

**Patrick Webre**

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**From:** Patrick Webre  
**Sent:** Monday, January 26, 2009 7:21 PM  
**To:** DTV-Southeast State Coordinators  
**Subject:** New Deadline

FYI.

## **Senate Agrees To Move DTV Transition Date**

### **Must be reconciled with House version of the bill**

**By John Eggerton -- Broadcasting & Cable, 1/26/2009 5:00:16 PM MT**

The Senate Monday night approved unanimously a compromise bill (S.328) that would move the DTV transition date from Feb. 17 to June 12, but it must now be reconciled with a House version of the bill, and quickly point out backers of the legislation.

Senator Jay Rockefeller, chairman of the Senate Commerce Committee and the bill's co-sponsor, sought a similar vote on his original bill, which would simply have moved the date from Feb. 17 to June 12. That bill was blocked by at least one Republican, which is all it takes.

Rockefeller then teamed with ranking Republican Kay Bailey Hutchinson on a compromise bill that dealt with other issues, including unclogging the DTV-to-analog converter box backlog and access to reclaimed analog TV spectrum by industry and first responders. Most importantly, at least in terms of getting Republican support, the bill is revenue-neutral, meaning the cost of making the move will be underwritten by future FCC spectrum auctions.

It was that bill that made it past the Republican gauntlet.

The House is preparing Tuesday to mark up its own, similar, bill, but could conceivably engage in a game of legislative ping-pong with the Senate version that would preclude having to conference to reconcile the two. The bills are "virtually alike," says one Rockefeller aide. "The House bill actually contains funding number which we don't have in our bill." He said they may have to conference the bill, but it could also be a case of where "they amend it and pass it back over here and we amend it and send it back over there until we have a final bill."

The Obama administration three weeks ago asked Congress to delay the transition date, prompted primarily by a slow-down in converter-box coupon distribution due to the combination of a funding ceiling and an accounting problem that prevented more coupons from being sent out before expired ones were redeemed.

\*\*\* Non-Public: For Internal Use Only \*\*\*

3/10/2009

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**Patrick Webre**

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**From:** Patrick Webre  
**Sent:** Friday, January 23, 2009 3:15 PM  
**To:** Rick Chessen  
**Subject:** B&C Article on Rockefeller Bill

**Sen. Rockefeller Unveils Amended DTV Date Bill****Says he doesn't expect the Senate to take up the bill until sometime next week**

**John Eggerton -- Broadcasting & Cable, 1/22/2009 6:24:07 PM MT**

It's official, Sen. Jay Rockefeller (D-W.VA) late Thursday announced a "bipartisan" compromise version of his DTV-delay bill that moves the DTV transition date from Feb. 17 to June 12.

It is a compromise, struck with ranking Republican Committee member Kay Bailey Hutchison (R-TX). Rockefeller initially wanted the bill to deal only with moving the date, but the compromise also "extends the FCC's auction authority to pay for the costs of the delay, reaffirms a broadcasters' right to make the transition before June 12, permits the FCC to award vacant spectrum space to public safety officials, and fixes the converter box coupon program."

Sen. Rockefeller said he does not expect the Senate to take up the bill until sometime next week.

He also said he hoped delaying the date until June 12 was the only delay needed, but suggested that would be the case "if we are able to make substantial progress on the administration of the transition," and adding "barring unforeseen emergencies/" The additions to the bill not only makes it palatable to Senate Republicans, but also brings it more in line with a bill backed by House Energy & Commerce Committee Chairman Henry Waxman (D-CA), who delayed work on his bill this week, saying he would wait to see what happened in the Senate.

Rockefeller did not include a copy of the bill with his announcement, so it was not clear what costs the FCC would be paying for. Broadcasters have said it would cost them millions collectively to keep two signals going for four more months. The Obama administration has inserted \$650 million in DTV transition assistance in the economic stimulus package.

"The DTV Delay Act will not fix all of the problems associated with the transition," Rockefeller told his colleagues in inserting his support for the amended bill into the Congressional Record. "More work needs to be done to ensure that consumers are aware of the transition and get the help they need. But it gives us all the time to do the transition right. Time to develop a new plan, time to implement a new set of ideas to manage the transition, and time to make sure that in the switch to digital signals no American is left behind."

"Senator Hutchison and I are committed to making sure every American is able to manage the DTV transition without undue hardship. We are working on initiatives to be included in the economic recovery package. If we are able to make substantial progress on the administration of the transition this should be the last delay we have to seek. I know I want this to be the last delay and I know the Obama Administration shares our commitment to getting this right so that we can avoid any further delays."

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**Patrick Webre**

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**From:** Patrick Webre  
**Sent:** Friday, January 23, 2009 3:07 PM  
**To:** Louis Sigalos; Roger Goldblatt  
**Subject:** B&C Article on Rockefeller Bill

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## Patrick Webre

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**From:** Patrick Webre  
**Sent:** Wednesday, January 14, 2009 3:32 PM  
**To:** Rick Chessen  
**Subject:** Fw: Extension legislation

Had you heard this?

----- Original Message -----

**From:** John Hunter  
**To:** Patrick Webre  
**Sent:** Wed Jan 14 15:22:28 2009  
**Subject:** Extension legislation

They're now saying that Waxman is preparing legislation to extend the DTV deadline.

## Patrick Webre

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**From:** Patrick Webre  
**Sent:** Monday, January 12, 2009 5:01 PM  
**To:** Priya Shrinivasan; John Hunter  
**Subject:** Re: Media interview

It's okay to do an interview regarding the phone bank, but they shouldn't be asking you any questions about the possible delay in the transition deadline, coupon program hitting the funding ceiling, etc. You can refer them to me for those questions. You can use your title as DMA coordinator. Thanks Priya.

----- Original Message -----  
**From:** Priya Shrinivasan  
**To:** John Hunter; Patrick Webre  
**Sent:** Mon Jan 12 16:56:52 2009  
**Subject:** Media interview

Am at station for phone bank and found out they want to interview me briefly for their segment publicizing the phone bank. Is this ok? Do I give my official title or dtv coordinator - va? Thanks.

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Sent from my BlackBerry Wireless Handheld

**Patrick Webre**

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**From:** Patrick Webre  
**Sent:** Thursday, January 08, 2009 12:55 AM  
**To:** Roger Goldblatt  
**Subject:** B&C Article

Have you heard anything about this?

## **Markey: Feb. 17 DTV Date May Have To Move**

### **Obama FCC transition team also floating idea, sources say**

**By John Eggerton -- Broadcasting & Cable, 1/7/2009 7:59:00 PM**

Related: [The DTV Countdown: Complete Coverage of the DTV Transition](#)

The DTV hard date appears to be softening.

Consumers Union (CU) late Wednesday asked the heads of the congressional committees with telecommunications oversight, as well as the current and future administrations, to consider delaying the Feb. 17, 2009 transition date.

And at least one of those key Congressional players, Rep. Ed Markey (D-Mass.), chairman of the House Telecommunications & Internet Subcommittee, says the date may have to move.

In a **letter to Rep. Markey, Rep. Henry Waxman** (D-Calif.), the incoming chairman of the House Energy and Commerce Committee, and others, the CU requested that Congress consider a delay "until a plan is in place to minimize the number of consumers who will lose TV signals, particularly by fixing the flaws in the federal coupon program created to offset the cost of this transition."

The National Telecommunications & Information Administration this week announced that it had **hit the funding ceiling for its program to distribute government subsidies for DTV-to-analog converter boxes** and that new applications would have to be put on a waiting list unless the cap were raised or the Antideficiency Act (ADA) rule preventing it from spending money it expected to be freed up by expired coupons was waived.

"Congressman Markey is working on an exemption to the ADA to deal with the immediate waiting list issue," said Daniel Reilly, a spokesman for Markey. "But with the date looming, moving the date back certainly warrants further discussion and may be a wise choice."

According to several sources, the Obama FCC transition team has been "very busy" on the issue and has been floating the possibility of moving the date. The transition press office had not returned an e-mail request for comment at press time.

Joel Kelsey, a policy analyst for Consumers Union and one of the two signatories on the letter, said CU had met with the transition team about the issue, and that they are "rightly concerned that this is a mess that they are now going to have to clean up in a very short time frame."

He would not comment on whether they favored moving the date beyond only saying that the transition team has been

"extremely active on the DTV transition issue." He said the Obama transition team had not asked Consumers Union to send the letter.

Consumers Union has suggested a move of four months or so, according to a CNBC interview with CU senior counsel Chris Murray, the other signature on the CU letter. **Murray told CNBC that he thought there was a "reasonably good chance"** that Congress would push the date back four months or so. "We're not ready to say there will be a delay yet," he said. "We believe that Congress should consider a delay [but] I don't think I can talk about this as something that is readily going to happen," he said.

Perhaps, but the Washington lobbying community was buzzing Wednesday with talk that it was a real possibility.

In an e-mail alert from communications law firm Wilkinson Barker Knauer obtained by *B&C*, the Murray CNBC interview was cited prominently, with lawyers there saying they were hearing that "serious consideration" was being given to moving the date to June 1 (Memorial Day weekend) and suggesting more trial balloons would be floated in the coming days.

According to the lobbyist, the new administration is not looking forward to inheriting a transition with major issues about viewers not receiving their subsidies in time. That would include target populations like senior citizens, minorities and the disabled.

It would be tough to make the move at this late date. The broadcasting and cable industries and the government have spent hundreds of millions of dollars in cash and donated airtime on hammering home that Feb. 17 date, putting it on Web sites, billboards, and even a race car. Some broadcasters have already made the switch early (Wilmington, N.C.), or are about to (Hawaii on Jan. 15), and some of the spectrum has already been auctioned for advanced services.

**Patrick Webre**

**From:** Patrick Webre  
**Sent:** Thursday, January 08, 2009 12:54 AM  
**To:** Rick Chessen  
**Subject:** B&C Article

Rick, I'm traveling tomorrow, but would be interested in speaking to you about the subject of the article below. My BlackBerry number is 202-577-6324. Thanks.

Patrick

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**By John Eggerton -- Broadcasting & Cable, 1/7/2009 7:59:00 PM**

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According to several sources, the Obama FCC transition team has been "very busy" on the issue and has been floating the possibility of moving the date. The transition press office had not returned an e-mail request for comment at press time.

Joel Kelsey, a policy analyst for Consumers Union and one of the two signatories on the letter, said CU had met with the transition team about the issue, and that they are "rightly concerned that this is a mess that they are now going to have to clean up in a very short time frame."

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It would be tough to make the move at this late date. The broadcasting and cable industries and the government have spent hundreds of millions of dollars in cash and donated airtime on hammering home that Feb. 17 date, putting it on Web sites, billboards, and even a race car. Some broadcasters have already made the switch early (Wilmington, N.C.), or are about to (Hawaii on Jan. 15), and some of the spectrum has already been auctioned for advanced services.

**Patrick Webre**

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**From:** Patrick Webre  
**Sent:** Thursday, January 08, 2009 12:51 AM  
**To:** DTV-Southeast State Coordinators; Jo Sullivan  
**Subject:** B&C Article

FYI. The subject of the article pasted below is news to me, and it's certainly unclear from the article whether there will be any movement on pushing the transition deadline back, but I wanted you all to be aware of the article. You may be getting questions about this possibility in the next few days if more of the press picks it up, but at this point, it is speculation, and we have to continue to work under the current federal law, which mandates February 17, 2009 as the last day for full-power analog broadcasting. I'll keep everyone apprised if I hear more on this subject. Thanks.

Patrick

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**By John Eggerton -- Broadcasting & Cable, 1/7/2009 7:59:00 PM**

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**Katrina Kleinwachter**

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**From:** Dana Scherer  
**Sent:** Friday, January 16, 2009 8:47 AM  
**To:** William Freedman; Deborah Broderson  
**Cc:** Katrina Kleinwachter  
**Subject:** FW: DTV update: Senator Rockefeller files DTV-delay bill  
**Attachments:** DTV 011609.pdf

Bill and Deborah:

Would hate for you to be caught off guard for the 'CCO interview. My relatives will be listening.

Dana A. Scherer  
(202) 418-2127  
\*\*\*Non-Public: For Internal Use Only\*\*\*

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**From:** Anna-Maria Kovacs [mailto:amkovacs@regulatorysourcenotes.com]  
**Sent:** Friday, January 16, 2009 7:01 AM  
**To:** amkovacs@regulatorysourcenotes.com  
**Subject:** DTV update: Senator Rockefeller files DTV-delay bill  
**Importance:** High

## TELECOM REGULATORY NOTE

### DTV update: Senator Rockefeller files DTV-delay bill

- **President-elect Obama's transition team has indicated that it would like Congress to vote to delay the DTV transition, which is currently scheduled by law to occur on February 17<sup>th</sup>. Many, but not all, Democrats in Congress support delay.**
- **Some broadcasters have indicated that delay would be costly for them. Some--but not all—wireless companies oppose delay, because they would like to occupy the spectrum they bought and need broadcasters to vacate it.**
- **Senator Rockefeller, Chairman of the Senate Committee on Commerce, Science and Transportation, has filed a bill that would delay the DTV transition to June 12<sup>th</sup>.**
- **Separately, the House stimulus bill would allocate an additional \$650 million to the DTV transition, by funding more converter-box coupons, and consumer outreach and education.**
- **There is considerable opposition from Republicans to delaying the transition, and it is not clear at this point whether the delay can be voted by in time. Particularly in the Senate, it is fairly easy to hold up a bill.**
- **At this point it seems almost certain that there will be considerable additional funding for the DTV transition, but whether the transition will be delayed is less clear.**

*Please see the attached note for the full discussion and for our required disclosures.*

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Anna-Maria Kovacs  
President  
Regulatory Source Associates, LLC  
1770 Massachusetts Avenue #305  
Cambridge MA 02140  
[akovacs@regulatorysource.com](mailto:akovacs@regulatorysource.com)  
617-661-4666

## Katrina Kleinwachter

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**From:** William Freedman  
**Sent:** Wednesday, January 14, 2009 10:16 AM  
**To:** Katrina Kleinwachter; Dana Scherer; Deborah Broderson  
**Subject:** Re: More DTV news: plan to change accounting rules may be shelved

Duluth news tribune has an editorial today entitled "don't delay digital switch"  
Good times

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** Katrina Kleinwachter  
**To:** Dana Scherer; William Freedman; Deborah Broderson  
**Sent:** Wed Jan 14 10:10:16 2009  
**Subject:** RE: More DTV news: plan to change accounting rules may be shelved

Text of article:

Turmoil Over TV Switch Grows  
Some Lawmakers to Join Obama's Call to Push Back Deadline

By Kim Hart  
Washington Post Staff Writer  
Wednesday, January 14, 2009; D01

Plans to become a digital nation are in disarray just five weeks before television stations are supposed to shut off analog broadcasts. Consumers do not have quick access to coupons to purchase converter boxes, Congress is toying with postponing the switch, and now a possible way to distribute more coupons may no longer be plausible.

A proposal to change a rule to let a government program distribute more converter box coupons to consumers could be shelved by House Democrats, according to two House aides. The measure has run into opposition because it would probably come too late to ensure that consumers receive coupons before the Feb. 17 transition.

Senate Commerce Committee members are still evaluating the option, a Senate aide said. The aides spoke on condition of anonymity because the proceedings are not public.

Some members of Congress are now shifting their efforts. They're drafting legislation to provide additional funding for the coupon program or delay the transition by as much as three months, or both. But House Republicans, in a letter being sent to President-elect Barack Obama this morning, say they oppose a delay and are "working on bipartisan legislation" to allow more coupons to be issued to consumers.

Last week, a top Obama aide asked Congress to consider postponing next month's transition to give consumers more time and resources to get ready for the switch. Stimulus package dollars would be made available for transition efforts, the transition team said.

On Feb. 17, all full-powered television stations are planning to shut off their analog signals and move to all-digital broadcasts. That means older analog TV sets will need a converter box, which costs \$50 to \$80, to receive over-the-air signals. Consumers with digital TV sets or subscriptions to cable or satellite service will not lose programming. A \$1.34 billion federal program to distribute \$40 coupons to offset the cost of the converter boxes has reached its funding limit, and officials say the 1.7 million people on the waiting list may not receive the coupons by the transition date.

The coupon program, run by the Commerce Department's National Telecommunications and Information Administration, started placing consumers on a waiting list Jan. 4. Due to a rule set by Congress, the agency cannot distribute new coupons until already-issued

vouchers expire. The coupons are valid for 90 days.

Lawmakers had been looking at the possibility of waiving that rule so the NTIA could issue coupons before others expire. But it is now likely that there may not be enough time to pass such legislation. Stimulus funding may also not be available until after Feb. 17.

A delay could cause headaches for broadcasters that pay tens of thousands of dollars a month to operate both analog and digital signals, and it could interfere with the efforts of the wireless companies to use the airwaves to build faster networks.

Keeping analog signals on the air could double broadcasters' energy bills, and some stations cannot air a full-power digital signal until another station's analog signal goes off the air.

For example, Hagerstown NBC affiliate WHAG-TV will move its digital signal to channel 26 after the transition. But channel 26 is occupied by Washington area public television station WETA. So the Hagerstown station cannot air a full-power digital signal until WETA removes its analog signal.

"This is so complicated," said Howard M. Liberman, a lawyer with Drinker Biddle & Reath. He said most stations have already hired crews to turn off the analog signals and reposition digital antennas. "Logistically it could be very difficult," he said.

Some broadcasters, including ABC, support a delay so consumers will not have to adjust rooftop antennas in winter conditions.

Last year, wireless companies including AT&T and Verizon Wireless spent more than \$19 billion to buy the airwaves that will soon be vacated by the analog broadcasts. Those airwaves will be used to provide faster broadband networks for public safety agencies and cellphone users.

In a letter sent to Capitol Hill on Monday, AT&T said it would support a "short delay" in the transition as long as Congress ensures that companies licensing the spectrum will "suffer no other adverse consequences." Verizon Communications said in a letter that a delay could cause more confusion for consumers.

Katrina Kleinwachter  
DTV Outreach Coordinator, Minneapolis-St. Paul & Mankato Markets Federal Communications  
Commission  
445 12th Street SW, Washington, DC 20554 Katrina.Kleinwachter@fcc.gov  
(202) 418-2179 (office)  
(202) 423-1859 (mobile)

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For more information about Digital Television (DTV), visit [www.dtv.gov](http://www.dtv.gov)

-----Original Message-----

From: Dana Scherer  
Sent: Wednesday, January 14, 2009 10:03 AM  
To: William Freedman; Katrina Kleinwachter; Deborah Broderson  
Subject: More DTV news: plan to change accounting rules may be shelved

fyi:

Today's W. Post says some members of Congress think it may be too late to change accounting rules

<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011303060.html>

Dana Scherer  
Policy Analyst  
IAD/MB/FCC  
(202) 418-2127

\*\*\*Non-Public: For Internal Use Only\*\*\*

## Katrina Kleinwachter

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**From:** Thomas Nessinger  
**Sent:** Friday, January 23, 2009 11:45 AM  
**To:** Alexander Sanjenis; Tom Hutton; Lisa Scanlan; Katrina Kleinwachter; Irene Bleiweiss  
**Cc:** Jordan Brinn; Edna Prado  
**Subject:** RE: DTV

More on this subject: [http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009](http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009)

Sounds like a love-fest to me.

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**From:** Alexander Sanjenis  
**Sent:** Friday, January 23, 2009 11:43 AM  
**To:** Thomas Nessinger; Tom Hutton; Lisa Scanlan; Katrina Kleinwachter; Irene Bleiweiss  
**Cc:** Jordan Brinn; Edna Prado  
**Subject:** RE: DTV

Talk about mass confusion. "Your station might be changing in February, but it might do it in June. No I don't know which ones. Why don't you call and ask them."

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**From:** Thomas Nessinger  
**Sent:** Friday, January 23, 2009 11:38 AM  
**To:** Tom Hutton; Lisa Scanlan; Katrina Kleinwachter; Irene Bleiweiss  
**Cc:** Alexander Sanjenis; Jordan Brinn; Edna Prado  
**Subject:** RE: DTV

Yikes. What's your source? I've heard two conflicting versions in as many days.

---

**From:** Tom Hutton  
**Sent:** Friday, January 23, 2009 11:36 AM  
**To:** Lisa Scanlan; Thomas Nessinger; Katrina Kleinwachter; Irene Bleiweiss  
**Subject:** DTV

Apparently the Senate is expected to pass unanimously a revised version of the DTV delay bill that would delay the transition to June 12, but give stations the option of sticking with the February 17 switch date.

## Katrina Kleinwachter

---

**From:** Irene Bleiweiss  
**Sent:** Monday, January 26, 2009 11:04 AM  
**To:** Thomas Nessinger; Lyle Elder  
**Cc:** Lisa Scanlan; Jordan Brinn; Edna Prado; Glenda Thomas; Annette Smith; Alexander Sanjenis; Katrina Kleinwachter  
**Subject:** RE: DTV delay bill

Thanks Tom. Interesting that they don't actually provide any funds for the re-issuance of millions of expired coupons.

---

**From:** Thomas Nessinger  
**Sent:** Monday, January 26, 2009 10:38 AM  
**To:** Lyle Elder  
**Cc:** Lisa Scanlan; Irene Bleiweiss; Jordan Brinn; Edna Prado; Glenda Thomas; Annette Smith; Alexander Sanjenis; Katrina Kleinwachter  
**Subject:** DTV delay bill

Since the trades went to bed, it looks like the House Energy and Commerce Committee re-scheduled the markup of the Waxman bill that would, *inter alia*, delay the DTV transition to June 13, for tomorrow at 10:00 a.m.  
[http://energycommerce.house.gov/index.php?option=com\\_content&task=view&id=691&Itemid=65](http://energycommerce.house.gov/index.php?option=com_content&task=view&id=691&Itemid=65)

I'm attaching a copy of the discussion draft FYI.

## Katrina Kleinwachter

---

**From:** Dana Scherer  
**Sent:** Monday, January 12, 2009 12:37 PM  
**To:** William Freedman  
**Cc:** Deborah Broderson; Katrina Kleinwachter  
**Subject:** DTV press clips - Chairman warns against delay at CEA  
**Attachments:** dtv Clips\_20090112 for B. Freedman.pdf

All:

The latest is that the Chairman thinks a delay would create consumer confusion. I'm including today's clips as an attachment.

The link to the AP story is below:

[http://www.usatoday.com/tech/news/2009-01-12-fcc-dtv\\_N.htm](http://www.usatoday.com/tech/news/2009-01-12-fcc-dtv_N.htm)

Marcia is reviewing my Duluth and Minneapolis-St. Paul write-ups. She found some typos, some in due in part to incorrect language we had on our template. I'll send you corrected versions once I've incorporated her edits. I apologize for the inconvenience.

Dana A. Scherer  
Telecommunications Policy Analyst  
Industry Analysis Division, Media Bureau  
Federal Communications Commission  
445 12th St., S.W., Room 2-C222  
Washington, DC 20554  
(202) 418-2127

\*\*\*Non-Public: For Internal Use Only\*\*\*

3/5/2009

8

**Katrina Kleinwachter**

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**From:** Katrina Kleinwachter  
**Sent:** Friday, January 23, 2009 12:07 PM  
**To:** Glenda Thomas  
**Subject:** Link to Senate compromise bill on DTV delay

Glenda, here's the link:

[http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009](http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009)

-----Original Message-----

From: Katrina Kleinwachter

Sent: Friday, January 23, 2009 12:08 PM

To: William Freedman

Subject: RE: Reporting questions

That's great, thanks Bill. You've probably already heard, but I guess there's a compromise bill now on the delay in the Senate.

"Key provisions of the compromise bill include the following:

. In order to better educate consumers about the transition, and to provide consumers with ample opportunity to utilize the converter-box coupon program, the digital transition will shift from February 17, 2009 to June 12, 2009.

. Over-the-air broadcast television stations may voluntarily switch from analog to digital service before June 12, 2009. Stations that are fully prepared for the switch can make the transition early through a Federal Communications Commission process. In addition to the several markets that already have made the transition, many additional markets are expected to be prepared to make the transition prior to June 12, 2009 - this bill will permit these stations to transition early and bring consumers the advantages of digital service as quickly as possible.

. In the event a broadcast station switches early to digital service, public safety services may start using the vacated spectrum.

. Consumers with expired coupons may apply for new replacement coupons. This provides relief to consumers who, because of natural disasters, retail or mail issues, were unable to redeem their coupons."

10

**From:** Katrina Kleinwachter  
**Sent:** Monday, January 26, 2009 6:35 PM  
**To:** Deborah Broderon  
**Subject:** RE: Todd County

(D, just give me a message when you follow-up either way. Off now to find some dinner.)

FYI, from TMCnet:

"The Senate bill, written by Commerce Committee Chairman John D. Rockefeller IV, would push back the transition deadline to June 12 from Feb. 17. But after Republicans moved to block it last week, the West Virginia Democrat reworked the legislation late Thursday, making the extension optional for broadcasters rather than mandatory.

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The bill, now supported by the committee's ranking Republican, Sen. Kay Bailey Hutchison of Texas, has been put on a fast track, with Majority Leader Harry Reid planning to bring it to a vote on the floor next week. If passed, it will go to the House, where Energy and Commerce Committee Chairman Henry A. Waxman, California Democrat, supports a delay."

*N*

## Katrina Kleinwachter

---

**From:** Katrina Kleinwachter  
**Sent:** Tuesday, January 27, 2009 9:56 AM  
**To:** Deborah Broderson  
**Subject:** FW: DTV delay

D, not sure if you saw this yet or not. The Energy & Commerce Committee has cancelled today's markup of the legislation; the Senate bill is now expected to be brought to the House floor **today**. Should be an interesting one.

---

**From:** Lisa Scanlan  
**Sent:** Tuesday, January 27, 2009 8:14 AM  
**To:** Thomas Nessinger; Irene Bleiweiss; Jordan Brinn; Annette Smith; Katrina Kleinwachter; Konrad Herling  
**Subject:** DTV delay

The Senate passed the bill last night.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/26/AR2009012601984.html>

## Katrina Kleinwachter

---

**From:** Katrina Kleinwachter  
**Sent:** Tuesday, January 27, 2009 10:08 AM  
**To:** Lisa Scanlan; Thomas Nessinger; Irene Bleiweiss; Jordan Brinn; Annette Smith; Konrad Herling  
**Subject:** RE: DTV delay

And, from the House side: "The Energy & Commerce Committee has cancelled its markup of the legislation, which is now expected to be brought to the House floor on Tuesday."

---

**From:** Lisa Scanlan  
**Sent:** Tuesday, January 27, 2009 8:14 AM  
**To:** Thomas Nessinger; Irene Bleiweiss; Jordan Brinn; Annette Smith; Katrina Kleinwachter; Konrad Herling  
**Subject:** DTV delay

The Senate passed the bill last night.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/26/AR2009012601984.html>

**Katrina Kleinwachter**

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**From:** Katrina Kleinwachter  
**Sent:** Friday, January 23, 2009 11:48 AM  
**To:** DTV-WestCentral  
**Subject:** DTV Delay - compromise bill in Senate

FYI, someone in another region just passed this on to me:

**For Immediate Release**  
**January 23rd, 2009**

**STATEMENT BY SENATOR HUTCHISON ON SHIFT OF DTV TRANSITION DATE**

WASHINGTON, D.C. – Senator Kay Bailey Hutchison (R-Texas), Ranking Member of the Senate Commerce, Science, and Transportation Committee, today released the following statement on legislation to shift the nation’s digital television transition from February 17, 2009 to June 12, 2009.

“I had serious concerns about shifting the digital television transition without a sound plan to inform consumers or address the converter box coupon shortage,” **said Senator Hutchison.** “I am pleased that Chairman Rockefeller worked with me to address many of the concerns with the early proposals. These changes will help consumers whose coupons have expired, and allow TV stations that are prepared, and ready, to move forward without the requirement of simulcasting. Senator Rockefeller’s personal commitment to me to not seek another delay provides needed certainty to bring this transition to a conclusion. Significant challenges remain, however, and I will continue working with my colleagues in Congress to ensure a smooth transition to digital television for all Americans.”

Key provisions of the compromise bill include the following:

- In order to better educate consumers about the transition, and to provide consumers with ample opportunity to utilize the converter-box coupon program, the digital transition will shift from February 17, 2009 to June 12, 2009.
- Over-the-air broadcast television stations may voluntarily switch from analog to digital service before June 12, 2009. Stations that are fully prepared for the switch can make the transition early through a Federal Communications Commission process. In addition to the several markets that already have made the transition, many additional markets are expected to be prepared to make the transition prior to June 12, 2009 – this bill will permit these stations to transition early and bring consumers the advantages of digital service as quickly as possible.

- In the event a broadcast station switches early to digital service, public safety services may start using the vacated spectrum.
- Consumers with expired coupons may apply for new replacement coupons. This provides relief to consumers who, because of natural disasters, retail or mail issues, were unable to redeem their coupons.

# # #

[http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009](http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=0c0d9b05-3096-46c1-88ae-36fe1b30ff60&Month=1&Year=2009)

## Katrina Kleinwachter

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**From:** Tom Hutton  
**Sent:** Friday, January 23, 2009 11:36 AM  
**To:** Lisa Scanlan; Thomas Nessinger; Katrina Kleinwachter; Irene Bleiweiss  
**Subject:** DTV

Apparently the Senate is expected to pass unanimously a revised version of the DTV delay bill that would delay the transition to June 12, but give stations the option of sticking with the February 17 switch date.



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**445 12<sup>th</sup> Street, S.W.**

**Washington, D. C. 20554**

---

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

---

FOR IMMEDIATE RELEASE

February 4, 2009

NEWS MEDIA CONTACT

Brigid Calamis 202-418-2200

**STATEMENT OF FCC COMMISSIONER ROBERT M. McDOWELL  
IN RESPONSE TO THE UNITED STATES HOUSE OF REPRESENTATIVES  
PASSAGE OF LEGISLATION TO DELAY THE DIGITAL TELEVISION TRANSITION  
DEADLINE TO JUNE 12, 2009**

The following statement can be attributed to Commissioner Robert M. McDowell:

“Today, a majority of the directly elected representatives of the American people, the U.S. Congress, has clearly expressed its desire to postpone the deadline for the cessation of analog full-power television broadcasts to June 12, 2009. I look forward to joining my two colleagues, Acting Chairman Copps and Commissioner Adelstein, in quickly implementing the will of the Congress. I know we will do all that we can to minimize the inevitable disruption and confusion this transition will cause. In the meantime, let’s all stay on message: if you need a converter box, get it today and hook it up today and start enjoying the benefits of digital television today.”

###



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---

FOR IMMEDIATE RELEASE  
February 4, 2009

NEWS MEDIA CONTACT  
David Fiske 202-418-0513

## **Statement of Acting FCC Chairman Michael J. Copps on Congressional passage of the DTV Delay Act**

"I welcome Congressional passage of the DTV Delay Act. It has long been clear to me--and it's even clearer since I became Acting FCC Chairman two weeks ago--that the country is not prepared to undertake a nationwide transition in twelve days without unacceptably high consumer dislocation.

"The additional four months provided by the law affords urgently-needed time for a more phased transition, including a consumer-friendly converter box coupon program, stepped-up consumer outreach and support--particularly for vulnerable populations--and dealing with coverage, antenna and reception issues that went too long unaddressed.

"We've got a lot of work to do, but thanks to great leadership in the Senate and House of Representatives, we now have an opportunity to do it better."

111TH CONGRESS  
1ST SESSION

# S. 328

---

## AN ACT

To postpone the DTV transition date.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DTV Delay Act”.

3 **SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.**

4 (a) **IN GENERAL.**—Section 3002(b) of the Digital  
5 Television Transition and Public Safety Act of 2005 (47  
6 U.S.C. 309 note) is amended—

7 (1) by striking “February 18, 2009;” in para-  
8 graph (1) and inserting “June 13, 2009;” and

9 (2) by striking “February 18, 2009,” in para-  
10 graph (2) and inserting “that date”.

11 (b) **EXTENSION OF COUPON PROGRAM.**—Section  
12 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amend-  
13 ed by striking “March 31, 2009,” and inserting “July 31,  
14 2009,”.

15 (c) **CONFORMING AMENDMENTS.**—

16 (1) Section 3008(a)(1) of that Act (47 U.S.C.  
17 309 note) is amended by striking “February 17,  
18 2009.” and inserting “June 12, 2009.”.

19 (2) Section 309(j)(14)(A) of the Communica-  
20 tions Act of 1934 (47 U.S.C. 309(j)(14)(A)) is  
21 amended by striking “February 17, 2009.” and in-  
22 serting “June 12, 2009.”.

23 (3) Section 337(e)(1) of the Communications  
24 Act of 1934 (47 U.S.C. 337(e)(1)) is amended by  
25 striking “February 17, 2009,” and inserting “June  
26 12, 2009,”.

1 (d) LICENSE TERMS.—

2 (1) EXTENSION.—The Federal Communications  
3 Commission shall extend the terms of the licenses  
4 for the recovered spectrum, including the license pe-  
5 riod and construction requirements associated with  
6 those licenses, for a 116-day period.

7 (2) DEFINITION.—In this subsection, the term  
8 “recovered spectrum” means—

9 (A) the recovered analog spectrum, as such  
10 term is defined in section 309(j)(15)(C)(vi) of  
11 the Communications Act of 1934; and

12 (B) the spectrum excluded from the defini-  
13 tion of recovered analog spectrum by subclauses  
14 (I) and (II) of such section.

15 **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-**  
16 **VERTER BOX PROGRAM.**

17 (a) TREATMENT OF EXPIRED COUPONS.—Section  
18 3005(c)(1) of the Digital Television Transition and Public  
19 Safety Act of 2005 (47 U.S.C. 309 note) is amended by  
20 adding at the end the following:

21 “(D) EXPIRED COUPONS.—The Assistant  
22 Secretary may issue to a household, upon re-  
23 quest by the household, one replacement coupon  
24 for each coupon that was issued to such house-

1 hold and that expired without being re-  
2 deemed.”.

3 (b) CONFORMING AMENDMENT.—Section  
4 3005(c)(1)(A) of the Digital Television Transition and  
5 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
6 ed by striking “receives, via the United States Postal Serv-  
7 ice,” and inserting “redeems”.

8 **SEC. 4. IMPLEMENTATION.**

9 (a) PERMISSIVE EARLY TERMINATION UNDER EX-  
10 ISTING REQUIREMENTS.—Nothing in this Act is intended  
11 to prevent a licensee of a television broadcast station from  
12 terminating the broadcasting of such station’s analog tele-  
13 vision signal (and continuing to broadcast exclusively in  
14 the digital television service) prior to the date established  
15 by law under section 3002(b) of the Digital Television  
16 Transition and Public Safety Act of 2005 for termination  
17 of all licenses for full-power television stations in the ana-  
18 log television service (as amended by section 2 of this Act)  
19 so long as such prior termination is conducted in accord-  
20 ance with the Federal Communications Commission’s re-  
21 quirements in effect on the date of enactment of this Act,  
22 including the flexible procedures established in the Matter  
23 of Third Periodic Review of the Commission’s Rules and  
24 Policies Affecting the Conversion to Digital Television

1 (FCC 07–228, MB Docket No. 07–91, released December  
2 31, 2007).

3 (b) PUBLIC SAFETY RADIO SERVICES.—

4 (1) USE ON CLEARED SPECTRUM.—Notwith-  
5 standing the amendments made by section 2, if—

6 (A) a television broadcast station ceases  
7 the broadcasting of such station’s analog tele-  
8 vision service under subsection (a) of this sec-  
9 tion prior to June 12, 2009, and

10 (B) as a consequence of such cessation,  
11 spectrum between frequencies 768 and 776  
12 megahertz, inclusive, and 798 and 806 mega-  
13 hertz, inclusive, becomes available for non-tele-  
14 vision broadcast use prior to June 12, 2009,  
15 the Federal Communications Commission shall  
16 permit the use of such spectrum for authorized  
17 public safety radio services if the Commission  
18 determines that such use is in the public inter-  
19 est and does not cause harmful interference to  
20 full-power television stations in the analog or  
21 digital television service.

22 (2) EXPEDITED PROCEDURES.—The Federal  
23 Communications Commission may use expedited pro-  
24 cedures, and may waive such rules as may be nec-  
25 essary, to make a determination on an application

1 made under paragraph (1) to begin such use of such  
2 spectrum by a public safety agency (as such term is  
3 defined in section 3006(d)(1) of the Digital Tele-  
4 vision Transition and Public Safety Act of 2005) in  
5 not less than 2 weeks after the date of submission  
6 of such application.

7 (c) EXPEDITED RULEMAKING.—Notwithstanding  
8 any other provision of law, the Federal Communications  
9 Commission and the National Telecommunications Infor-  
10 mation Administration shall, not later than 30 days after  
11 the date of enactment of this Act, each adopt or revise  
12 its rules, regulations, or orders or take such other actions  
13 as may be necessary or appropriate to implement the pro-  
14 visions, and carry out the purposes, of this Act and the  
15 amendments made by this Act.

16 **SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.**

17 Section 309(j)(11) of the Communications Act of  
18 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
19 “2011.” and inserting “2012.”.

20 **SEC. 6. EMERGENCY DESIGNATION.**

21 Each amount made available under section 3005 of  
22 the Digital Television Transition and Public Safety Act  
23 of 2005 (47 U.S.C. 309 note) as a result of the amend-  
24 ments made by this Act is designated as an emergency  
25 requirement and necessary to meet emergency needs pur-

1 suant to section 204(a) of S. Con. Res. 21 (110th Con-  
2 gress) and section 301(b)(2) of S. Con. Res. 70 (110th  
3 Congress), the concurrent resolutions on the budget for  
4 fiscal years 2008 and 2009.

Passed the Senate January 26, 2009.

Attest:

*Secretary.*



117TH CONGRESS  
1ST SESSION

**S. 328**

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**AN ACT**

To postpone the DTV transition date.



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FOR IMMEDIATE RELEASE  
February 4, 2009

NEWS MEDIA CONTACT  
David Fiske 202-418-0513

## **Statement of Acting FCC Chairman Michael J. Copps on Congressional passage of the DTV Delay Act**

"I welcome Congressional passage of the DTV Delay Act. It has long been clear to me--and it's even clearer since I became Acting FCC Chairman two weeks ago--that the country is not prepared to undertake a nationwide transition in twelve days without unacceptably high consumer dislocation.

"The additional four months provided by the law affords urgently-needed time for a more phased transition, including a consumer-friendly converter box coupon program, stepped-up consumer outreach and support--particularly for vulnerable populations--and dealing with coverage, antenna and reception issues that went too long unaddressed.

"We've got a lot of work to do, but thanks to great leadership in the Senate and House of Representatives, we now have an opportunity to do it better."

## Christopher Lewis

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:47 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Not a problem. I knew who he was and I figured something got mixed up. But that is Epstein's info right?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

---

**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:46 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

I do. Sorry, I keep doing that. Gary Shapiro is an industry guy!

Our guy is Gary M. Epstein.

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:44 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Chris -- do you mean Gary Epstein?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

---

**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:14 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

White House Contact:  
Susan Crawford  
[scrawford@who.eop.gov](mailto:scrawford@who.eop.gov)

FCC staff info:  
Gary M. Shapiro



3/30/2009

[REDACTED]  
Rick C. Chessen  
[REDACTED]

Christopher Joseph Lewis  
[REDACTED]

Thanks, Carolyn

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 2:51 PM  
**To:** Christopher Lewis  
**Subject:** Would you give me a call please?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

3/30/2009

## Christopher Lewis

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:44 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Chris – do you mean Gary Epstein?

Best,

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Confidential Assistant  
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Office: 202 418-2002  
Fax: 202 418-7911

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**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:14 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

White House Contact:  
Susan Crawford  
[scrawford@who.eop.gov](mailto:scrawford@who.eop.gov)

FCC staff info:  
Gary M. Shapiro

[REDACTED]

Rick C. Chessen

[REDACTED]

Christopher Joseph Lewis

[REDACTED]

Thanks, Carolyn

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 2:51 PM  
**To:** Christopher Lewis  
**Subject:** Would you give me a call please?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

3/30/2009

## Christopher Lewis

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:16 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Thanks!

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

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**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:14 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

White House Contact:  
Susan Crawford  
[scrawford@who.eop.gov](mailto:scrawford@who.eop.gov)

FCC staff info:  
Gary M. Shapiro

[REDACTED]

Rick C. Chessen

[REDACTED]

Christopher Joseph Lewis

[REDACTED]

Thanks, Carolyn

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 2:51 PM  
**To:** Christopher Lewis  
**Subject:** Would you give me a call please?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

3/30/2009

## Christopher Lewis

---

**From:** Gary Epstein  
**Sent:** Friday, February 06, 2009 2:14 PM  
**To:** Rick Chessen; Scott Deutchman; Christopher Lewis  
**Cc:** Gary Epstein  
**Subject:** FW: Friday White House Check-in notes

**Subject:** Friday White House Check-in notes

Friday, February 06, 2009  
 11:30 AM

On The Call: Susan Crawford (White House), Rick Chessen, Gary Epstein, Chris Lewis, Anna Gomez (NTIA), and Bernadette McGuire-Rivera (NTIA)

All on the call agreed that the White House should convene a meeting on DTV for Thursday, February 12 with the representatives from the interested parties.

Meeting Theme: Constructive activities for the 4 month extension

Meeting Agenda:

- Introduction by White House (Susan Crawford)
- NTIA presents on coupon program status and expected plans for the next 4 months
- FCC presents on its status and expected activities for the next 4 months. This should include information collected from broadcasters about who will shut down their analog signal before and after the 17<sup>th</sup>.
- Other government agencies and congressional staff offer status and plans if in attendance
- Industry, consumer, and grassroots groups offer statements on their involvement and preparations.
- White House leads discussion on specific asks for each group to commit to fill gaps and coordinate properly.

Questions to be resolved:

- Who will be leading this meeting for the White House. Susan Crawford is prepared to lead, but will work to see if other can attend.
- Invite List, should be limited to 40 people
- Sunshine Issues of more than one FCC Commissioner attends
- Possible weekly meetings at WH on government side

Deliverables:

1. **Government Coordinating Meeting** – Tuesday, February 10 at 2PM at the White House. Likely representatives from FCC, NTIA, and WH will attend. We told Susan that possible FCC attendees would be Copps, Chessen, Epstein and Lewis
2. **Invite List** – Top 20 invites from FCC and NTIA to be compared and finalized today. (Owner: Rick, Gary, Bernadette, Susan)
3. **FCC Visual Presentation** – Drafted for approval by Chairman Copps on Tuesday (Owner: Chris, Gary)
4. **Determine White House Meeting Leader** – (Owner: Susan)
5. **Security Clearance** – Collecting personal information by COB Friday and clearing with White House (Owner: Chris)

## Christopher Lewis

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**From:** Gary Epstein  
**Sent:** Wednesday, February 04, 2009 4:19 PM  
**To:** Mike Copps; Rick Chessen  
**Cc:** Gary Epstein; Robin Rosenbaum; Christopher Lewis  
**Subject:** Delay Bill

### Coordination call notes:

1. No White House statement on the bill.
2. WH Meeting - Tuesday 2 pm, for 1-1/2 hours, she will find a room.
3. FCC and NTIA need to figure out who needs to come to WH meeting – Susan says should be operational not ceremonial,  
  
She would like a list coordinated with NTIA by tomorrow.
4. FCC and NTIA are the main presenters: WH is the host.
5. FCC and NTIA should consider who to invite - 40 person meeting?
6. She says we need to figure out the “asks.”
7. Ask consumer groups how they can help on the ground.
8. NTIA could ask about box demand.
9. Discussion on what agencies can do with the stimulus money.
10. Clarion call meeting.

## Christopher Lewis

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:52 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Great! Thanks!

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

---

**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:51 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

It is

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:47 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

Not a problem. I knew who he was and I figured something got mixed up. But that is Epstein's info right?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

---

**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:46 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

I do. Sorry, I keep doing that. Gary Shapiro is an industry guy!

Our guy is Gary M. Epstein.

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 3:44 PM  
**To:** Christopher Lewis  
**Subject:** RE: Would you give me a call please?

3/30/2009

Chris – do you mean Gary Epstein?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

---

**From:** Christopher Lewis  
**Sent:** Friday, February 06, 2009 3:14 PM  
**To:** Carolyn Conyers  
**Subject:** RE: Would you give me a call please?

White House Contact:  
Susan Crawford  
[scrawford@who.eop.gov](mailto:scrawford@who.eop.gov)

FCC staff info:  
Gary M. Shapiro

[REDACTED]  
Rick C. Chessen

[REDACTED]  
Christopher Joseph Lewis

Thanks, Carolyn

---

**From:** Carolyn Conyers  
**Sent:** Friday, February 06, 2009 2:51 PM  
**To:** Christopher Lewis  
**Subject:** Would you give me a call please?

Best,

Carolyn Conyers  
Confidential Assistant  
to Acting Chairman Copps  
Office: 202 418-2002  
Fax: 202 418-7911

3/30/2009

## Christopher Lewis

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**From:** Jim Balaguer  
**Sent:** Friday, February 06, 2009 3:52 PM  
**To:** Christopher Lewis  
**Subject:** FW: Possible Amendment to Economic Stimulus Impacting BB and Converter Box language

FYI - Apologies for not including you earlier.

---

**From:** Jim Balaguer  
**Sent:** Friday, February 06, 2009 3:50 PM  
**To:** Lori Maarbjerg; Gary Epstein; Rick Chessen; Scott Deutchman  
**Cc:** Timothy Strachan; Joy Medley  
**Subject:** RE: Possible Amendment to Economic Stimulus Impacting BB and Converter Box language

FYI - Update: OLA has confirmed that the Conrad-Graham amendment has been modified to remove the language that uses the \$650 million from DTV converter box program as an offset.

---

**From:** Jim Balaguer  
**Sent:** Friday, February 06, 2009 2:32 PM  
**To:** Lori Maarbjerg; Gary Epstein; Rick Chessen; Scott Deutchman  
**Cc:** Timothy Strachan; Joy Medley  
**Subject:** RE: Possible Amendment to Economic Stimulus Impacting BB and Converter Box language

Update: FYI - The Senate is now debating the Conrad-Graham Amendment 501. We're hearing it may be modified to eliminate the language affecting the Converter Box Program. In addition, following the vote on the Conrad-Graham Amendment, the Senate is to vote on an amendment offered by Senator Dodd (D-CT) that is also designed to mitigate home foreclosures but without affecting funding of the programs such as the DTV converter box program. We'll keep you posted.

---

**From:** Lori Maarbjerg  
**Sent:** Friday, February 06, 2009 1:10 PM  
**To:** Gary Epstein; Rick Chessen; Scott Deutchman  
**Cc:** Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Possible Amendment to Economic Stimulus Impacting BB and Converter Box language  
**Importance:** High

OLA has learned that Sens. Conrad (D-ND) and Graham (R-SC) plan to offer amendment on the Senate floor that could impact the Broadband and Converter Box language currently in the Senate version of the bill. They are trying to take the money and use it as an offset for another program involving mortgage foreclosures.

It is our understanding that there was agreement to bring the amendment to the floor early this afternoon. Senate Cloakroom says it probably would come up around 2:30 PM. We also understand that the amendment language may be modified.

At this point, in a nutshell, if left as the original language, the amendment would do two things:

- (1) Takes \$200 million from the broadband technologies opportunities program - reducing the program from \$9 billion to \$8.8 billion. The \$200 million comes from the elimination of grants to expand public computer center capacity at community colleges and public libraries.
- (2) Eliminates the \$650 million for the converter box program (this obviously includes the \$90 million for outreach).

At this point, it is my understanding that NTIA opposes the amendment. Jim B. is monitoring the floor action on the Economic Stimulus and we'll keep track of any developments.

For your informational purposes, the text of Amendment 501 is attached. Please note that this is very arcane language, as it is mainly striking language, so it doesn't easily show what the impact of the changes are without looking at the underlying language (also attached).

Please let us know if you would like us to forward this information to others in the Commission. Thanks!

<< File: SA 501.pdf >> << File: Senate Substitute Amendment to HR  
1.American\_Recovery\_and\_Reinvestment\_Actn.pdf >>

## Christopher Lewis

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**From:** Lori Maarbjerg  
**Sent:** Friday, February 06, 2009 4:13 PM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender; Joel Kaufman; William Scher  
**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** Enactment of S. 352

For those that may be wondering. The bill has not been enacted into law yet. The WH indicates they have yet to receive the bill from the Hill. Anecdotally, I heard that it might not be signed until Monday. I'll see what else I can find out.

## Christopher Lewis

---

**From:** Gary Epstein  
**Sent:** Friday, February 06, 2009 4:30 PM  
**To:** Christopher Lewis  
**Subject:** FW: WH Meeting Next Week

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**From:** Rosemary Harold  
**Sent:** Friday, February 06, 2009 4:20 PM  
**To:** Gary Epstein; Rudy Brioche  
**Cc:** Rick Chessen  
**Subject:** RE: WH Meeting Next Week

Thanks, Gary -- I've given my boss a heads-up about this, and we'll wait to hear what OGC says re the Sunshine Act constraints. I'll plan to attend in any event.

---

**From:** Gary Epstein  
**Sent:** Friday, February 06, 2009 4:18 PM  
**To:** Rosemary Harold; Rudy Brioche  
**Cc:** Rick Chessen  
**Subject:** WH Meeting Next Week

As I mentioned to Rosemary this morning, it is likely there will be a White House (OEOP) outreach meeting next Thursday. Susan Crawford of the White House, Anna Gomez of NTIA and Chairman Copps will co-chair. They expect about 30-40 industry and consumer groups to attend. It will be a briefing and a "call to action" to focus on how to make the new transition period work.

We wanted you and your Commissioners to know about it and to see whether they/you want to participate. If the Commissioners are interested, I've asked the OGC folks about the Sunshine aspects of this and they are checking.

## Nandan Joshi

---

**From:** Nandan Joshi  
**Sent:** Tuesday, February 10, 2009 8:32 AM  
**To:** Cecilia Seppings  
**Subject:** Re: Yesterday's meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Thanks.

----- Original Message -----  
**From:** Cecilia Seppings  
**To:** Nandan Joshi  
**Sent:** Tue Feb 10 08:30:59 2009  
**Subject:** RE: Yesterday's meeting

Nandan, my blackberry has died...I'm recharging it as we speak. I will give you a call when it comes back to life!

CeCi Seppings  
DTV Regional Coordinator, Northeast  
Federal Communications Commission

---

**From:** Nandan Joshi  
**Sent:** Tue 2/10/2009 8:27 AM  
**To:** Cecilia Seppings  
**Subject:** RE: Yesterday's meeting

I just tried calling. Please call me when you have an opportunity to talk.

---

**From:** Cecilia Seppings  
**Sent:** Tue 2/10/2009 8:23 AM  
**To:** Nandan Joshi  
**Subject:** RE: Yesterday's meeting

They are asking everyone to be home by the 20th to regroup. We are having budget issues.

Also, we all are going to be redeploying - possibly to warmer climates - as we experience rolling shut offs.

I'm getting an email together today...as soon as I get the list of what stations are going. Right now, we actually look really good as if most of our stations are not shutting down on the 17th. Yay.

CeCi Seppings  
DTV Regional Coordinator, Northeast  
Federal Communications Commission

---

**From:** Nandan Joshi  
**Sent:** Tue 2/10/2009 7:53 AM  
**To:** Cecilia Seppings

Subject: Yesterday's meeting

Did I miss anything important?

## Nandan Joshi

---

**From:** Nandan Joshi  
**Sent:** Monday, February 09, 2009 9:55 AM  
**To:** Cecilia Seppings  
**Subject:** Questions

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Ceci,

Now that the date has been moved back, do we want the walk-in centers to be geared up for June 12 rather than Feb. 17? In my markets, there is only one station sticking with the Feb. 17 date; the rest are waiting until June 12 (except for MPBN, which has already gone digital). If I can find volunteers (a big if), it would be helpful to tell them the time frame they should be focused on.

In terms of events, the last event I currently have scheduled is on Feb. 15. For how long after that should I keep trying to schedule events? I can, of course, stay up here till June. I just need to know what my time frame is.

Thanks, Ceci.

Nandan

## Nandan Joshi

---

**From:** Nandan Joshi  
**Sent:** Monday, February 09, 2009 10:22 AM  
**To:** Myrva Charles  
**Subject:** FW: Delay publication now available on print request website

**Follow Up Flag:** Follow up  
**Flag Status:** Red

I'll take 500 of these: <http://www.fcc.gov/cgb/consumerfacts/dtvdelay.pdf>

Please send to Nandan Joshi, [REDACTED] If sending by FedEx or UPS, send to [REDACTED]

Thanks.

-----Original Message-----

**From:** Cecilia Seppings  
**Sent:** Mon 2/9/2009 9:50 AM  
**To:** DTV-NorthEast  
**Subject:** FW: Delay publication now available on print request website

FYI - You can now order the DTV Delay- What Does It Mean for You on the print request website.

If the publication is made available in other languages the print request site will be updated accordingly.

CeCi Seppings  
DTV Regional Coordinator Northeast

## Nandan Joshi

---

**From:** Nandan Joshi  
**Sent:** Monday, February 09, 2009 10:23 AM  
**To:** Cecilia Seppings  
**Subject:** FW: Delay publication now available on print request website

**Follow Up Flag:** Follow up  
**Flag Status:** Red

I sent this to Myrva, but she's on vacation. Are you taking these requests?

-----Original Message-----

**From:** Nandan Joshi  
**Sent:** Mon 2/9/2009 10:21 AM  
**To:** Myrva Charles  
**Subject:** FW: Delay publication now available on print request website

I'll take 500 of these: <http://www.fcc.gov/cgb/consumerfacts/dtvdelay.pdf>

Please send to Nandan Joshi, [REDACTED]. If sending by FedEx or UPS, send to [REDACTED]

Thanks.

-----Original Message-----

**From:** Cecilia Seppings  
**Sent:** Mon 2/9/2009 9:50 AM  
**To:** DTV-NorthEast  
**Subject:** FW: Delay publication now available on print request website

FYI - You can now order the DTV Delay- What Does It Mean for You on the print request website.

If the publication is made available in other languages the print request site will be updated accordingly.

CeCi Seppings  
DTV Regional Coordinator Northeast

DMA Coordinator DMA DMA # Station Call Sign / Affiliation Transition Date

James Miller  
 Chico-Redding 130 KRCR (ABC) Awaiting Decision from Corporate Offices  
 Chico-Redding 130 KHSL-TV (CBS) 12/22/2008  
 Chico-Redding 130 KNNV (NBC) 12/22/2008  
 Chico-Redding 130 KCVU (FOX) 12/22/2008  
 Chico-Redding 130 KIXE-TV (PBS) 12/22/2008

Anderson Bennett  
 Fresno-Visalia 55 {FOX} 2/17/2009 DMA has 12 Full-Power and half power stations  
 Fresno-Visalia 55 {ABC} 2/17/2009  
 Fresno-Visalia 55 {NBC} 2/17/2009  
 Fresno-Visalia 55 {CBS} 2/17/2009

Michael C Smith  
 Bend 192 KOHD (ABC) Already Digital  
 Bend 192 KTVZ (NBC, FOX, TELEMUNDO) 6/12/2009  
 Medford-Klamath Fall 140 KOBI (NBC) 2/17/2009  
 Medford-Klamath Fall 140 KDRV (ABC) 2/17/2009  
 Medford-Klamath Fall 140 KMVU (FOX) 2/17/2009  
 Medford-Klamath Fall 140 Southern Oregon Public TV 2/17/2009  
 Medford-Klamath Fall 140 KTVL (CBS) TBD

Binh Nguyen  
 Portland, Oregon 22 KATU (CH 2) 2/17/2009 Eligible under Nightlight Program but  
 Portland, Oregon 22 KOIN (CH6) 2/17/2009 Eligible under Nightlight Program but  
 Portland, Oregon 22 KGW (CH8) 2/17/2009  
 Portland, Oregon 22 KOPB (CH10) 2/17/2009  
 Portland, Oregon 22 KPTV (CH 12) 2/17/2009  
 Portland, Oregon 22 KPDX (CH49) 2/17/2009 Will broadcast analog under Nightlight  
 Portland, Oregon 22 KMMT (CH24) 2/17/2009

Notes: The phone bank is up and running  
 Some stations indicated that they will

Jennifer Flynn Reno Las Vegas KOLO (ABC) 42 {Stations Waiting for Consensus} Already Transitioned

Sherille Ismail Spokane 75 KHQ 2/17/2009  
Spokane 75 KREM 2/17/2009  
Spokane 75 KSPS 2/17/2009  
Spokane 75 KAYU 2/16/2009  
Spokane 75 KLEW  
Will Continue until further notice

Jennifer Prime Salt Lake City 33 KJZZ 2/17/2009 Currently all commercial stations plan to tran:  
Salt Lake City 33 KSL 2/17/2009 17 between noon and 1 p.m.  
Salt Lake City 33 KTVX 2/17/2009  
Salt Lake City 33 KUWB 2/17/2009  
Salt Lake City 33 KUTV 2/17/2009  
Salt Lake City 33 KUPX 2/17/2009  
Salt Lake City 33 KSTU 2/17/2009  
Salt Lake City 33 KBYU 6/12/2009 These 3 educational stations plan tc  
Salt Lake City 33 KUED 6/12/2009  
Salt Lake City 33 KULC 6/12/2009

Christina Wentz Fairbanks-Alaska 202 FOX-KPXF ALREADY SHUT DOWN Christina L. Wentz  
Fairbanks-Alaska 202 ABC-KATN 6/12/2009  
Fairbanks-Alaska 202 NBC-KTVF 6/12/2009  
Fairbanks-Alaska 202 PBS-KUAC 6/12/2009  
Juneau-Alaska ABC-KJUD DON' T HAVE ANSWER YET  
Juneau-Alaska PBS-KT00 DON' T HAVE ANSWER YET

Thomas VanStavern Sacramento Awaiting Word from Stations  
San Francisco Awaiting Word from Stations

Susan German Idaho Falls/Pocatelli 162 KIFI (ABC) 6/12/2009  
Idaho Falls/Pocatelli 162 KIDK (CBS) Not Sure Yet  
Idaho Falls/Pocatelli 162 KJWY (NBC) Jackson Not Sure Yet  
Idaho Falls/Pocatelli 162 KISU (PBS) Not Sure Yet  
Idaho Falls/Pocatelli 162 KPVI (NBC) Not Sure Yet

Idaho Falls/Pocatelli  
Idaho Falls/Pocatelli  
Twin Falls  
Twin Falls

162 KJWY (NBC)  
162 KPXP (Fox)  
194 KXTF (Fox-JPN)  
194 KMVT (CBS)

Not Sure Yet  
Already Switched  
6/12/2009  
2/17/2009

Jim Lyon

Yuma  
Yuma  
Yuma  
Yuma  
Yuma

164 KYMA (NBC)  
164 KSWT (CBS)  
164 KECY (Fox, ABC)  
164 KAJB (Telefutura)  
164 KVEE (Univision)

2/17/2009  
2/17/2009  
6/12/2009  
6/12/2009  
6/12/2009

Allan Gathbonton  
Eugene, Oregon  
Eugene, Oregon  
Eugene, Oregon  
Eugene, Oregon  
Eugene, Oregon

119 KMTR (NBC)  
119 KEZI (ABC)  
119 KVAL (CBS)  
119 KLSR (FOX)  
119 KEPB (Public)

2/17/2009  
2/17/2009  
2/17/2009  
2/17/2009  
2/17/2009

David Charlton

150

Awaiting Word from Stations

transition on 2/17 (Including major network affiliates)

it will make the transition regardless.  
it will make the transition regardless.

ght Program for another 30 days.  
ing 8am -5pm, 7 days/week (Except February 17, 18, 19 from 7am to 9pm) . The number is 1-800-241-8123  
:11 flashcut their TV Translators too but the status are TBA.

sition on February

) delay until June 12.

**Nina Shafran**


---

**From:** Nina Shafran  
**Sent:** Thursday, February 05, 2009 5:41 PM  
**To:** James Miller; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?  
**Attachments:** Pacific Region Station Transition Schedule-2\_5\_PM-2 (rev. NS and JP).xls

For the Salt Lake City DMA, we had to edit slightly the notations on the schedule you sent around. Our revised schedule is attached.

---

**From:** James Miller  
**Sent:** Thursday, February 05, 2009 4:48 PM  
**To:** DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Maureen and Roger asked me to send out mail and ask all DMA Coordinators to enter what you know by COB today. Many stations are coordinating regionally so we'll probably have a waterfall as stations confirm their plans--after digesting the public notice.

Please make sure you populate a section of the spreadsheet with Your name, DMA Name, DMA #, Station Call Sign/Affiliate, Elected Transition Date. If you have notes please try to put them to side in the last (sixth) column rather than putting them below (Makes it easier to cut and paste entries..).

Again, specifics are better but if you have a "gist" please enter what's available.

---

**From:** James Miller  
**Sent:** Thursday, February 05, 2009 11:06 AM  
**To:** DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

This is our snapshot as of 11am of Chico, Fresno, Bend, Medford, Portland, Las Vegas, Spokane, Salt Lake, Fairbanks and Juneau, and Bay Area. If you haven't chimed in feel free to send me mail with your DMA # and whatever info you have available. Also please feel free to update and correct the list with your DMA numbers, station info etc. Again nothing overly formal but everyone's grasping for a view of what the stations are thinking.

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 7:00 PM  
**To:** Michael C. Smith; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Thanks Mike.

I spoke to Roger (yes he does exist!!) and I think they will want this whenever available and at the whatever level of specificity we can offer.

12

If DMA coordinators send me info about their regions I'll enter it into the spreadsheet--feel free to update the excel and send it to me if you have the stations handy. Please update Mike's version if you do though. Another note if you have the date that stations have already transitioned please enter the specific date (if available). We can continue to update it so not a COB deadline I think.

---

**From:** Michael C. Smith  
**Sent:** Wednesday, February 04, 2009 6:24 PM  
**To:** James Miller; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Jim,

I think your spreadsheet is a good way to gain an overall picture of the transition on February 17<sup>th</sup>. I have added my DMA info and attached the spreadsheet. Let me know if you need anything else.

**Michael C. Smith**  
 DTV Coordinator for Bend, Medford, Klamath Falls, OR  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW, Washington, DC 20554  
[MichaelC.Smith@fcc.gov](mailto:MichaelC.Smith@fcc.gov)  
 (202) 418-0584 (office)  
 (202) 503-0900 (blackberry)

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:31 PM  
**To:** Anderson Bennett; Jennifer Flynn; DTV-Pacific  
**Cc:** Maureen McLaughlin; Roger Goldblatt  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Sorry the attachment didn't take..

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:30 PM  
**To:** Anderson Bennett; Jennifer Flynn; DTV-Pacific  
**Cc:** Maureen McLaughlin; Roger Goldblatt  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

I wonder if we could fill in the Station Call Signs and Dates as they become available. I'm happy to enter them if DMA coordinators want to email me directly. I'm guessing this might be helpful for Maureen and Roger to have COB.

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:04 PM  
**To:** Jennifer Flynn; DTV-Pacific  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Can we start adding station names and status?

Las Vegas, xxxx TBD  
 Chico-Redding, KRRCR (TBD)

[James Miller] Fresno-Visalia, {ABC} (2/17), {NBC} (2/17), {CBS}, (2/17), {FOX} (2/17)  
[James Miller]

---

**From:** Jennifer Flynn  
**Sent:** Wednesday, February 04, 2009 4:56 PM  
**To:** James Miller; DTV-Pacific  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

My state broadcasters get together and decide, even if the decision isn't uniform. Waiting to hear.

Jennifer A. Flynn  
DMA Coordinator, Las Vegas  
Federal Communications Commission  
Mobile 202.503.0774  
Office 202.418.0612  
[Jennifer.Flynn@fcc.gov](mailto:Jennifer.Flynn@fcc.gov)



---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 4:54 PM  
**To:** DTV-Pacific  
**Subject:** DMA Coordinators: What are your Stations Going to Do?

Maureen and Roger had discussed sending out an email to DMA coordinators to prepare a list of what stations: intend to delay until the new date; intend to still go on 2/17; and which have already transitioned. I hadn't seen an email to that effect but was curious what other DMA Coordinators markets were looking like. Does everyone have this info available? I'm waiting for station that is waiting for word from their Corporate office.

The vote was 264 to 158, with more Republicans voting for the delay (23) than there were Democrats (10) going against the Obama administration and party leadership to vote against it.

...  
Some stations have already indicated they are sticking with the Feb. 17 date. The FCC said it had heard from 276 stations to that effect, in addition to 143 stations that had already pulled the plug, and another 60 who said they planned to do so before Feb. 17. The FCC had pointed out that some of those 276 may change their minds once the date changes.

[http://www.broadcastingcable.com/article/173613-Congress\\_Changes\\_DTV\\_Hard\\_Date\\_to\\_June\\_12.php](http://www.broadcastingcable.com/article/173613-Congress_Changes_DTV_Hard_Date_to_June_12.php)

Warm regards,

--  
James Miller, Attorney Advisor  
FCC Office of Engineering and Technology  
Private and Confidential Attorney Work Product  
\*\*\* Non-Public: For Internal Use Only \*\*\*

**Nina Shafran**

---

**From:** Nina Shafran  
**Sent:** Thursday, February 05, 2009 5:52 PM  
**To:** Susan German  
**Cc:** Jennifer Prime ) *FCC colleagues*  
**Subject:** RE: CHART ATTACHED: RE: DMA Coordinators: What are your Stations Going to Do?

Susan,

Why are there 3 NBC stations listed in your list? We see that there are 2 with the same call sign (one listing Jackson), and the other with a totally different call sign.

Can you clarify the situation there?

Also, it seems the Jackson station might be doing something different from the other one.

We just don't want to give out wrong info Saturday about the extended transition date.

Sooooo sorry to hear about your injury. Hang in there!

Nina

---

**From:** Susan German  
**Sent:** Thursday, February 05, 2009 3:29 PM  
**To:** James Miller; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** CHART ATTACHED: RE: DMA Coordinators: What are your Stations Going to Do?

Jim --

I have filled in the "Chart" with the Station information I have so far. I will keep you informed and update the chart.

Thanks, Susan

\*\*\*Non Public For Internal Use Only\*\*\*

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**From:** James Miller  
**Sent:** Thu 2/5/2009 11:05 AM  
**To:** DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

This is our snapshot as of 11am of Chico, Fresno, Bend, Medford, Portland, Las Vegas, Spokane, Salt Lake, Fairbanks and Juneau, and Bay Area. If you haven't chimed in feel free to send me mail with your DMA # and whatever info you have available. Also please feel free to update and correct the list with your DMA numbers, station info etc. Again nothing overly formal but everyone's grasping for a view of what the stations are thinking.

---

**From:** James Miller

3/3/2009

8

**Sent:** Wednesday, February 04, 2009 7:00 PM  
**To:** Michael C. Smith; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Thanks Mike.

I spoke to Roger (yes he does exist!!) and I think they will want this whenever available and at the whatever level of specificity we can offer.

If DMA coordinators send me info about their regions I'll enter it into the spreadsheet--feel free to update the excel and send it to me if you have the stations handy. Please update Mike's version if you do though. Another note if you have the date that stations have already transitioned please enter the specific date (if available). We can continue to update it so not a COB deadline I think.

---

**From:** Michael C. Smith  
**Sent:** Wednesday, February 04, 2009 6:24 PM  
**To:** James Miller; DTV-Pacific  
**Cc:** Roger Goldblatt; Maureen McLaughlin  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Jim,

I think your spreadsheet is a good way to gain an overall picture of the transition on February 17<sup>th</sup>. I have added my DMA info and attached the spreadsheet. Let me know if you need anything else.

**Michael C. Smith**  
 DTV Coordinator for Bend, Medford, Klamath Falls, OR  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW, Washington, DC 20554  
[MichaelC.Smith@fcc.gov](mailto:MichaelC.Smith@fcc.gov)  
 (202) 418-0584 (office)  
 (202) 503-0900 (blackberry)

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:31 PM  
**To:** Anderson Bennett; Jennifer Flynn; DTV-Pacific  
**Cc:** Maureen McLaughlin; Roger Goldblatt  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Sorry the attachment didn't take..

---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:30 PM  
**To:** Anderson Bennett; Jennifer Flynn; DTV-Pacific  
**Cc:** Maureen McLaughlin; Roger Goldblatt  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

I wonder if we could fill in the Station Call Signs and Dates as they become available. I'm happy to enter them if DMA coordinators want to email me directly. I'm guessing this might be helpful for Maureen and Roger to have COB.

9

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 5:04 PM  
**To:** Jennifer Flynn; DTV-Pacific  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

Can we start adding station names and status?

Las Vegas, xxxx TBD  
Chico-Redding, KRRCR (TBD)  
[James Miller] Fresno-Visalia, {ABC} (2/17), {NBC} (2/17), {CBS}, (2/17), {FOX} (2/17)  
[James Miller]

---

**From:** Jennifer Flynn  
**Sent:** Wednesday, February 04, 2009 4:56 PM  
**To:** James Miller; DTV-Pacific  
**Subject:** RE: DMA Coordinators: What are your Stations Going to Do?

My state broadcasters get together and decide, even if the decision isn't uniform. Waiting to hear.

Jennifer A. Flynn  
DMA Coordinator, Las Vegas  
Federal Communications Commission  
Mobile 202.503.0774  
Office 202.418.0612  
[Jennifer.Flynn@fcc.gov](mailto:Jennifer.Flynn@fcc.gov)



---

**From:** James Miller  
**Sent:** Wednesday, February 04, 2009 4:54 PM  
**To:** DTV-Pacific  
**Subject:** DMA Coordinators: What are your Stations Going to Do?

Maureen and Roger had discussed sending out an email to DMA coordinators to prepare a list of what stations: intend to delay until the new date; intend to still go on 2/17; and which have already transitioned. I hadn't seen an email to that effect but was curious what other DMA Coordinators markets were looking like. Does everyone have this info available? I'm waiting for station that is waiting for word from their Corporate office.

The vote was 264 to 158, with more Republicans voting for the delay (23) than there were Democrats (10) going against the Obama administration and party leadership to vote against it.

...

Some stations have already indicated they are sticking with the Feb. 17 date. The FCC said it had heard from 276 stations to that effect, in addition to 143 stations that had already pulled the plug, and another 60 who said they planned to do so before Feb. 17. The FCC had pointed out that some of those 276 may change their minds once the date changes.

[http://www.broadcastingcable.com/article/173613-Congress\\_Changes\\_DTV\\_Hard\\_Date\\_to\\_June\\_12.php](http://www.broadcastingcable.com/article/173613-Congress_Changes_DTV_Hard_Date_to_June_12.php)

Warm regards,

--  
James Miller, Attorney Advisor  
FCC Office of Engineering and Technology  
Private and Confidential Attorney Work Product  
\*\*\* Non-Public: For Internal Use Only \*\*\*

**Margaret Dailey**


---

**From:** John Hunter  
**Sent:** Wednesday, February 04, 2009 11:43 AM  
**To:** Margaret Dailey  
**Subject:** FW: STIFEL/ARBOGAST-KAUT: House Appears Poised to Pass DTV Delay Bill; Qualcomm Main Company Affected  
**Attachments:** DTV Delay Poised to Pass House 204.pdf

Looks like the Rules Committee has already voted and the bill should go to the House floor this afternoon.

---

**From:** Kahle, Nicole M. (Washington DC) [mailto:nmkahle@stifel.com] **On Behalf Of** Rebecca Arbogast & David Kaut  
**Sent:** Wednesday, February 04, 2009 11:18 AM  
**To:** Kaut, Dave P. (Washington DC); Kahle, Nicole M. (Washington DC)  
**Subject:** STIFEL/ARBOGAST-KAUT: House Appears Poised to Pass DTV Delay Bill; Qualcomm Main Company Affected

**See attachment for details & important disclosures and certifications.**

**House Appears Poised to Pass DTV Delay Bill; Qualcomm Main Company Affected**

(Full note attached)

- The House of Representatives today looks likely to pass a bill to delay the broadcast digital television (DTV) deadline from February 18, 2009, until June 12, 2009, though some broadcasters are moving ahead with the transition from analog anyway.
- The delay would push back the ability of 700 MHz band auction winners to gain access to frequencies that will be reclaimed from broadcasters, but the industry fallout appears to be limited, with the exception of Qualcomm (QCOM), which is anxious to use the spectrum for its MediaFlo service.
- The DTV Delay Act passed the Senate last week, so if it passes the House as is, it can be signed into law by President Obama, who supports a delay. If the House amends the bill, it would have to go back to the Senate, creating further uncertainty.
- The House Rules Committee adopted a "closed rule" for today's floor debate, meaning amendments would not be in order. Although Republicans who oppose a delay can offer a motion to recommit the bill for purpose of amending it, our sense is the House is likely to pass the current measure. A previous version of the DTV delay bill was backed by a 258-168 House vote on Jan. 28, but failed because it did not gain the two-thirds majority needed to pass under a fast-track "suspension of the rules" procedure. Today's measure just needs a simple majority to pass.
- The network broadcasters (CBS, NWS, DIS, GE) have generally supported or accepted a delay, though some small broadcasters have concerns about disrupting current plans and continuing to transmit signals in both analog and digital, which entails additional costs.
- Broadcast TV stations are to give back one of their two channels when they complete the transition from analog to digital, freeing up 700 MHz band frequencies for use by commercial providers, which won the rights to the spectrum at auction, and by public safety entities. Both Verizon Wireless (VZ-VOD) and AT&T (T), the two biggest auction winners, have backed a short, one-time DTV delay. Qualcomm is not supportive, nor has it won a carve-out for its spectrum.
- Among other provisions, the bill also (A) reaffirms broadcaster rights to migrate from analog to digital before June 12 subject to FCC regulations, (B) allows the FCC to give public safety entities their spectrum if it is vacated early, (C) allows consumers with expired coupons to apply for replacement coupons, and (D) requires the FCC and Department of Commerce's NTIA, within 30 days of enactment, to take whatever implementation steps are needed. There currently is a sizable coupon waiting list, though economic stimulus legislation would authorize another \$650 million for coupons and related activities.

• About 400 broadcast stations have already gone all-digital or told the FCC they plan to turn off their analog signals by Feb. 18, Commissioner Robert McDowell said on Feb. 2, and we understand that scores of other stations have now announced plans to go all-digital by Feb. 18. There are questions as to whether some of those stations will be able to do so, given FCC interference protections and channel reassignments, but there appears to be political support for allowing such moves, and there could be some floor debate today on that point.

Rebecca Arbogast  
rarbogast@stifel.com  
202-778-1978

David Kaut  
dpkaut@stifel.com  
202-778-4341

\*\*\*\*\*

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Headquarters: 501 N. Broadway, St. Louis, MO 63102

314-342-2000

\*\*\*\*\*

February 4, 2009

**House Appears Poised to Pass DTV Delay Bill;  
Qualcomm Main Company Affected**

Rebecca Arbogast (202) 778-1978 rarbogast@stifel.com  
David Kaut (202) 778-4341 dpkaut@stifel.com

- The House of Representatives today looks likely to pass a bill to delay the broadcast digital television (DTV) deadline from February 18, 2009, until June 12, 2009, though some broadcasters are moving ahead with the transition from analog anyway.
- The delay would push back the ability of 700 MHz band auction winners to gain access to frequencies that will be reclaimed from broadcasters, but the industry fallout appears to be limited, with the exception of Qualcomm (**QCOM**), which is anxious to use the spectrum for its MediaFlo service.
- The DTV Delay Act passed the Senate last week, so if it passes the House as is, it can be signed into law by President Obama, who supports a delay. If the House amends the bill, it would have to go back to the Senate, creating further uncertainty.
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I, David Kaut, certify that the views expressed in this research report accurately reflect my personal views about the subject securities or issuers; and I, David Kaut, certify that no part of my compensation was, is, or will be directly or indirectly related to the specific recommendation or views contained in this research report.

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**BUY** -We expect this stock to outperform the S&P 500 by more than 10% over the next 12 months. For higher-yielding equities such as REITs and Utilities, we expect a total return in excess of 12% over the next 12 months.

**HOLD** -We expect this stock to perform within 10% (plus or minus) of the S&P 500 over the next 12 months. A Hold rating is also used for those higher-yielding securities where we are comfortable with the safety of the dividend, but believe that upside in the share price is limited.

**SELL** -We expect this stock to underperform the S&P 500 by more than 10% over the next 12 months and believe the stock could decline in value.

Of the securities we rate, 42% are rated Buy, 54% are rated Hold, and 4% are rated Sell.

Within the last 12 months, Stifel, Nicolaus & Company, Inc. or an affiliate has provided investment banking services for 8%, 9% and 3% of the companies whose shares are rated Buy, Hold and Sell, respectively.

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## Margaret Dailey

---

**From:** John Hunter  
**Sent:** Wednesday, February 04, 2009 4:25 PM  
**To:** Margaret Dailey  
**Subject:** FW: Update: DTV Delay Bill: House Action

**Importance:** High

Guess it's done!

-----Original Message-----

**From:** Patrick Webre  
**Sent:** Wednesday, February 04, 2009 4:16 PM  
**To:** DTV-Southeast State Coordinators; Matthew Nodine  
**Subject:** FW: Update: DTV Delay Bill: House Action  
**Importance:** High

FYI - the House passed the delay legislation moments ago.

-----Original Message-----

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 4:13 PM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: Update: DTV Delay Bill: House Action  
**Importance:** High

At the conclusion of debate on the House floor, the House voted down a Motion to Commit the bill to the Energy and Commerce Committee, and then voted on final passage of the DTV Delay bill.

The final vote tally was 264 Yeas to 158 Nays.

Having secured a majority of House members, the bill will now be sent to the President for his signature, as the bill is identical to the Senate version that passed on 1/29/2009. Upon enactment, the DTV transition deadline is June 12, 2009.

-----Original Message-----

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 1:14 PM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
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If you would like to watch the debate, you can see it on channel 21 on internal TV system. The House floor debate can also be viewed at: [http://www.cspan.org/Watch/C-SPAN\\_wm.aspx](http://www.cspan.org/Watch/C-SPAN_wm.aspx)

-----Original Message-----

From: Lori Maarbjerg

Sent: Wednesday, February 04, 2009 11:15 AM

To: Lori Maarbjerg; Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender

Cc: Jim Balaguer; Joy Medley; Timothy Strachan

Subject: Update: DTV Delay Bill: House Action

Importance: High

According to House Cloakroom, it is anticipated that a vote on final passage of the DTV delay bill will occur approximately at 4 PM (subject to change). Debate on the DTV bill will commence after conclusion of the debate on H.R. 2 SCHIP. We will send an e-mail when debate on the DTV Delay bill commences.

-----Original Message-----

From: Lori Maarbjerg

Sent: Wednesday, February 04, 2009 8:52 AM

To: Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender

Cc: Jim Balaguer; Joy Medley; Timothy Strachan

Subject: DTV Delay Bill: House Action - Rules Cmte

Attached is the resolution providing the rule for floor consideration of S. 352 (DTV Delay Bill) in the House today. The rule is closed, meaning that there will be no amendments. There will be one hour of debate, equally divided between the Majority and Minority.

At this point, there is no specific time frame for when it will be debated. The House comes in at 10 AM this morning. They also will be taking up another non-FCC related bill today, after a period of "one-minute" speeches this morning. Last votes are expected by 5 PM.

## Margaret Dailey

---

**From:** Margaret Dailey  
**Sent:** Wednesday, February 04, 2009 4:35 PM  
**To:** Julie Saulnier  
**Subject:** RE: You Never Told Me

Listen, I want to thank you for not only sending me this information but bugging me about it. Because of your email below I reread the message, did some research and was able to provide our vendor with information that \$45 converter boxes at certain HEB grocery stores in Houston.

BTW, we have word that an extension bill just passed. And I have a story to tell you. And I am sick.

\*\*\* Non-Public: For Internal Use Only \*\*\*

---

**From:** Margaret Dailey  
**Sent:** Friday, January 30, 2009 6:05 PM  
**To:** Julie Saulnier  
**Subject:** RE: You Never Told Me

No, there is no contract with meals on wheels – as far as I know that is a volunteer organization, which is organized at the local community level. It is quite possible that the FCC outreach people did partner with them and this is a result. I did not read the article that carefully. I don't think the FCC people messed up; why do you say that?

---

**From:** Julie Saulnier  
**Sent:** Friday, January 30, 2009 5:58 PM  
**To:** Margaret Dailey  
**Subject:** RE: You Never Told Me

You may have told me, but I'm ignorant and was not attempting to tease you: Are you managing the contract with Meals on Wheels? Did the DTV people doing Houston mess up?

---

**From:** Margaret Dailey  
**Sent:** Friday, January 30, 2009 5:43 PM  
**To:** Julie Saulnier  
**Subject:** RE: You Never Told Me

I sent the article to two DTV people who do Houston. But was the FCC mentioned? It was meals on wheels, no? I didn't know how much you were/are teasing me.

---

**From:** Julie Saulnier  
**Sent:** Friday, January 30, 2009 5:25 PM  
**To:** Margaret Dailey  
**Subject:** You Never Told Me

Whether you feel good about getting needy Houston consumers help connecting their D-to-A converter boxes.

**FCC Additional Expenditures Based on an Extension of the DTV Transition  
Deadline to June 12<sup>th</sup>, 2009**

- **Call Center - \$15,000,000**
- **Publications – \$651,000**
- **Travel and Associated Costs - \$2,800,000 (700,000 per month x 4 months)**
- **Advertising – \$6,000,000**
- **Translations -\$200,000**
- **Nationwide help centers and in-home assistance – \$44,000,000 (Estimate based on 2,000,000 total visits at \$20 per visit, plus administrative and reporting costs)**
- **Website expansion - \$200,000**

**Total Estimated Cost: \$68,851,000**

## FCC Additional Expenditures Based on an Extension of the DTV Transition Deadline to June 12<sup>th</sup>, 2009

### \$650 Million Scenario

Given the expected appropriation of \$650 million towards the DTV transition, FCC suggests that \$100.155 million of that appropriation be assigned to the Commission for the purpose of assisting consumers in their transition preparation through promotion, education, and technical assistance. \$100.155 million would be used for the following purposes:

- **Call Center - \$15,000,000**
- **Publications – \$1,200,000**
- **Travel and Associated Costs - \$2,000,000 (500**
- **Advertising – \$10,000,000**
- **Translations -\$200,000**
- **Nationwide help centers and in-home assistance (1,000,000 total visits at \$40 per visit, plus southern administrative and reporting costs)**
- **23 Engineers to conduct broadcast license modification and emergency petitions from broadcasters) \$2,100,000 (includes**
- **Website expansion - \$200,000**
- **Reserve Funds - \$9,105,000**

*From Chris Lewis  
file*

**Total Estimated Cost: \$100,155,000**

### No Funding Scenario

Enacting a delay of the DTV transition without additional funding will be the worst case scenario for managing the transition. Without additional funding the FCC will be unable to conduct the efforts and changes in management intended by Congress and the President by moving the transition date in the first place. The following efforts will be affected:

## Christopher Lewis

---

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 4:13 PM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
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**Subject:** RE: Update: DTV Delay Bill: House Action  
**Importance:** High

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From: Lori Maarbjerg

Sent: Wednesday, February 04, 2009 8:52 AM

To: Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender

Cc: Jim Balaguer; Joy Medley; Timothy Strachan

Subject: DTV Delay Bill: House Action - Rules Cmte

Attached is the resolution providing the rule for floor consideration of S. 352 (DTV Delay Bill) in the House today. The rule is closed, meaning that there will be no amendments. There will be one hour of debate, equally divided between the Majority and Minority.

At this point, there is no specific time frame for when it will be debated. The House comes in at 10 AM this morning. They also will be taking up another non-FCC related bill today, after a period of "one-minute" speeches this morning. Last votes are expected by 5 PM.

## Christopher Lewis

---

**From:** Rosemary Harold  
**Sent:** Wednesday, February 04, 2009 3:19 PM  
**To:** Andrew Martin; Cathy Seidel; Gary Epstein; Rick Chessen; Christopher Lewis  
**Subject:** RE: DTV Plan B Discussion

Thanks -- will be right there.

-----Original Message-----

**From:** Andrew Martin  
**Sent:** Wednesday, February 04, 2009 3:03 PM  
**To:** Cathy Seidel; Gary Epstein; Rosemary Harold; Rick Chessen; Christopher Lewis  
**Subject:** Re: DTV Plan B Discussion

Moving to Conf room 4  
Andrew C. Martin  
Office: 202-418-7471  
Mobile: 202-391-6272

\*\* Non-Public: For Internal Use Only \*\*

----- Original Message -----

**From:** Cathy Seidel  
**To:** Gary Epstein; Andrew Martin; Rosemary Harold; Rick Chessen; Christopher Lewis  
**Sent:** Wed Feb 04 14:59:08 2009  
**Subject:** RE: DTV Plan B Discussion

Will do.

---

**From:** Gary Epstein  
**Sent:** Wednesday, February 04, 2009 2:59 PM  
**To:** Andrew Martin; Rosemary Harold; Cathy Seidel; Rick Chessen; Christopher Lewis  
**Subject:** RE: DTV Plan B Discussion

Rosemary was going to get a conf room, but I think she got tied up. Want to come to my office for the call?

-----Original Appointment-----

**From:** Boland, Lisa [mailto:lisa.boland@twcable.com]  
**Sent:** Tuesday, February 03, 2009 6:57 PM  
**To:** Howe, Sam; rstoddard@ncta.com; seth@ctam.com; jcollegio@nab.org; Andrew Martin; Rosemary Harold; Gary Epstein; Cathy Seidel; dpierce@ncta.com; Rick Chessen; canderson@ncta.com  
**Subject:** DTV Plan B Discussion  
**When:** Wednesday, February 04, 2009 3:00 PM-4:00 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** 866-642-1665 pc 778922

Per the e-mail string, this call is to discuss plans around the possible delay in the transition.

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and permanently delete the original and any copy of this E-mail and any printout.

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**Christopher Lewis**

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 1:41 PM  
**To:** Christopher Lewis  
**Subject:** FW: Press Release - Possible Conflict-of-Interest Prompts Ranking Member Issa to Call for DTV Vote Delay and Full Disclosure of Industry Insider's Involvement in Crafting Policy



COMMITTEE ON

**Oversight & Government Reform - Republicans**

Ranking Member Darrell Issa



FOR IMMEDIATE RELEASE

Tuesday, February 03,  
2009

CONTACTS – 202-225-0037

<http://republicans.oversight.house.gov>Frederick Hill – Director of  
CommunicationsKurt Bardella - Press Secretary  
(202) 631-2865 – Cell

### **Reported Conflict-of-Interest Prompts Ranking Member Issa to Call for DTV Vote Delay and Full Disclosure of Industry Insider's Involvement in Crafting Policy**

**WASHINGTON, D.C.** – House Committee on Oversight and Government Reform Ranking Member Darrell Issa (R-CA) today sent a letter to the House Speaker Nancy Pelosi (D-CA) urging her to postpone a vote on legislation to delay the transition to digital television until the impact of a reported conflict of interest from an advisor to President Obama is fully known and disclosed.

“The policy recommendations made by President Obama may have been influenced by an individual with a conflict of interest of which he may not have been aware,” the letter states. “Any improper influences on the President’s policy positions that lead Congress to act one way or another permanently cloud the resulting legislation.”

The conflict surrounds R. Gerald Salemme, an industry insider whose company stands to gain a competitive advantage by delaying the transition. Salemme is believed to have been a key advisor to top transition aide, John Podesta and President Obama.

Issa also sent a letter to White House Counsel Gregory Craig demanding answers to critical questions about the apparent conflict of interest and the process leading to the President’s decision to support delaying the DTV changeover.

“This is just the sort of arrangement that led to years of Democratic outrage over the Bush administration’s energy policy,” Issa wrote. “The President has signaled a strong desire to have a

3/30/2009

transparent and open federal government. I am concerned that one of the President's own transition advisors failed to disclose an apparent conflict of interest."

### **Text of Letter to White House Counsel Gregory Craig:**

Two weeks ago numerous commentators brought to light the question of whether President Obama's telecommunications policy, specifically the digital television transition, is being influenced by an industry insider. According to the *Examiner*, R. Gerard Salemme, "a former telecom lobbyist who has given thousands to Obama, including \$5,000 to Obama's transition team, has helped Obama craft a policy that will benefit Salemme's company [Clearwire]. This is just the sort of arrangement that led to years of Democratic outrage over the Bush administration's energy policy."<sup>[1]</sup>

The President has signaled a strong desire to have a transparent and open federal government.<sup>[2]</sup> I am concerned that one of the President's own transition advisors failed to disclose an apparent conflict of interest. It is my understanding that Salemme's company, Clearwire, will benefit from a delay in the digital transition because Clearwire's partner, Sprint will enjoy "a longer honeymoon as the only network offering 4G speeds."<sup>[3]</sup> Surely, the President and John Podesta were unaware of this conflict when Salemme joined the Obama-Biden Transition team as an advisor.

During the last Congress, this Committee, under the leadership of former Chairman Waxman, conducted vigorous oversight of Vice President Cheney's energy task force.<sup>[4]</sup> Indeed, the Committee's website has a section dedicated to the "Cheney Energy Task Force"<sup>[5]</sup> and former Chairman Waxman was the catalyst for the GAO's investigation<sup>[6]</sup> of whether Cheney and the task force "met privately with major campaign contributors to discuss energy policy."<sup>[7]</sup>

To gain a better understanding of Salemme's duties and the potential influence he had on crafting the digital television conversion policy, I ask that you answer the following questions for the Committee by March 2, 2009.

1. What was the Obama-Biden Transition Project's policy for employing individuals from private industry? How were they screened for potential conflicts?
2. Did Salemme file any documents with the Transition Project or the Administration outlining his previous work experience? Did he make any financial disclosures to the Transition Project or Administration?
3. Did Salemme receive any compensation from the government for his advice on telecom policy? If so, was Salemme simultaneously receiving compensation from a private entity?
4. Is Salemme currently in contact with the Administration? For example, does he participate in meetings, conference calls, or email communications with the Administration?
5. Moving forward, what personnel policies have been enacted to prevent and catch conflicts such as this one?

Thank you for your attention. I look forward to working with you in the future to ensure transparent and open government.

### **Text of Letter to Speaker Pelosi:**

3/30/2009

The purpose of this letter is to urge you to postpone a vote on legislation to delay the transition to digital television. The policy recommendations made by President Obama may have been influenced by an individual with a conflict of interest of which the President may not have been aware.

As reported in the *Washington Post*, President Obama's top transition aide John Podesta urged chairs of the House and Senate Commerce Committees to "consider a change to the legislatively-mandated analog cutoff date."<sup>[8]</sup> Podesta argues the need for the delay turns on the fact that the "federal program to subsidize digital equipment that some viewers will need has fallen short of money, and last week the government reported a waiting list [to receive converter coupons] of 1.4 million households."<sup>[9]</sup>

Various commentators, however, allege that Podesta and thereby President Obama were advised by an industry insider, R. Gerard Salemmé,<sup>[10]</sup> whose company stands to gain a competitive advantage by delaying the transition. Salemmé, is the Executive Vice President for Strategy, Policy, and External Affairs at Clearwire, a company that is partnered with Sprint in an endeavor to "launch their fourth-generation [referred to as "4G"] wireless broadband network."<sup>[11]</sup> According to the *Examiner*:

Sprint and Clearwire, on spectrum they already own, have begun launching their 4G network. That means Sprint is ahead of the competition in wireless Internet. It also means Sprint and Clearwire stand to benefit from Obama's push to delay the transition to digital TV: The longer broadcasters use analog signals the longer Verizon has to wait to get the spectrum it needs for its 4G network—which gives Sprint a longer honeymoon as the only network offering 4G speeds.<sup>[12]</sup>

As you can see, the impetus for the delay is potentially more complex and controversial than simply an underfunded government coupon distribution program.

The President's high approval rating undoubtedly allows him to wield a great deal of power. His influence on the Democratic caucus cannot be overstated. Any improper influences on the President's policy positions that lead Congress to act one way or another permanently cloud the resulting legislation. I have raised these concerns directly with White House Counsel, Greg Craig. Attached is a copy of the letter sent to Mr. Craig.

I urge you to delay a vote on this issue until the Committee staff has had the opportunity to fully explore potential conflicts arising from Salemmé's role in the Administration's decision making. Thank you for your attention to this matter.

###

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<sup>[1]</sup> Timothy P. Carney, *Obama's Secret Telecom Advisor Pushing His Company's Interest*, EXAMINER, Jan. 16, 2009.

<sup>[2]</sup> Transparency and Open Government, Memorandum for the Heads of Executive Departments and Agencies, 74 Fed. Reg.

4685 (Jan. 26, 2009).

<sup>[3]</sup> Carney, *supra*.

<sup>[4]</sup> Letter from Rep. Henry A. Waxman, Ranking Member, H. Comm. on Oversight and Gov't Reform (hereinafter OGR Comm.) and Rep. John D. Dingell, Member, H. Comm. on Energy and Commerce to David Walker, Comptroller Gen., Gen. Accounting Office, Apr. 19, 2001. Waxman and Dingell letter to Andrew Lundquist, Executive Dir., U.S. Dep't of Energy, Energy Task Force, Apr. 19, 2001. *See also* OGR Comm. Website at <http://oversight.house.gov/investigations.asp?start=0&id=110> (last visited Feb. 2, 2009).

<sup>[5]</sup> *Id.*

<sup>[6]</sup> General Accounting Office (GAO), Energy Task Force, Process Used to Develop the National Energy Policy, GAO-03-894, August 2003 (GAO was renamed Government Accountability Office in 2004).

<sup>[7]</sup> OGR Comm. Website at <http://oversight.house.gov/investigations.asp?start=0&id=110> (last visited Feb. 2, 2009).

<sup>[8]</sup> Kim Hart, *Obama Urges Delay in Digital TV Switch*, WASH POST, Jan. 9, 2009.

<sup>[9]</sup> Bloomberg News, *Senate Approves Digital TV Delay*, NY TIMES, Jan. 27, 2009.

<sup>[10]</sup> In addition to the apparent conflict of interest, Salemmé is a heavily Democratic donor. Between 2003 and 2008 he donated approximately \$38,900 to Democrats and Democratic organizations.

<sup>[11]</sup> Timothy P. Carney, *Obama's Secret Telecom Advisor Pushing His Company's Interest*, EXAMINER, Jan. 16, 2009.

<sup>[12]</sup> *Id.*

## Christopher Lewis

---

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 1:14 PM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: Update: DTV Delay Bill: House Action

The House is starting debate on the rule for the DTV Delay bill. There could be up to one hour of debate on the rule, followed by a vote on the rule to move to general debate. Once the rule is approved, they will move to debate on the bill itself, where there could be up to one hour of debate. After that, they will vote on final passage.

If you would like to watch the debate, you can see it on channel 21 on internal TV system. The House floor debate can also be viewed at: [http://www.cspan.org/Watch/C-SPAN\\_wm.aspx](http://www.cspan.org/Watch/C-SPAN_wm.aspx)

-----Original Message-----

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 11:15 AM  
**To:** Lori Maarbjerg; Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** Update: DTV Delay Bill: House Action  
**Importance:** High

According to House Cloakroom, it is anticipated that a vote on final passage of the DTV delay bill will occur approximately at 4 PM (subject to change). Debate on the DTV bill will commence after conclusion of the debate on H.R. 2 SCHIP. We will send an e-mail when debate on the DTV Delay bill commences.

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 8:52 AM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Brioche; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; David Furth; William Freedman; Scott Deutchman; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt; Mark Wigfield; Jeff Cohen; Jill Pender  
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**Subject:** DTV Delay Bill: House Action - Rules Cmte

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**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** DTV Delay Bill: House Action - Rules Cmte  
**Attachments:** Rule for Consideration of S. 352.pdf



Rule for  
consideration of S. 3.

Attached is the resolution providing the rule for floor consideration of S. 352 (DTV Delay Bill) in the House today. The rule is closed, meaning that there will be no amendments. There will be one hour of debate, equally divided between the Majority and Minority.

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111<sup>th</sup> Congress

1st Session

H. RES. \_\_\_\_\_

Providing for consideration of the bill (S. 352) to postpone the DTV transition date.

IN THE HOUSE OF REPRESENTATIVES

February 3, 2009

Mr. Cardoza, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

RESOLUTION

Providing for consideration of the bill (S. 352) to postpone the DTV transition date.

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 352) to postpone the DTV transition date. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

Sec. 2. Section 2 of House Resolution 92 is amended by striking "February 4" and inserting "February 26".

Providing for consideration of the bill (S. 352) to postpone the DTV transition date.

February 3, 2009. --Referred to the House Calendar and ordered to be printed

Mr. Cardoza, from the Committee on Rules,  
submitted the following

### REPORT

[To accompany H. Res. \_\_\_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of S. 352, the "DTV Delay Act," under a closed rule. The resolution provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The resolution waives all points of order against consideration of the bill except those arising under clause 10 of rule XXI. The bill shall be considered as read. The resolution waives all points of order against the bill. The resolution provides one motion to commit the bill with or without instructions.

Finally, the rule amends section 2 of H. Res. 92 to provide that the chair of the Committee on Appropriations shall insert in the Congressional Record no later than February 26, 2009, such material as he may deem explanatory of appropriations measures for fiscal year 2009.

### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for those arising under clause 10 of rule XXI), the Committee is not aware of any points of order against the bill's consideration. The waiver of all points of order against consideration of the bill is prophylactic. Although the rule waives all points of order against the bill, the Committee is not aware of any points of order against the bill. The waiver of all points of order against the bill is prophylactic.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

### Rules Committee Record Vote No. 24

**Date:** February 3, 2009

**Measure:** S. 352

**Motion By:** Mr. Dreier

**Summary of Motion:** To make in order and provide appropriate waivers for an amendment in the nature of a substitute by Rep. Barton, Joe (TX) and Rep. Burgess, Michael (TX), #1, which would authorize \$250 million for the converter box coupon program. It also extends the FCC's spectrum auction authority to 2012.

**Results:** Defeated 2-7

#### Vote by Member:

MCGOVERN                      NAY

HASTINGS                      NAY

MATSUI                      NAY

CARDOZA

ARCURI                      NAY

PERLMUTTER                      NAY

PINGREE                      NAY

POLIS                      NAY

DREIER                      YEA

DIAZ-BALART

SESSIONS

FOXX                      YEA

SLAUGHTER

Rules Committee Record Vote No. 25

Date: February 3, 2009

Measure: S. 352

Motion By: Dr. Foxx

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Walden, Greg (OR), #2, which would provide that the FCC has no discretion to prevent a broadcaster from transitioning voluntarily before the deadline as long as they will not cause interference with public safety or other stations. The station must have given viewers 30 days notice prior to the cutoff.

Results: Defeated 2-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	
SESSIONS	
FOXX	YEA
SLAUGHTER	

## Christopher Lewis

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**From:** Lori Maarbjerg  
**Sent:** Tuesday, February 03, 2009 7:43 PM  
**To:** Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; William Freedman; David Furth  
**Cc:** Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** House Action - Rules Cmte

First - please forward to any that may need this e-mail, but may not be included.

It is my understanding that the House Rules Committee has issued a closed rule that does not allow for any amendments.

Still tracking down more details regarding how much floor debate will be allowed and exactly when it will come to the floor. More updates to follow tomorrow.

----- Original Message -----

**From:** Lori Maarbjerg  
**To:** Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Sent:** Wed Jan 28 13:15:18 2009  
**Subject:** RE: House Action on DTV Delay Bill

Sorry I realize that I was not clear in my e-mail. The DTV Delay Bill failed to gain a 2/3 majority vote. They needed more than 285 votes, they received 258. The DTV transition date is still 2.17.2009. Reuters has a report that says differently, but that is erroneous.

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 12:54 PM  
**To:** Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

Vote failed on a final tally of 258 - 168.

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 12:24 PM  
**To:** Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

Debate finished on the rule. They are voting on the Economic Stimulus package rule right now. House Cloakroom confirmed the DTV bill vote will occur right after. C-SPAN is channel 21 on the internal system.

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From: Lori Maarbjerg  
Sent: Wednesday, January 28, 2009 12:17 PM  
To: Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill  
Importance: High

At this point, things are pretty fluid. The House is in the middle of debate on the rule for the Economic Stimulus Package. After that debate, they expect to take up a series of votes, and it's my understanding that the DTV Delay bill is included in that first round. Thus, this could happen within the next hour or so. It's also possible that the vote will be put off until later in the day. If that is the case, the last votes are expected by 6 PM.

Again, I am trying to gather additional information on what the expected outcome will be. As of last night, there didn't seem to be much confidence that they had the required votes for passage (i.e. at least 290), but we will see. Further, assuming that it does pass, it has to go back to the Senate for another vote. If it fails in the House, the Majority has the option of (1) taking it up under regular order (i.e. going to the Rules Committee to get a rule for floor debate - which could include the possibility of amendments, but only requires a simple majority - 218 - for passage), or (2) they don't do anything at all.

I'll update as necessary. Please let me know if you have questions, and please forward to those that may also need this information. Thanks!

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From: Lori Maarbjerg  
Sent: Wednesday, January 28, 2009 9:25 AM  
To: Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill

Here's the transcript of the debate from last night. I'm gathering information on when a vote is likely to occur and will pass that along when available. At this point, it is unclear that the Majority has the votes to pass it.

<< File: House Floor Debate on DTV Delay Act (Congressional Record, 1.28.09).doc >>

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From: Lori Maarbjerg  
Sent: Tuesday, January 27, 2009 5:30 PM  
To: Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill  
Importance: High

Here's the latest: Things are running a bit behind schedule on the House floor, so looks

like they won't reach the 40 minutes of debate until later this evening. Attached please find the House version of S. 328. There are a couple differences, which will require the Senate to vote again (and they are not necessarily happy about that).

The changes are located at: (1) page 3; line 23 - this language had to be added to solve a 'pay go' problem (and a Point of Order on the floor), and (2) page 4; line 22 where there is different language for public safety.

<< File: S328\_SUS\_xml.pdf >>

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From: Lori Maarbjerg  
Sent: Tuesday, January 27, 2009 2:40 PM  
To: Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: House Action on DTV Delay Bill

The House will have debate on the DTV delay bill tonight. However, the vote will occur tomorrow. The House will take up the Economic Stimulus package at some point after 3:30 PM, and have up to 3.5 hours of debate. Debate on the DTV bill will occur after debate on the Economic Stimulus package has ended. Please let me know if you have any questions.

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From: Lori Maarbjerg  
Sent: Tuesday, January 27, 2009 8:55 AM  
To: Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: Senate Passage of DTV Delay Bill

As you may know, the Senate passed the DTV Delay bill last night by unanimous consent. Chairman Waxman has cancelled the Energy and Commerce mark up of the House version originally scheduled for this morning. He indicates that that he is working to bring the Senate bill to the House floor as early as today. I am tracking developments and will provide updates as necessary. For your convenience, I have attached the bill as passed by the Senate along with a comparison/summary the Senate bill as passed (Please note that the language was identical to the 1.22.2009 version previously circulated). Please let me know if you have any questions. Thanks!

<< File: S. 328 (as passed by Senate).pdf >> << File: Summary of S. 328.doc >>

## Christopher Lewis

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**From:** Gary Epstein  
**Sent:** Tuesday, February 03, 2009 5:56 PM  
**To:** Rosemary Harold; Andrew Martin; Christopher Lewis; Rick Chessen  
**Subject:** RE: DTV ReductionTerminList Shut Off Impact

First numbers -- 20% in Feb -- I've seen -- copying Rick. See below.

-----Original Message-----

**From:** Rosemary Harold  
**Sent:** Tuesday, February 03, 2009 5:54 PM  
**To:** Andrew Martin; Gary Epstein; Christopher Lewis  
**Subject:** RE: DTV ReductionTerminList Shut Off Impact

Very interesting.

-----Original Message-----

**From:** Andrew Martin  
**Sent:** Tuesday, February 03, 2009 5:41 PM  
**To:** Rosemary Harold; Gary Epstein; Christopher Lewis  
**Subject:** Fw: DTV ReductionTerminList Shut Off Impact

Andrew C. Martin  
Office: 202-418-7471  
Mobile: 202-391-6272

\*\* Non-Public: For Internal Use Only \*\*

----- Original Message -----

**From:** Paul Salaszyk  
**To:** Andrew Martin; Cindi Schieber; Rita Cookmeyer  
**Sent:** Tue Feb 03 16:37:06 2009  
**Subject:** FW: DTV ReductionTerminList Shut Off Impact

FYI

-----Original Message-----

**From:** Boland, Lisa [mailto:lisa.boland@twcable.com]  
**Sent:** Tuesday, February 03, 2009 4:31 PM  
**To:** rcollman@sandcherryassociates.com; Paul Salaszyk  
**Subject:** RE: DTV ReductionTerminList Shut Off Impact

Gentlemen,

Some quick data points as you're thinking through call patterns. I just had a call with Jonathan Collegio (NAB) and he had some interesting insights:

- \* he said that 40% of stations can't transition before the official date (6/12, if delayed) due to technical issues
- \* he believes ~ 20% will transition around February and the reminder will wait until June
- \* he also felt that if a whole DMA doesn't transition, call volumes will be low because if only one station goes off, the consumer will be more inclined to call that local broadcaster instead of a national DTV hotline (remember they have some experience here since these have been occurring over the last few months)

FYI.

Thanks,

Lisa

Lisa Boland|PMO|DTV Advisor Hotline|Cell: 810.813.3523

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From: R Collman [mailto:rcollman@sandcherryassociates.com]  
Sent: Tue 2/3/2009 3:34 PM  
To: paul.salasznyk@fcc.gov  
Cc: Boland, Lisa  
Subject: DTV ReductionTerminList Shut Off Impact

This is just a scratch pad, but I think you build a main table using lkups and formulas to get eventually to the impact... .then you can pivot or hard code reports off the Main Table.

That's assuming we can get all the data we need! You have that, right? Also, I haven't spent any time trying to figure out how you show the impact of the Number of Analogs in market or which number in the order of shut offs it is.

Are you thinking the same way? No doubt.

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