



Testimony of David K. Rehr
President and CEO,
The National Association of Broadcasters
Before the
House Subcommittee on Telecommunications and the Internet
Of the
House Committee on Energy and Commerce
Status of the DTV Transition: 154 Days and Counting
September 16, 2008

Good morning Chairman Markey, Ranking Member Stearns and subcommittee members. My name is David Rehr and I am the president and CEO of the National Association of Broadcasters (NAB). NAB is a trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission (FCC), other federal agencies and the courts.

The topic of today's hearing is the digital television (DTV) transition. In 154 days, television as we all know it will change for the better when full-power television stations nationwide make the switch to digital-only broadcasting. Digital broadcasting offers crystal-clear pictures and sound, more channels and more services than ever before. And it's free.

I would also like to take this opportunity to express the broadcasters' appreciation for the leadership that has been provided by Capitol Hill and in particular the members and staff of the House Energy and Commerce Committee. We also applaud FCC Chairman Kevin Martin for his leadership and the other Commissioners for their efforts. Over the past several months, we have been working closely and cooperatively with Chairman Martin, the other Commissioners and the FCC's professional staff on both viewer education initiatives and technical matters associated with the transition. We look forward to continued cooperative efforts during the final months before the transition date.

I. Broadcaster Creativity and Leadership are Generating High Levels of Viewer Awareness and Preparedness

Broadcasters are leading the way to educate consumers about the DTV transition. Every broadcast network and television stations nationwide are participating in a massive, multifaceted campaign that includes DTV Action television spots, local speaking engagements, a nationwide road show and a variety of other grassroots initiatives.

Broadcasters are fully committed to making certain that television viewers understand what they need to do to continue receiving their local television signals after

the switch to digital-only broadcasting on February 17, 2009.¹ It is in our business self-interest to do so and to assure that no consumer – no viewer anywhere – is left behind due to a lack of information about the transition. Currently, there are 19.6 million U.S. households that receive over-the-air, broadcast-only signals, equating to 17 percent of total U.S. households. There are, on average, 2.27 television sets in these households, or approximately 45 million television sets that will be affected when analog signals are shut off in 2009. In addition, an estimated 24 million broadcast-only televisions in households also have cable, satellite or Internet connections. In total, nearly 69 million television sets may be affected.

Local television stations that today keep their communities informed and connected will remain a vibrant part of the media landscape in the 21st century. We all desire a smooth transition to digital with minimal disruption to TV viewers. For this to happen, the American public must understand what all-digital broadcasting means for them, including the many benefits it will bring, the options available to prepare for the transition and the appropriate steps to take.

To that end, the broadcast industry has embarked on an unparalleled and unprecedented consumer education campaign. This campaign is a multifaceted, multi-platform education effort that uses all of the tools available to broadcasters and other related industries to achieve success.

Since late 2006, broadcasters have been coordinating extensively with government, private industry, membership organizations and others to educate all consumers so that they understand the DTV transition. NAB and the DTV Transition

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Coalition (Coalition) have continued to work closely with both the National Telecommunications and Information Administration (NTIA) and the FCC to ensure that consumers have the information they need to prepare for the transition from analog to digital broadcasting. Please see the list of the Coalition's extensive membership (Attachment A). Through the hard work and continuous efforts of the Coalition we have been in constant coordination with local communities nationwide, particularly those communities that are most impacted by the transition. No avenue to reach consumers is being left unexplored as we reach out to all demographics, all geographical areas, urban and rural communities, the young and the old. Set forth below is a discussion of the key facets of the campaign:

DTV Action Spots. NAB has produced 14 DTV Action television spots in multiple versions, which we have distributed to all NAB member stations and non-member stations via satellite. The first two spots, "Get the Facts" and "Revolution," promote general awareness of the DTV transition and urge viewers to get more information from the www.DTVAnswers.com Web site. Another spot promotes NAB's DTV Road Show. Two spots, "The Future is Here" and "Just a Box," promote converter boxes as an option for consumers to make the upgrade to digital, the government's \$40 coupon, and direct viewers to www.DTV2009.gov and 1-888-DTV-2009 for more information. The "Digital is in the Air" spot reminds viewers that digital TV is available now, and retired TV Personality Bob Barker is featured in another spot communicating to viewers who are affected by the DTV transition. One animated spot and three new spots entitled "Ask Mr. Television," promote the benefits of digital. And our two newest spots, "Antenna Highway" and "Not Technically Minded," educate viewers about the need to have the best antenna and direct viewers to the FCC's toll free number and

www.antennaweb.org, an online resource which provides information about antenna use and direction.

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30-Minute Educational Program. On March 10, 2008, NAB produced and distributed a 30-minute educational program, "Countdown to DTV," to television stations across the country. The program was designed to help consumers navigate the transition to digital television. All NAB member and non-member stations were able to obtain the program in standard definition (SD) or high definition (HD) formats, and in both English and Spanish.

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stations. At least 2,020 speaking engagements have been booked, with 3,773 completed with an average audience size of 131 attendees. For more information, or to register a speaker at your next local event, groups can visit www.DTVSpeak.com. Additionally, NAB staff members have keynoted multiple conferences with speeches on the DTV transition issue, from London, England, to Little Rock, Ark., to Las Vegas, Nev.

DTV Road Show. A major grassroots marketing initiative, the DTV Road Show aims to increase consumer awareness of the February 17, 2009 transition in targeted areas with high percentages of broadcast-only households. The road show includes two DTV Trekkers – moving trucks designed to resemble giant television sets – that are crisscrossing the country until transition day in 2009. The Trekkers visit local fairs, festivals and other community events in high over-the-air sections of the country and provide DTV information to those most disproportionately affected by the transition to digital. The DTV Trekkers will travel 95,000 miles and visit 600 locations nationwide. To learn more about the DTV Road Show, visit www.DTVRoadShow.com. To date, the DTV Road Show has visited 105 cities. A full list is available at Attachment B.

Earned Media. NAB's DTV transition team has two full-time media relations staff members dedicated to generating widespread media coverage of the DTV transition and ensuring that reporters are covering the issue accurately. NAB has briefed reporters from major news organizations on the DTV transition and conducted media tours in markets across the country, including New York, Chicago, San Jose, Philadelphia, Madison, New Orleans and Washington, D.C., and has generated print, online and broadcast media coverage about the transition in all 50 states. In April 2008, NAB began sending out a weekly email with DTV-related updates to help hundreds of reporters nationwide stay abreast of how the transition is going. NAB's earned media

team, which also employs a public relations firm, is in regular contact with more than 4,500 reporters to promote local news hooks about the transition. The team has helped garner more than 10,780 news articles about the transition and conducted more than 110 radio interviews, 17 of which were in Spanish.

DTVAnswers.com Web site. In 2007, NAB launched www.DTVAnswers.com, one of the most comprehensive, consumer-friendly Web sites about the DTV transition. The site provides consumers, businesses and other interested organizations an in-depth look at every aspect of the DTV transition. Consumers can learn how to upgrade to digital television, get information about converter boxes and antennas, as well as access additional related resources. To help organizations spread DTV messages to their members, the site also makes available various promotional materials, including downloadable flyers and sample PowerPoint presentations. NAB also offers DTV transition information in more than 60 languages, including a Braille version upon request, at www.dtvanswers.com/dtv_languages.html. In addition, one can view and download NAB's DTV Action spot videos. The Web site has drawn nearly three million visits since its launch and averages about 8,000 visits per day.

LPTVAnswers.com Web site. To help consumers who wish to continue watching programming from local low-power TV stations after the February 17, 2009 transition to digital, NAB launched www.LPTVAnswers.com, which provides comprehensive information about the low-power issue. With links to state-by-state maps of low-power TV stations and a list of government-certified analog pass-through converter boxes, the site serves as a guide for all low-power TV consumers. The site now offers a new feature, which allows viewers to type in their zip codes to find low-power TV stations broadcasting in their areas.

Outreach to Elected Officials and Hard-to-Reach Populations. NAB has sent DTV Toolkits to elected officials across the country, including all members of Congress, state legislators, governors and lieutenant governors, executive directors of state municipal and state county associations, state African-American caucus leaders and state Hispanic elected officials. In May, NAB mailed a DTV Toolkit to 449 tribal leaders in the United States. In mid-June, we provided toolkits to 1,113 Meals on Wheels state chapter heads. The DTV Toolkit contains: a PowerPoint presentation on the DTV transition that can be used during a town hall meeting or any gathering of constituents; a newsletter insert for newsletters in English and Spanish; a DTV handbill in English and Spanish; a consumer resource guide in English and Spanish; a sample press release in English and Spanish; a sample op-ed on the DTV transition in English and Spanish; key points on DTV; banner Web site ads that may be linked to www.DTVAnswers.com; sample speeches on DTV; and a DTV background sheet. NAB also created an online toolkit for elected officials, which was blasted out to about 7,000 state legislators, mayors, and county commissioners.

DTV Staff Briefings in Congress. In April and July 2007, NAB hosted DTV transition briefings with more than 100 U.S. House staff and more than 40 U.S. Senate staff. In October 2007, working with the DTV Transition Coalition, NAB hosted a DTV staff briefing for members of the U.S. House of Representatives and their staffs, which drew 200 staffers and some members of the U.S. House. A DTV staff briefing in February 2008 hosted by NAB and the DTV Transition Coalition drew 40 attendees, mostly U.S. Senate staffers. Converter box demonstrations were given at all events and various consumer awareness materials were made available to attending staff.

Live DTV Webcast for Congressional Staff. In April and July 2008, NAB hosted special live webcasts for congressional staffers to address DTV issues unique to our government partners. NAB's DTV Transition team discussed how the federally mandated transition will impact communities across America, what consumer education and outreach initiatives are already underway by broadcasters and how to access information about the DTV coupon program and converter boxes. More than 600 staffers tuned in for these live webcasts.

National Black Church Initiative. In late 2007, NAB began collaborating with the National Black Church Initiative (NBCI) to educate Washington, D.C. residents about the digital television transition. The NAB/NBCI initiative has been implemented nationwide to help those most affected by the DTV transition learn how to prepare for the switch to digital television. The initiative will reach nearly eight million congregants in churches across more than 40 cities, including Atlanta, Miami, Philadelphia, Detroit, Chicago and Dallas. Congregants will receive educational literature about the DTV transition and converter box coupon program, as well as assistance with applying for the converter box coupons.

Esperanza USA. NAB has partnered with Esperanza USA, the largest organization of its kind in America with a 10,000-strong network of Latino faith-based agencies, to inform Hispanic households about the DTV transition. Spanish-speaking households are among the most disproportionately affected populations by the transition. Esperanza has incorporated DTV messages in its membership publications, grassroots activities and its annual National Prayer Breakfast.

Spanish Town Hall Initiative. In partnership with the Spanish-language television network Univision, NAB is conducting a series of town hall forums to raise

awareness among Hispanics in America about the upcoming DTV transition. The hour-long televised town halls have drawn large audiences of primarily Spanish speakers in some of the nation's largest Spanish-language markets. NAB has already conducted 16 town halls in Chicago, San Francisco, Austin, Dallas, Sacramento, Fresno, Phoenix, Houston, Bakersfield, New York, San Antonio, Miami and Los Angeles, and more are planned. The series builds on the success of a December 2007 town hall in Chicago, which drew more than 700 people.

Radio Spots. NAB has produced and distributed DTV radio spots in 15-, 30- and 60-second versions in both English and Spanish. Sample scripts have also been provided to stations that are interested in producing their own spots. The spots have been distributed to NAB member radio stations across the country and are downloadable at www.dtvanswers.com/radiospots.

Survey Research. NAB has dedicated significant financial resources toward consumer research. In January 2008, NAB commissioned a nationwide poll that found more than 83 percent of broadcast-only households are aware that the DTV transition is underway. In May 2008, NAB commissioned a massive 50-state survey to measure consumer awareness in every state. The poll showed near-universal national awareness of the transition at 90 percent. NAB distributed the findings to national and local broadcast and print media outlets.

International Research. NAB staff have visited and opened dialogues with officials running respective DTV transition campaigns in the United Kingdom, Sweden, Austria, Greece, Italy, Norway, Finland and Belgium to learn how European nations – some of which have already transitioned to digital – are running their digital transition campaigns. In January, an NAB staff member keynoted an international conference on

DTV transition strategies. NAB has also invited officials from those countries and others, including Austria and Singapore, to discuss DTV deployment issues with American television broadcasters. The CEO of the United Kingdom's DTV transition campaign met with NAB staff and our coalition partners in 2007.

Facilitation of Coordinated Analog Shut-Off Tests. NAB also has facilitated coordination among broadcasters in local markets who are conducting over-the-air analog "shut-off" tests. During these tests, participating broadcasters in a given market temporarily replace their analog signals with a message informing viewers that if they can see the image, they need to upgrade that set by February 17, 2009, to continue watching television and directing them to Web sites and/or hotlines for more information.

NAB is also working with the FCC to help facilitate analog shut-off tests and media events, as the FCC's commissioners and senior staff visit more than 80 markets with high concentrations of viewers most affected by the DTV transition. NAB staff are working with executives from numerous state broadcast associations to fully leverage the commissioners' events.

As demonstrated above, NAB has been driving the message of digital transition across numerous consumer media touchpoints. The combined elements of the DTV campaign will reach nearly all television viewers and generate 132 billion audience impressions² during the course of the campaign, which will run through February 17,

² Impressions: The number of times an advertising schedule is seen over time. The number of gross impressions may exceed the size of the population since audience members may be duplicated. Webster, James G., Phalen, Patricia F. and Lichty, Lawrence W. (2000). Ratings Analysis The Theory and Practice of Audience Research (2nd ed.) Mahwah, NJ: Lawrence Erlbaum Associates.

2009. By engaging consumers via television, the news media, online, through outdoor efforts and direct grassroots events, the message will be seeded and communicated much more effectively than through television advertising alone.

II. NAB Joined Forces with FCC to Help Prepare Viewers in the DTV Test Market of Wilmington, North Carolina

Broadcasters understand that policymakers share our concern about the upcoming transition. For that reason, we have consistently made clear that ours is a commitment with accountability. Our education approach has been aggressive and comprehensive. It also has included an element of flexibility necessary to ensure effectiveness. A perfect example of the accountability, effectiveness and flexibility of our approach was our collaborative effort on the early transition to digital in the Wilmington, N.C.

At noon on September 8, 2008, Wilmington, North Carolina, became the first television market in the country to switch to all-digital broadcasting. Five commercial stations in Wilmington agreed to turn off their analog signals several months ahead of the national transition to DTV. The FCC announced in May that this early test would help the agency minimize potential burdens for viewers and maximize their ability to benefit from the switch to DTV. On the heels of the FCC's announcement, NAB launched equally vigorous efforts in Wilmington aimed at helping area residents, local broadcasters, retailers and government agencies navigate the early digital switchover.

With Wilmington broadcasters at the helm of this experiment, NAB worked to ensure that efforts among the local stations were as effective as possible. NAB collaborated closely with the North Carolina Association of Broadcasters and met individually with all of the participating stations in the Wilmington market, as well as

public television station WUNC-TV, to discuss how to best coordinate efforts during the experiment. NAB also initiated a weekly conference call with the local stations, which served as a regular forum for communication and planning purposes.

Besides working with broadcasters, NAB urged electronics manufacturers and retailers to be prepared for an early transition in Wilmington. Some of our recommendations included stocking store shelves with analog pass-through converter boxes and antennas and educating sales staff to accurately address consumer questions. In anticipation of a heightened demand for converter box coupons, NAB also urged the federal government to prioritize applications from the Wilmington market and improve coordination among the relevant agencies in communications to consumers. We alerted property management companies overseeing thousands of vacation homes and rental properties in Wilmington, many of which had to be upgraded by September.

Early research in Wilmington revealed significant viewer confusion about the early switch date, and 62 percent of antenna users reported receiving some television programming from stations outside of the DMA, which meant they would be subject to viewing public service announcements proclaiming two different transition dates. As a result, NAB devoted significant resources and expertise toward raising consumer awareness. A week after the test was announced, NAB commissioned the first survey of Wilmington-area residents to gauge consumer awareness of the DTV transition nationally and locally. While 89 percent of Wilmington-area residents reported being aware of the television industry's switch to digital broadcasting, the survey showed there was still confusion about the date. The findings were released in June and covered widely by print and broadcast reporters.

NAB also purchased www.dtvwilmington.com, an easy-to-remember Web address that links to the FCC site, which local broadcasters used to link to DTV information. Additionally, we produced Wilmington versions of our DTV action spots alerting residents to the new deadline and actions they must take to prepare for the switch to DTV. The spots, which were distributed in July and August, counted down the days until the September 8 switch.

As members of NAB's DTV Speakers Bureau, eight speakers from Wilmington stations educated local citizens about DTV at local venues. The bureau is made up of more than 1,100 television station representatives from across the country, who have volunteered to give presentations to civic groups and other organizations interested in learning about the DTV transition. NAB organized a robust schedule of DTV Speakers Bureau events in Wilmington and its surrounding counties. Among other events, these speakers were joined by the FCC and industry retailers at a DTV expo hosted by WECT-TV at the Coastline Convention Center in downtown Wilmington on August 28.

Much like NAB's national campaign, the efforts in Wilmington included targeted outreach to populations disproportionately affected by the transition, such as minorities and seniors. About 1,750 African-American churches in Wilmington and across North Carolina helped to educate their congregants on DTV as part of our joint education campaign with the National Black Church Initiative. Churches distributed informational DTV literature and trained volunteers to help elderly and disabled members fill out coupon applications and install converter boxes.

Additionally, NAB accelerated production of its "countdown" public service announcements and made them available to Wilmington stations with a September 8 date. NAB also produced a Wilmington version of our Bob Barker DTV Action spot for

local stations, and adapted one of our national spots promoting the coupon program with the September 8 transition date.

In the final weeks leading up to the September transition, NAB also sent its DTV Road Show to Wilmington. Highly visible and interactive, one of our DTV Trekker trucks canvassed the five affected counties in the Wilmington market to make sure area residents were informed about the September 8 transition. NAB also ran print, radio and television ads to publicize the events, and helped coordinate and distribute targeted direct mail within the DMA.

The results of the test show clearly that the collective efforts of Wilmington television stations, the FCC, and NAB were a great success. Out of the 1,502 calls received by the FCC on September 8-10, only 23 were from viewers who were unaware of the switch to digital. These numbers are supported by an NAB survey taken two weeks prior to the transition date, which found consumer awareness at 97 percent and 83 percent of respondents having seen messages about the transition on television. It appears that very few Wilmington viewers lost reception due to a lack of information about the early transition to digital in the Wilmington market.

Additionally, about 50 percent of over-the-air viewers reported having seen one of the two analog shut-off tests performed by the Wilmington stations; the first on August 18 and the second on September 2. Analog shut-off tests will be a key strategy for stations to test the technical aspects of the DTV transition, but also to use as a tool for increasing viewer awareness.

A large number of callers to the FCC reported having trouble either connecting or setting up their converter boxes. NAB's survey found that among those who purchased a converter box, 75 percent had no problem and 25 percent had an initial problem. Of

those with an initial problem, 14 percent were able to resolve the problem, while 11 percent could not resolve it.

III. Broadcasters Have Made a Voluntary Commitment Intended to Minimize Any Possible Confusion Over the February 17th Transition Date

As one more added precaution, the NAB Board of Directors adopted a resolution establishing a four-week period surrounding the DTV transition (February 4-March 4, 2009) during which broadcasters voluntarily agree not to remove their signals from MVPDs. The NAB resolution enjoys the widespread support of numerous broadcast stations, including NAB members and non-members. The number of supporters is growing daily, and the current tally stands at approximately 80 percent of broadcasters.

For the most part, our partners in the multichannel video programming distributor (MVPD) industry are also doing as much as they can to ensure a smooth transition. However, a handful MVPDs are attempting to make an unfounded link between the transition and negotiations for the right to carry broadcast signals. They are asking the FCC to suspend broadcasters' rights to authorize the use of their signals—a so called “quiet period”—starting no later than October 1, 2008, which is over four months before the February 2009 transition date. Grant of such a request is contrary to the letter and spirit of the marketplace negotiations envisioned in the Communications Act, harmful to broadcasters and the viewing public, and unnecessary as a practical matter.

Marketplace negotiations have worked for five rounds of cable elections and three rounds of direct broadcast satellite elections. Although thousands of retransmission consent agreements have been negotiated, not one has resulted in a finding of a broadcaster failure to negotiate in good faith. Although carriage negotiations are sometimes contentious, they have only very rarely resulted in a broadcaster not

making its signal available to a distributor for any period of time. Thus, petitioners' request is unfounded.

In the very rare instances where past carriage disputes have made broadcast signals briefly unavailable, affected viewers have been inundated with information about the dispute by MVPDs and local news outlets, so it is unlikely that there will be any customer confusion. At the same time, DTV consumer education efforts will peak in January and February and certainly resources could be targeted to retransmission consent disputes to minimize even further the possibility that any customer confusion may arise.

Broadcasters believe strongly that the "two-week before and two-week after" period will be more than enough to ensure that consumers do not confuse other events with the DTV Transition. Thus, there is no need to alter the well-functioning retransmission regime to prevent DTV-related consumer confusion. We should all continue to work toward meeting the challenges of viewer preparedness as well as operational and technical preparedness as we approach this "home stretch."

IV. Conclusion

In conclusion, I emphasize, again, that no one has a greater stake in a successful DTV transition than we, as broadcasters. We assure you that broadcasters are sparing no effort to fully inform our viewers about the transition. Our interests are aligned with yours. We fully understand the timelines and importance of our mutual challenge. We don't want to lose a single viewer in the transition, and we do not intend to.

I leave you with four final thoughts: One, broadcasters are fully committed to ensuring that no consumer—no viewer anywhere—is left uninformed about the DTV transition; Two, broadcasters are fulfilling their responsibility for a massive, unprecedented on-air consumer DTV information and education campaign; Three, we have demonstrated that we are ready and willing to work in partnership with Congress and the FCC on new ideas and efforts to ensure that the transition on February 17, 2009, is seamless; And four, we urge Congress to protect, for consumers, the existing retransmission consent regime, because placing a thumb on the scales in favor of MVPDs will undoubtedly threaten the very specific and successful retransmission consent regime intended by Congress, one meant to maintain the viability of our system of free over-the-air broadcasting.

Chairman Markey, Ranking Member Stearns and members of the Subcommittee, thank you for inviting me to participate in this hearing, and I am happy to answer any questions.



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stations. At least 2,020 speaking engagements have been booked, with 3,773 completed with an average audience size of 131 attendees. For more information, or to register a speaker at your next local event, groups can visit www.DTVSpeak.com. Additionally, NAB staff members have keynoted multiple conferences with speeches on the DTV transition issue, from London, England, to Little Rock, Ark., to Las Vegas, Nev.

DTV Road Show. A major grassroots marketing initiative, the DTV Road Show aims to increase consumer awareness of the February 17, 2009 transition in targeted areas with high percentages of broadcast-only households. The road show includes two DTV Trekkers – moving trucks designed to resemble giant television sets – that are crisscrossing the country until transition day in 2009. The Trekkers visit local fairs, festivals and other community events in high over-the-air sections of the country and provide DTV information to those most disproportionately affected by the transition to digital. The DTV Trekkers will travel 95,000 miles and visit 600 locations nationwide. To learn more about the DTV Road Show, visit www.DTVRoadShow.com. To date, the DTV Road Show has visited 105 cities. A full list is available at Attachment B.

Earned Media. NAB's DTV transition team has two full-time media relations staff members dedicated to generating widespread media coverage of the DTV transition and ensuring that reporters are covering the issue accurately. NAB has briefed reporters from major news organizations on the DTV transition and conducted media tours in markets across the country, including New York, Chicago, San Jose, Philadelphia, Madison, New Orleans and Washington, D.C., and has generated print, online and broadcast media coverage about the transition in all 50 states. In April 2008, NAB began sending out a weekly email with DTV-related updates to help hundreds of reporters nationwide stay abreast of how the transition is going. NAB's earned media

team, which also employs a public relations firm, is in regular contact with more than 4,500 reporters to promote local news hooks about the transition. The team has helped garner more than 10,780 news articles about the transition and conducted more than 110 radio interviews, 17 of which were in Spanish.

DTVAnswers.com Web site. In 2007, NAB launched www.DTVAnswers.com, one of the most comprehensive, consumer-friendly Web sites about the DTV transition. The site provides consumers, businesses and other interested organizations an in-depth look at every aspect of the DTV transition. Consumers can learn how to upgrade to digital television, get information about converter boxes and antennas, as well as access additional related resources. To help organizations spread DTV messages to their members, the site also makes available various promotional materials, including downloadable flyers and sample PowerPoint presentations. NAB also offers DTV transition information in more than 60 languages, including a Braille version upon request, at www.dtvanswers.com/dtv_languages.html. In addition, one can view and download NAB's DTV Action spot videos. The Web site has drawn nearly three million visits since its launch and averages about 8,000 visits per day.

LPTVAnswers.com Web site. To help consumers who wish to continue watching programming from local low-power TV stations after the February 17, 2009 transition to digital, NAB launched www.LPTVAnswers.com, which provides comprehensive information about the low-power issue. With links to state-by-state maps of low-power TV stations and a list of government-certified analog pass-through converter boxes, the site serves as a guide for all low-power TV consumers. The site now offers a new feature, which allows viewers to type in their zip codes to find low-power TV stations broadcasting in their areas.

Outreach to Elected Officials and Hard-to-Reach Populations. NAB has sent DTV Toolkits to elected officials across the country, including all members of Congress, state legislators, governors and lieutenant governors, executive directors of state municipal and state county associations, state African-American caucus leaders and state Hispanic elected officials. In May, NAB mailed a DTV Toolkit to 449 tribal leaders in the United States. In mid-June, we provided toolkits to 1,113 Meals on Wheels state chapter heads. The DTV Toolkit contains: a PowerPoint presentation on the DTV transition that can be used during a town hall meeting or any gathering of constituents; a newsletter insert for newsletters in English and Spanish; a DTV handbill in English and Spanish; a consumer resource guide in English and Spanish; a sample press release in English and Spanish; a sample op-ed on the DTV transition in English and Spanish; key points on DTV; banner Web site ads that may be linked to www.DTVAnswers.com; sample speeches on DTV; and a DTV background sheet. NAB also created an online toolkit for elected officials, which was blasted out to about 7,000 state legislators, mayors, and county commissioners.

DTV Staff Briefings in Congress. In April and July 2007, NAB hosted DTV transition briefings with more than 100 U.S. House staff and more than 40 U.S. Senate staff. In October 2007, working with the DTV Transition Coalition, NAB hosted a DTV staff briefing for members of the U.S. House of Representatives and their staffs, which drew 200 staffers and some members of the U.S. House. A DTV staff briefing in February 2008 hosted by NAB and the DTV Transition Coalition drew 40 attendees, mostly U.S. Senate staffers. Converter box demonstrations were given at all events and various consumer awareness materials were made available to attending staff.

Live DTV Webcast for Congressional Staff. In April and July 2008, NAB hosted special live webcasts for congressional staffers to address DTV issues unique to our government partners. NAB's DTV Transition team discussed how the federally mandated transition will impact communities across America, what consumer education and outreach initiatives are already underway by broadcasters and how to access information about the DTV coupon program and converter boxes. More than 600 staffers tuned in for these live webcasts.

National Black Church Initiative. In late 2007, NAB began collaborating with the National Black Church Initiative (NBCI) to educate Washington, D.C. residents about the digital television transition. The NAB/NBCI initiative has been implemented nationwide to help those most affected by the DTV transition learn how to prepare for the switch to digital television. The initiative will reach nearly eight million congregants in churches across more than 40 cities, including Atlanta, Miami, Philadelphia, Detroit, Chicago and Dallas. Congregants will receive educational literature about the DTV transition and converter box coupon program, as well as assistance with applying for the converter box coupons.

Esperanza USA. NAB has partnered with Esperanza USA, the largest organization of its kind in America with a 10,000-strong network of Latino faith-based agencies, to inform Hispanic households about the DTV transition. Spanish-speaking households are among the most disproportionately affected populations by the transition. Esperanza has incorporated DTV messages in its membership publications, grassroots activities and its annual National Prayer Breakfast.

Spanish Town Hall Initiative. In partnership with the Spanish-language television network Univision, NAB is conducting a series of town hall forums to raise

awareness among Hispanics in America about the upcoming DTV transition. The hour-long televised town halls have drawn large audiences of primarily Spanish speakers in some of the nation's largest Spanish-language markets. NAB has already conducted 16 town halls in Chicago, San Francisco, Austin, Dallas, Sacramento, Fresno, Phoenix, Houston, Bakersfield, New York, San Antonio, Miami and Los Angeles, and more are planned. The series builds on the success of a December 2007 town hall in Chicago, which drew more than 700 people.

Radio Spots. NAB has produced and distributed DTV radio spots in 15-, 30- and 60-second versions in both English and Spanish. Sample scripts have also been provided to stations that are interested in producing their own spots. The spots have been distributed to NAB member radio stations across the country and are downloadable at www.dtvanswers.com/radiospots.

Survey Research. NAB has dedicated significant financial resources toward consumer research. In January 2008, NAB commissioned a nationwide poll that found more than 83 percent of broadcast-only households are aware that the DTV transition is underway. In May 2008, NAB commissioned a massive 50-state survey to measure consumer awareness in every state. The poll showed near-universal national awareness of the transition at 90 percent. NAB distributed the findings to national and local broadcast and print media outlets.

International Research. NAB staff have visited and opened dialogues with officials running respective DTV transition campaigns in the United Kingdom, Sweden, Austria, Greece, Italy, Norway, Finland and Belgium to learn how European nations – some of which have already transitioned to digital – are running their digital transition campaigns. In January, an NAB staff member keynoted an international conference on

DTV transition strategies. NAB has also invited officials from those countries and others, including Austria and Singapore, to discuss DTV deployment issues with American television broadcasters. The CEO of the United Kingdom's DTV transition campaign met with NAB staff and our coalition partners in 2007.

Facilitation of Coordinated Analog Shut-Off Tests. NAB also has facilitated coordination among broadcasters in local markets who are conducting over-the-air analog "shut-off" tests. During these tests, participating broadcasters in a given market temporarily replace their analog signals with a message informing viewers that if they can see the image, they need to upgrade that set by February 17, 2009, to continue watching television and directing them to Web sites and/or hotlines for more information.

NAB is also working with the FCC to help facilitate analog shut-off tests and media events, as the FCC's commissioners and senior staff visit more than 80 markets with high concentrations of viewers most affected by the DTV transition. NAB staff are working with executives from numerous state broadcast associations to fully leverage the commissioners' events.

As demonstrated above, NAB has been driving the message of digital transition across numerous consumer media touchpoints. The combined elements of the DTV campaign will reach nearly all television viewers and generate 132 billion audience impressions² during the course of the campaign, which will run through February 17,

² Impressions: The number of times an advertising schedule is seen over time. The number of gross impressions may exceed the size of the population since audience members may be duplicated. Webster, James G., Phalen, Patricia F. and Lichty, Lawrence W. (2000). Ratings Analysis The Theory and Practice of Audience Research (2nd ed.) Mahwah, NJ: Lawrence Erlbaum Associates.

2009. By engaging consumers via television, the news media, online, through outdoor efforts and direct grassroots events, the message will be seeded and communicated much more effectively than through television advertising alone.

II. NAB Joined Forces with FCC to Help Prepare Viewers in the DTV Test Market of Wilmington, North Carolina

Broadcasters understand that policymakers share our concern about the upcoming transition. For that reason, we have consistently made clear that ours is a commitment with accountability. Our education approach has been aggressive and comprehensive. It also has included an element of flexibility necessary to ensure effectiveness. A perfect example of the accountability, effectiveness and flexibility of our approach was our collaborative effort on the early transition to digital in the Wilmington, N.C.

At noon on September 8, 2008, Wilmington, North Carolina, became the first television market in the country to switch to all-digital broadcasting. Five commercial stations in Wilmington agreed to turn off their analog signals several months ahead of the national transition to DTV. The FCC announced in May that this early test would help the agency minimize potential burdens for viewers and maximize their ability to benefit from the switch to DTV. On the heels of the FCC's announcement, NAB launched equally vigorous efforts in Wilmington aimed at helping area residents, local broadcasters, retailers and government agencies navigate the early digital switchover.

With Wilmington broadcasters at the helm of this experiment, NAB worked to ensure that efforts among the local stations were as effective as possible. NAB collaborated closely with the North Carolina Association of Broadcasters and met individually with all of the participating stations in the Wilmington market, as well as

public television station WUNC-TV, to discuss how to best coordinate efforts during the experiment. NAB also initiated a weekly conference call with the local stations, which served as a regular forum for communication and planning purposes.

Besides working with broadcasters, NAB urged electronics manufacturers and retailers to be prepared for an early transition in Wilmington. Some of our recommendations included stocking store shelves with analog pass-through converter boxes and antennas and educating sales staff to accurately address consumer questions. In anticipation of a heightened demand for converter box coupons, NAB also urged the federal government to prioritize applications from the Wilmington market and improve coordination among the relevant agencies in communications to consumers. We alerted property management companies overseeing thousands of vacation homes and rental properties in Wilmington, many of which had to be upgraded by September.

Early research in Wilmington revealed significant viewer confusion about the early switch date, and 62 percent of antenna users reported receiving some television programming from stations outside of the DMA, which meant they would be subject to viewing public service announcements proclaiming two different transition dates. As a result, NAB devoted significant resources and expertise toward raising consumer awareness. A week after the test was announced, NAB commissioned the first survey of Wilmington-area residents to gauge consumer awareness of the DTV transition nationally and locally. While 89 percent of Wilmington-area residents reported being aware of the television industry's switch to digital broadcasting, the survey showed there was still confusion about the date. The findings were released in June and covered widely by print and broadcast reporters.

NAB also purchased www.dtvwilmington.com, an easy-to-remember Web address that links to the FCC site, which local broadcasters used to link to DTV information. Additionally, we produced Wilmington versions of our DTV action spots alerting residents to the new deadline and actions they must take to prepare for the switch to DTV. The spots, which were distributed in July and August, counted down the days until the September 8 switch.

As members of NAB's DTV Speakers Bureau, eight speakers from Wilmington stations educated local citizens about DTV at local venues. The bureau is made up of more than 1,100 television station representatives from across the country, who have volunteered to give presentations to civic groups and other organizations interested in learning about the DTV transition. NAB organized a robust schedule of DTV Speakers Bureau events in Wilmington and its surrounding counties. Among other events, these speakers were joined by the FCC and industry retailers at a DTV expo hosted by WECT-TV at the Coastline Convention Center in downtown Wilmington on August 28.

Much like NAB's national campaign, the efforts in Wilmington included targeted outreach to populations disproportionately affected by the transition, such as minorities and seniors. About 1,750 African-American churches in Wilmington and across North Carolina helped to educate their congregants on DTV as part of our joint education campaign with the National Black Church Initiative. Churches distributed informational DTV literature and trained volunteers to help elderly and disabled members fill out coupon applications and install converter boxes.

Additionally, NAB accelerated production of its "countdown" public service announcements and made them available to Wilmington stations with a September 8 date. NAB also produced a Wilmington version of our Bob Barker DTV Action spot for

local stations, and adapted one of our national spots promoting the coupon program with the September 8 transition date.

In the final weeks leading up to the September transition, NAB also sent its DTV Road Show to Wilmington. Highly visible and interactive, one of our DTV Trekker trucks canvassed the five affected counties in the Wilmington market to make sure area residents were informed about the September 8 transition. NAB also ran print, radio and television ads to publicize the events, and helped coordinate and distribute targeted direct mail within the DMA.

The results of the test show clearly that the collective efforts of Wilmington television stations, the FCC, and NAB were a great success. Out of the 1,502 calls received by the FCC on September 8-10, only 23 were from viewers who were unaware of the switch to digital. These numbers are supported by an NAB survey taken two weeks prior to the transition date, which found consumer awareness at 97 percent and 83 percent of respondents having seen messages about the transition on television. It appears that very few Wilmington viewers lost reception due to a lack of information about the early transition to digital in the Wilmington market.

Additionally, about 50 percent of over-the-air viewers reported having seen one of the two analog shut-off tests performed by the Wilmington stations; the first on August 18 and the second on September 2. Analog shut-off tests will be a key strategy for stations to test the technical aspects of the DTV transition, but also to use as a tool for increasing viewer awareness.

A large number of callers to the FCC reported having trouble either connecting or setting up their converter boxes. NAB's survey found that among those who purchased a converter box, 75 percent had no problem and 25 percent had an initial problem. Of

those with an initial problem, 14 percent were able to resolve the problem, while 11 percent could not resolve it.

III. Broadcasters Have Made a Voluntary Commitment Intended to Minimize Any Possible Confusion Over the February 17th Transition Date

As one more added precaution, the NAB Board of Directors adopted a resolution establishing a four-week period surrounding the DTV transition (February 4-March 4, 2009) during which broadcasters voluntarily agree not to remove their signals from MVPDs. The NAB resolution enjoys the widespread support of numerous broadcast stations, including NAB members and non-members. The number of supporters is growing daily, and the current tally stands at approximately 80 percent of broadcasters.

For the most part, our partners in the multichannel video programming distributor (MVPD) industry are also doing as much as they can to ensure a smooth transition. However, a handful MVPDs are attempting to make an unfounded link between the transition and negotiations for the right to carry broadcast signals. They are asking the FCC to suspend broadcasters' rights to authorize the use of their signals—a so called “quiet period”—starting no later than October 1, 2008, which is over four months before the February 2009 transition date. Grant of such a request is contrary to the letter and spirit of the marketplace negotiations envisioned in the Communications Act, harmful to broadcasters and the viewing public, and unnecessary as a practical matter.

Marketplace negotiations have worked for five rounds of cable elections and three rounds of direct broadcast satellite elections. Although thousands of retransmission consent agreements have been negotiated, not one has resulted in a finding of a broadcaster failure to negotiate in good faith. Although carriage negotiations are sometimes contentious, they have only very rarely resulted in a broadcaster not

making its signal available to a distributor for any period of time. Thus, petitioners' request is unfounded.

In the very rare instances where past carriage disputes have made broadcast signals briefly unavailable, affected viewers have been inundated with information about the dispute by MVPDs and local news outlets, so it is unlikely that there will be any customer confusion. At the same time, DTV consumer education efforts will peak in January and February and certainly resources could be targeted to retransmission consent disputes to minimize even further the possibility that any customer confusion may arise.

Broadcasters believe strongly that the "two-week before and two-week after" period will be more than enough to ensure that consumers do not confuse other events with the DTV Transition. Thus, there is no need to alter the well-functioning retransmission regime to prevent DTV-related consumer confusion. We should all continue to work toward meeting the challenges of viewer preparedness as well as operational and technical preparedness as we approach this "home stretch."

IV. Conclusion

In conclusion, I emphasize, again, that no one has a greater stake in a successful DTV transition than we, as broadcasters. We assure you that broadcasters are sparing no effort to fully inform our viewers about the transition. Our interests are aligned with yours. We fully understand the timelines and importance of our mutual challenge. We don't want to lose a single viewer in the transition, and we do not intend to.

I leave you with four final thoughts: One, broadcasters are fully committed to ensuring that no consumer—no viewer anywhere—is left uninformed about the DTV transition; Two, broadcasters are fulfilling their responsibility for a massive, unprecedented on-air consumer DTV information and education campaign; Three, we have demonstrated that we are ready and willing to work in partnership with Congress and the FCC on new ideas and efforts to ensure that the transition on February 17, 2009, is seamless; And four, we urge Congress to protect, for consumers, the existing retransmission consent regime, because placing a thumb on the scales in favor of MVPDs will undoubtedly threaten the very specific and successful retransmission consent regime intended by Congress, one meant to maintain the viability of our system of free over-the-air broadcasting.

Chairman Markey, Ranking Member Stearns and members of the Subcommittee, thank you for inviting me to participate in this hearing, and I am happy to answer any questions.