRESERVE COMMUNITIES' ACCESS TO THEIR TELEVISION STATIONS

The federal government must address the problem of preserving access to analog low power community broadcast stations and rural translator stations with education, outreach, and a greatly increased supply of coupon-eligible converter boxes that enable a single analog television to receive both digital and analog broadcasts. The problem of consumers trying to access both digital and analog broadcasting along the U.S.-Mexico border must also be addressed.

PREPARE FOR RAPID RESPONSE TO PROBLEMS

The federal government should fund and organize Rapid Response Teams ready to act starting January 1, 2009 to effectively assist the most vulnerable populations who may end up losing television service on February 17, 2009. Congressional offices should have staff trained and ready to answer constituents' urgent, confused, and potentially angry questions about the transition and how to restore their lost television service. The NTIA and FCC DTV consumer assistance telephone lines should be fully staffed and include customer service representatives trained in

Conclusion

The transition to digital television on February 17, 2009

presents a tremendous opportunity for our nation to usher in an exciting new technology, while at the same time reclaiming billions of dollars' worth of spectrum.

However, for the DTV transition to be a success, no communities and no viewers must be left without television service. It is the responsibility of Congress to ensure that communities and consumers are not unfairly and excessively burdened by the nation's transition to digital television. Where the costs and burdens of the digital transition are too great for consumers, we believe it is not too much to ask that the government, which recently received \$19.5 billion in the auction of the spectrum freed up by this transition, assist these viewers.

Presently, there are many significant challenges and issues that must be overcome for the DTV transition to be a success for all viewers. Comprehensive planning, increased funding, and a strengthened commitment to ensuring that no communities and no viewers will be left behind are necessary. Bold action must be taken quickly, or potentially millions of viewers in our nation's most vulnerable communities are at risk of waking up on February 18, 2009 with their lifelines to those communities—free over-the-air television service—suddenly gone dark. The stakes are too great for our nation to let complacency and hubris turn the digital television transition into the Digital Television Divide.

Endnotes

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