

## Christopher Lewis

---

**From:** Anthony Wilhelm [AWilhelm@ntia.doc.gov]  
**Sent:** Tuesday, January 27, 2009 7:18 AM  
**To:** Christopher Lewis  
**Subject:** Re: DTV Call Center Coordination Meeting

Is the 10:30 still on given the likely change in date of transition?

Sent From NTIA BlackBerry Server

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

**From:** "Christopher Lewis" <Christopher.Lewis@fcc.gov>  
**To:** Anthony Wilhelm <AWilhelm@ntia.doc.gov>  
**To:** Bernadette McGuire-Rivera <BMcguire-rivera@ntia.doc.gov>

**Sent:** 1/26/2009 5:42:26 PM  
**Subject:** FW: DTV Call Center Coordination Meeting

**When:** Tuesday, January 27, 2009 10:30 AM-11:30 AM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** 445 12th Street, SW, WDC, 8th Floor Conf Rm 1

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

>

> **From:** Christopher Lewis  
> **Sent:** Monday, January 26, 2009 3:59 PM  
> **To:** Gary Epstein; Joseph Hall; Andrew Martin; Mark Stone; Cathy Seidel; Nicholas Alexander; Rosemary Harold; rstoddard@ncta.com; sam.howe@twcable.com; lisa.boland@twcable.com; jcollegio@nab.org; robertmillerjr@comcast.net  
> **Subject:** DTV Call Center Coordination Meeting  
> **When:** Tuesday, January 27, 2009 10:30 AM-11:30 AM (GMT-05:00) Eastern Time (US & Canada).  
> **Where:** 445 12th Street, SW, WDC, 8th Floor Conf Rm 1  
>  
> Call in number TBD

## Laurence Schecker

---

**From:** Bernadette McGuire-Rivera [bmcguire-rivera@ntia.doc.gov]  
**Sent:** Wednesday, February 11, 2009 4:09 PM  
**To:** Gary Epstein; Rick Chessen; Anna Gomez; Jim C. Kohlenberger; Sally A. Wentworth; Amy Brundage; Diana Farrell; Marne L. Levine; Matthew M. Onek; Rachana Bhowmik; Susan P. Crawford  
**Subject:** Re: DTV call, 5pm today  
**Attachments:** 090211coupon.ppt



090211coupon.ppt  
(397 KB)

As mentioned yesterday here are the NTIA "slides". May or may not pass out at meeting. If I do it will be on 1 page. Very straightforward, here's the money and here's what NTIA is doing with it's share. Working on comments for Anna. Will focus on thanking for past contributions, thanking for supporting the delay, importance of continued cooperation, applaud imporved agency coop and give new integrated call center as an example of product of this coop.  
Mary Lou saw portal today and is very, very impressed.

## Laurence Schecker

---

**From:** Bernadette McGuire-Rivera [bmcguire-rivera@ntia.doc.gov]  
**Sent:** Friday, February 20, 2009 3:21 PM  
**To:** Christopher Lewis; Gary Epstein; Rick Chessen; Anna Gomez; Sally A. Wentworth; Susan P. Crawford  
**Cc:** Mark Wigfield; Jim C. Kohlenberger; Amy Brundage; Cammie L. Croft; Rachana Bhowmik  
**Subject:** First Victim of an Early Transition

Received this from one of our contractors.

From: Debra Austin  
Sent: Friday, February 20, 2009 1:32 PM\*  
To: Kyle Rogg; Tyler Brown; Dennis Gremillion; John Wise; Connie Ganoung  
Subject: It's been a long week for all of us

Friday, Feb. 20, 2009

Mo. man, angered over digital switch, shoots his TV set KSDK

tool name

close tool goes here

The digital transition has left some confused, but a Joplin man was down right frustrated with the switch. So frustrated, in fact, that he peppered his television set with gunfire. Police responded to the man's house Wednesday after reports of shots being fired inside. Turns out the 70-year-old gunman was livid over losing cable and could not get his digital converter box to work. Police took Walter Hoover into custody after a brief standoff and charged him with unlawful use of a firearm. Hoover's wife told police that he had been drinking before the incident.

Debra Austin  
Communications Manager  
Corporate Lodging Consultants  
8111 E. 32nd St. N.  
Wichita, KS 67226  


## Nicholas Alexander

---

**From:** Nicholas Alexander  
**Sent:** Friday, January 09, 2009 12:34 PM  
**To:** 'SHARON.ALEXANDER@EEOC.GOV'  
**Subject:** Re: DTV

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

Congress decides. Still figuring out messaging as things evolve.

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

**From:** SHARON ALEXANDER <SHARON.ALEXANDER@EEOC.GOV>  
**To:** Nicholas Alexander  
**Sent:** Fri Jan 09 12:13:25 2009  
**Subject:** DTV

Just read up on what you were talking about this morning:

[http://www.google.com/hostednews/ap/article/ALeqM5hlGcM0ZxYV5dDtZR\\_9xfCPZnkFaAD95JA0LG0](http://www.google.com/hostednews/ap/article/ALeqM5hlGcM0ZxYV5dDtZR_9xfCPZnkFaAD95JA0LG0)

I also see from your boss' website that you've got press events today and tomorrow. What's his position? Congress would have to extend the date, right? I assume that's not something the Commission decides?

Sharon

## Lori Maarbjerg

---

**From:** Lori Maarbjerg  
**Sent:** Tuesday, February 03, 2009 3:37 PM  
**To:** 'neil.fried@mail.house.gov'  
**Cc:** 'matt.mandel@mail.house.gov'  
**Subject:** Response to Feb. 2nd Letter

**Importance:** High

**Attachments:** Response to Reps. Barton and Stearns with attachment.pdf

Attached please find Chairman Copps' response to the letter from Mr. Barton and Mr. Stearns. Sorry for the brief delay in getting this to you. Please let me know if you have any questions.

Lori

**Lori Holy Maarbjerg**  
**Senior Attorney-Advisor**  
**Office of Legislative Affairs**  
**Federal Communications Commission**  
**Direct Phone: 202.418.1908**  
**Main Phone: 202.418.1900**  
**Fax: 202.418.2806**



Response to Reps.  
Barton and S...

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:45 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Update: DTV Delay Bill: House Action

**Importance:** High

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

From: Rosemary Harold  
Sent: Wednesday, February 04, 2009 11:49 AM  
To: RMCDSTAFF  
Subject: FW: Update: DTV Delay Bill: House Action  
Importance: High

FYI -- Debate likely to start around 4 p.m.

-----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.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:04 PM  
**To:** Rafael Fernandez  
**Subject:** FW: B&C: Congress Changes DTV 'Hard' Date to June 12

---

**From:** Rosemary Harold  
**Sent:** Wednesday, February 04, 2009 6:10 PM  
**To:** RMCDSTAFF  
**Subject:** B&C: Congress Changes DTV 'Hard' Date to June 12

# Congress Changes DTV 'Hard' Date to June 12

## Bill also allows households with expired coupons to reapply

**By John Eggerton -- Broadcasting & Cable, 02/04/2009 09:10:00 PM**

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

After heated debate by legislators Wednesday and a year and a half of broadcasters, cable operators and the government drilling the Feb. 17 'hard' date into the hearts and minds of viewers, the House voted Wednesday to change the cut-off date for analog TV to June 12.

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.

"The passage of this bipartisan legislation means that millions of Americans will have the time they need to prepare for the conversion," White House spokesperson Amy Brundage told B&C. "We will continue to work with Congress to improve the information and assistance available to American consumers in advance of June 12, especially those in the most vulnerable communities."

The vote was a victory for the new Obama administration, which pushed for the date change and got little push back from a broadcasting industry not looking to be the skunk at the new president's garden party, as one Republican put it.

The vote to approve the bill came after a motion offered by Republicans was defeated that would have required the FCC to force any stations on spectrum to be reclaimed for emergency communications to pull the plug on analog on Feb. 17 as previously scheduled so that spectrum could be immediately turned over for emergency communications. That would also apply to any nearby channels whose continued analog broadcasts could interfere with that first responder spectrum.

Democrats countered that the public safety interest in keeping millions connected to their TV's trumped that first

responder issue, also arguing the FCC had said few first responders were ready to start using the spectrum immediately anyway

Republicans argued that the Obama transition team's calling for the move of the date was a violation of the then-president elect's pledge of only one president at a time.

The bill moves the date and allows households with expired coupons to reapply for them.

Republicans complained that the bill had gotten no markup, no hearing, and was essentially being railroaded through unnecessarily. Democrats countered that there had been nine hearings on the DTV transition in general and that it was a finite, one-time delay that was necessary to reduce the number of TV's that would go dark and viewers, particularly senior, lower-income and rural viewers, who would be affected by the government's failure to sufficiently plan, coordinate and fund the program.

Democrats also pointed out that the date change had the support of ABC, CBS, NBC, Fox, Verizon, AT&T, and a number of public safety organizations.

"Only by delaying the transition and utilizing the \$650 million contained in the economic recovery bill to address these problems can massive viewer disruption be avoided," said House Telecommunications & Internet Subcommittee Chairman Rick Boucher (D-VA).

Behind the push for the change was an accounting problem that caused the National Telecommunications & Information Administration earlier this month to start putting requests for DTV-to-analog converter box coupons on a waiting list and slow the distribution of the coupons to a trickle.

That list had topped two million households by press time and had grown by 200,000 households in the past two days, according to top Democrats who had pushed to change the date.

The \$40 coupons are a government subsidy to help analog-only viewers pay for a converter box that allows them to still get a TV signal after the change to digital.

House Republicans had argued the date change was unnecessary, and had offered their own bill, then tried to amend the Democrat's bill, to free up money for the coupons and leave the date where it was.

It will now be up to broadcasters to decide when to make the switch between now and June 12, since the bill allows them to move early so long as they clear it with the FCC.

The FCC said Tuesday that over a thousand stations would still be able to turn off their analog signals before June 12 if they choose to.

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.

Joe Barton (R-TX), who has led the opposition to the bill in the House, suggested that the bill was unnecessary because, according to acting FCC Chairman Michael Copps, some 61% of TV stations were going to make the transition before June 12 anyway.

He was referring to a letter Copps sent Barton in response to a query about how many stations could move early. But in that letter, Copps simply identified how many stations (61% or about 1,800), could make the transition early without interfering with other stations, not how many would choose to do so.

But some clearly are going ahead with the move. In fact, a larger number of stations than previously anticipated are likely to terminate their analog operations on the original date of Feb. 17, according to Ardell Hill, senior VP of broadcast operations for Media General. Maintaining analog service for the Media General group costs \$150,000 in electricity costs alone.

"That's just raw electric, to keep analog running," says Hill. "In today's environment, that's a lot of money."

So Media General plans to turn off early in several markets, mainly ones where all the stations are already on their final DTV channel assignment.

"We've got six that are a no-brainer," says Hill. "We're on at full-power now, and on our final channel."

One legislator during the debate estimated that across the country, the additional cost could be on the order of \$141 million.

It will also be up to the FCC to quickly come up with rules to implement the new law, including whether an FCC requirement that stations must give viewers at least 30 days notice before pulling the plug on analog still applies.

An FCC source says that the commission has already been working on that implementation language just in case.

*Glen Dickson contributed reporting to this article*

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:50 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Multichannel News: White House Won't Sign DTV Delay Bill Until At Least Monday

---

**From:** Rosemary Harold  
**Sent:** Friday, February 06, 2009 5:08 PM  
**To:** RMCDSTAFF  
**Subject:** Multichannel News: White House Won't Sign DTV Delay Bill Until At Least Monday

## **White House Won't Sign DTV Delay Bill Until At Least Monday**

### **Obama Administration Giving Public Five Days For Comment**

**John Eggerton -- Multichannel News, 2/6/2009 1:12:00 PM MT**

It looks as if the White House won't be signing the digital TV transition date change bill into law until at least Monday, the same day broadcasters must let the FCC know if they want to pull the plug on analog Feb. 17. That's now the early time frame, for the transition the government has been telling them was the drop-dead date for years.

President Barack Obama, as part of his pledge of openness and transparency, said he would give the public five days to comment on bills before he signed them.

The text of the DTV delay bill has been posted on the [White House Web site](#) along with a comment form.

Broadcasters may make the transition on Feb. 17, but bill co-author [Sen. Jay Rockefeller \(D-W. Va.\)](#), chairman of the Senate Commerce Committee, has asked broadcasters to "put consumers first." The FCC is doing more than ask. Broadcasters must request to make the move by Feb. 9, but the FCC can deny the request if it doesn't think it is in the public interest, say, if all the stations in a market with high analog-only penetration want to go on Feb. 17.

The big problem is that the converter box coupon program slowdown, which prompted the Obama administration's request to move the date, may not be [unstuck until March or April](#), so, the more stations that go Feb. 17, the more the bill's effect is weakened.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:47 PM  
**To:** Rafael Fernandez  
**Subject:** FW: In Second Vote, House Delays Digital TV Transition

---

**From:** Brigid Calamis  
**Sent:** Wednesday, February 04, 2009 5:26 PM  
**To:** RMCDSTAFF  
**Subject:** In Second Vote, House Delays Digital TV Transition

## In Second Vote, House Delays Digital TV Transition

By Kim Hart  
Washington Post Staff Writer  
Wednesday, February 4, 2009; 4:56 PM

The House today has voted to delay the nation's transition to digital television by four months, less than two weeks before broadcasters were scheduled to turn off traditional analog signals and air only digital programming Feb. 17.

The vote is a victory for the Obama administration and Democratic lawmakers who pushed to give consumers more time and resources to get ready for the switch. Some Republicans argued a delay would cause further confusion and cost broadcasters millions.

President Obama has said he will sign the bill delaying the switch once it lands on his desk.

Broadcasters now have until June 12 to turn off their analog signals, although they can do so anytime after Feb. 17 if they choose to. Many broadcasters already air a digital signal as well as an analog signal. Once analog signals cut off, consumers with older analog TV sets that receive over-the-air broadcasts with an antenna will need to buy a digital TV set or install a converter box to keep getting signals.

By law, broadcasters must shut off analog signals in order to free up more airwaves for public safety communications networks and new wireless services for consumers, such as wireless broadband service. The bill passed by Congress will allow public safety agencies to use the TV frequencies as they are vacated by stations.

The push to delay the transition began when the Commerce Department program to distribute coupons for converter boxes ran out of money. Since then, more than 3.3 million consumers have been placed on a waiting list for the \$40 coupons. New coupons cannot be mailed out until already-issued ones reach their 90-day expiration date.

A top aid to Obama sent a letter asking members of Congress to consider delaying the transition so money from the stimulus package could be allocated to the transition process, including the coupon program. The call for a delay was echoed by consumer groups and some broadcast networks. AT&T and Verizon Wireless, which spent billions last year to purchase the soon-to-be-freed airwaves, said the one-time delay of the transition would not hurt their plans to use the spectrum for their own advanced wireless products.

The bill to postpone the digital switch was first passed in the Senate last week. Two days later, House Republicans blocked the bill from getting the two-thirds majority needed to pass under the rules applied to the

legislation, even though the majority of lawmakers voted in favor of the delay.

But on Thursday the Senate passed the same bill that had failed in the House, which gave the House another vote, this time needing only a simple majority to pass.

This morning, House Commerce Committee Chairman Henry Waxman (D-Calif.) sent a letter to other committee members informing them of the number of consumers in their district waiting for coupons. The committee's ranking Republican, Joe Barton of Texas, argued in his own letter that half the consumers on the waiting list have satellite or cable service and are therefore not in danger of losing TV service.

Acting Federal Communications Commission Chairman Michael J. Cops said today that 143 broadcasters have already terminated their analog signals and another 60 stations plan to do so before Feb. 17. Other stations have told the agency they plan to shut off analog signals on the original transition date, but they may choose to remain on the air.

---

Brigid N. Calamis  
Deputy Chief of Staff  
Office of Commissioner Robert M. McDowell  
Federal Communications Commission  
(202) 418-2200  
brigid.calamis@fcc.gov

---

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:42 PM  
**To:** Rafael Fernandez  
**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

---

**From:** Brigid Calamis  
**Sent:** Tuesday, February 03, 2009 2:52 PM  
**To:** RMCDSTAFF  
**Subject:** 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 and Government Reform, Republicans. Ranking Member Thomas M. Davis, III.

FOR IMMEDIATE RELEASE      Tuesday, February 03, 2009      **CONTACTS – 202-225-0037**  
<http://republicans.oversight.house.gov>      Frederick Hill – Director of Communications

Kurt 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 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:**

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 Salemme,<sup>[10]</sup> whose company stands to gain a competitive advantage by delaying the transition. Salemme, 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 Salemme's role in the Administration's decision making. Thank you for your attention to this matter.

###

---

<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).

[3] Carney, *supra*.

[4] 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).

[5] *Id.*

[6] 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).

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

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

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

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

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

[12] *Id.*

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:35 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Senate Passed Amended DTV Delay Bill

**Attachments:** S. 352 (Amended Senate DTV bill - as passed).pdf



S. 352 (Amended  
Senate DTV bil...

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

**From:** Rosemary Harold  
**Sent:** Friday, January 30, 2009 9:27 AM  
**To:** RMCDSTAFF  
**Subject:** FW: Senate Passed Amended DTV Delay Bill

FYI

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

**From:** Lori Maarbjerg  
**Sent:** Friday, January 30, 2009 9:19 AM  
**To:** Rudy Brioche; Mark Wigfield; Jeff Cohen; Jill Pender; Rick Chessen; Rosemary Harold; Eloise Gore; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Senate Passed Amended DTV Delay Bill

Last night by UC, the Senate passed the House version of the DTV Delay bill. There's a new bill number - S. 352. The text is attached.

As I understand it, the House is still likely to take up the bill next week by going to the Rules Committee on Tuesday, and to the floor on Wednesday. There's a Democratic Retreat next Thursday and Friday, so if it's going to happen it'll be before then.

Please let me know if you have any questions. Thanks!

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:34 PM  
**To:** Rafael Fernandez  
**Subject:** FW: KBH statement

---

**From:** Brigid Calamis  
**Sent:** Friday, January 30, 2009 9:05 AM  
**To:** RMCSTAFF  
**Subject:** KBH statement

For Immediate Release:

Contact:

January 29, 2009

Joe Brenckle (202) 224-3991

Statement by Senator Hutchison on Senate Passage of Bill to Shift DTV Transition Date to June 12

WASHINGTON, D.C. – The United States Senate tonight unanimously approved legislation to shift the nation’s digital television transition from February 17, 2009 to June 12, 2009. Following are excerpts from a floor statement by Senator Kay Bailey Hutchison (R-Texas), Ranking Member of the Senate Commerce, Science, and Transportation Committee.

Senator Kay Bailey Hutchison:

“Sen. Rockefeller and I, as the Chairman and the Ranking Member of Commerce Committee, have worked on a bill that will delay for three months, basically until June 12, this transition. It also allows people to apply even if they have coupons that are expired. They can reapply and get coupons. **But Mr. President, I do want to serve notice that I will not support another delay in implementation.** By now, people, have had the notice and we’ve done everything to mitigate the cost of this transition. I’ve talked with Senator Rockefeller about that and I think we are in agreement that now is the time for people to get their coupons and boxes because on June 12 this transition will be made.”

Key provisions of the legislation approved by the Senate 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.

# # #

3/9/2009

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 6:33 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Dtv delay- It just passed the senate again

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

**From:** Brigid Calamis  
**Sent:** Thursday, January 29, 2009 7:10 PM  
**To:** RMCDSTAFF  
**Subject:** Dtv delay- It just passed the senate again

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:45 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Can we talk sometime on Monday -- earlier the better?

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

**From:** Rick Chessen  
**Sent:** Sunday, January 11, 2009 6:35 PM  
**To:** Rudy Brioche; Rosemary Harold  
**Subject:** Re: Can we talk sometime on Monday -- earlier the better?

Tonight might be better. Will give you a call - would 8:30 pm work?

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Rudy Brioche  
**To:** Rosemary Harold; Rick Chessen  
**Sent:** Sun Jan 11 18:26:39 2009  
**Subject:** Re: Can we talk sometime on Monday -- earlier the better?

See AP and other stories on OCM, JSA and McD at CES We should memorialize our concerns asap.

For me: Major flight delay in Vegas.

Rosemary - please forward the letter

-----  
Sent from BBB - Brioche's BlackBerry

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

**From:** Rosemary Harold  
**To:** Rick Chessen  
**Cc:** Rudy Brioche  
**Sent:** Sun Jan 11 18:12:56 2009  
**Subject:** Can we talk sometime on Monday -- earlier the better?

Rick, can you make time to talk about the call center issues? I'll be happy to call you on your cell at any break in your schedule, but I'll need the number. Rudy and/or I should bring you up to speed on the remarks our bosses made on Saturday at CES.

Let me know if you haven't yet seen the NCTA letter of Jan. 8 to Tom Wheeler, which I just saw a few minutes ago. It confirms something I heard on Friday night about NCTA holding off on signing contracts for live operators until the issue of possibly delaying the deadline is resolved.

Feel free also to call me at home this evening, if that would be more convenient for you. Home number is [REDACTED] and cell is [REDACTED]

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:46 PM  
**To:** Rafael Fernandez  
**Subject:** FW: LA Times

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

**From:** Brigid Calamis  
**Sent:** Monday, January 12, 2009 8:39 AM  
**To:** RMCSTAFF  
**Subject:** LA Times

From the Los Angeles Times  
Editorial  
All-digital TV's time has come  
The Obama team's request to halt the shutdown of analog broadcasts only delays the inevitable.

January 12, 2009

At the International Consumer Electronics Show in Las Vegas last week, technology companies from around the world showed off television sets that can display personalized and interactive broadcasts, tune in programs from the Internet and effortlessly grab pictures from cellphones, cameras and camcorders. It's the next generation of television -- an evolution driven by the advent of digital TVs and programming. That evolution was slated to reach a critical point Feb. 17, when local TV stations were to turn off their analog broadcasts and transmit only digital signals. But just as the convention kicked off, President-elect Barack Obama's transition team asked Congress to postpone the cutoff indefinitely. Needless to say, the news was not warmly received by manufacturers that have been promoting the switch to digital for more than a decade.

The new administration had a valid reason for its request: Millions of people are likely to lose access to local TV programming on Feb. 18. Surveys show that nearly every TV viewer is aware of the switch, and preparing for it doesn't take much effort -- analog sets will need to be connected to cable, satellite TV or a \$40 to \$70 converter box that can tune in digital signals. Yet when broadcasters in Wilmington, N.C., voluntarily shut down their analog stations four months ago, they found that more than 1,000 people weren't ready. The picture looks worse nationally, with unprepared as of last month.

Nevertheless, postponing the transition will simply delay the pain it will inevitably cause while denying the public some of its benefits -- such as new, innovative uses of airwaves no longer occupied by analog channels. The trial run in Wilmington showed that the main hurdle isn't a lack of awareness among TV viewers, it's procrastination and technical naivete. The relatively simple task of hooking up a converter box stumps some people; others have trouble obtaining the \$40 government subsidy and purchasing the box. To overcome these problems, communities will need to line up plenty of volunteers, particularly to help the elderly and minorities. And though it waited far too long to do so, last week the Federal Communications Commission approved more than \$8 million in grants for just that purpose to groups across the country.

The Obama transition team also noted that the subsidy program for converter boxes hit the limit of its budget last week. But Congress can fix that problem in time for Washington to resume mailing coupons this month, giving recipients a few weeks to use them before the scheduled switch. The end of analog TV will cause heartburn whenever it comes. Let's get on with it.

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell

(202) 418-2200  
brigid.calamis@fcc.gov

---

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:47 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Verizon opposition to DTV delay  
**Attachments:** DTV.pdf

---

**From:** Angela Giancarlo  
**Sent:** Monday, January 12, 2009 1:37 PM  
**To:** RMCDSTAFF  
**Subject:** Verizon opposition to DTV delay

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:48 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Multichannel News: Rockefeller Working DTV Delay Bill

---

**From:** Brigid Calamis  
**Sent:** Wednesday, January 14, 2009 9:46 AM  
**To:** RMCSTAFF  
**Subject:** Multichannel News: Rockefeller Working DTV Delay Bill

## Rockefeller Working DTV Delay Bill

### Democrat Supports Extending Deadline By About 90 Days

By Ted Hearn -- Multichannel News, 1/13/2009 8:13:00 PM

Washington—Senate Commerce Committee chairman Jay Rockefeller (D-W.Va.) spent Tuesday trying to assemble a bill designed to delay the Feb. 17 digital TV transition and provide new funds for the Commerce Department's hobbled converter box coupon program.

 "All I know is that Senate staffers are working overtime to try and find the right solutions— all options on the table," a Senate source said Tuesday evening.

Rockefeller supports moving the Feb. 17 deadline, perhaps by about 90 days, to give at-risk groups more time to prepare their television sets for all-digital broadcasting.

Last week, Obama transition team co-chair John Podesta called on Congress to consider postponing the DTV transition deadline, claiming too many poor, elderly and rural Americans would be left

behind.

Like Rockefeller, Podesta complained about the Commerce Department's management of the \$1.34 billion converter box coupon program.

"It has gone broke," said Tom Wheeler, who is participating in an Obama transition working group responsible for the science, technology, space and arts agencies.

Each household was allowed to request two \$40 coupons, which could be used to reduce the cost of \$60-\$80 converter boxes that prolong the useful life of old analog TV sets.

Wheeler indicated that he recommended delaying the transition to Podesta.

"It came to my desk," he said in a C-SPAN interview.

Actually, the coupon program hasn't run out of money, a point emphasized last week by Rep. Joe Barton (Texas), the most senior Republican on the House Energy and Commerce Committee, who accused the incoming Obama administration of panicking for no reason.

Commerce's National Telecommunications and Information Administration has at least \$600 million to spend. But a federal budget law won't allow NTIA to mail out new coupons until old ones have expired. That caused NTIA to create a waiting list for at least 1.3 million coupons.

The coupon backlog coming just a few weeks before the transition prompted Rockefeller to say that NTIA had "appallingly mismanaged" the program.

In addition to delaying the DTV transition, Rockefeller is considering whether to waive the budget law, called the Antideficiency Act, to allow NTIA to clear out the waiting list immediately.

Also under consideration: addition funds for the Public Broadcasting Service, which might need money to keep analog and digital transmitters active after Feb. 17.

Rockefeller also has before him a request from public safety organizations to require analog TV stations to shut down on Feb. 17 if they are using channels that Congress has already earmarked for police, fire and emergency crews for a national wireless broadband network that has total interoperability—something sorely lacking on 9/11 at the World Trade Center.

**[« Back](#) | [Print](#)**

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

Advertisement

---

New year...new news. Be the first to know what is making headlines.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:49 PM  
**To:** Rafael Fernandez  
**Subject:** FW: 4G war, conflicts of interest loom behind possible DTV delay

---

**From:** Brigid Calamis  
**Sent:** Wednesday, January 14, 2009 2:28 PM  
**To:** RMCSTAFF  
**Subject:** 4G war, conflicts of interest loom behind possible DTV delay

### **4G war, conflicts of interest loom behind possible DTV delay**

By Julian Sanchez | Published: January 14, 2009 - 05:45AM CT

<http://arstechnica.com/news.ars/post/20090114-4g-war-conflict-of-interests-loom-behind-possible-dtv-delay.html>

Last week, President-elect Barack Obama's call for a delay in the Digital TV transition, long scheduled for February, sent tech and telecom firms into a tizzy. Both Verizon and the Consumer Electronics Association have been pushing back hard against any postponement of the move from analog to digital broadcasting, while AT&T has joined the Consumers Union and several prominent Democratic legislators in supporting the call to give the troubled transition more time. Among those with a vested interest in the debate over a DTV delay is Clearwire, which has been racing to deploy its 4G WiMAX networks ahead of competitors wedded to the LTE standard. And Ars has learned that Clearwire Executive Vice President R. Gerard Salemme has been playing a key advisory role on the DTV changeover within the Obama transition team.

The main rationale advanced for pushing back the drop-dead date for analog broadcast is that the coupon program established to subsidize digital converter boxes for those who rely on over-the-air analog signals has run out of money. Households seeking the \$40 vouchers are now being placed on a burgeoning waiting list, and consumer advocates fear that without a delay, millions of older analog sets will go dark in February. Opponents of a delay have argued that changing the date would be "disruptive," upsetting longstanding plans and signaling that companies and consumers need not heed government deadlines.

#### A wireless battleground: LTE vs. WiMAX

But the transition will also free up huge swaths of spectrum in the 700MHz band currently in use by analog broadcasters, which the Federal Communications Commission auctioned off last year. As FCC commissioner Robert McDowell noted on a panel at the Consumer Electronics Show in Las Vegas this weekend, "there are companies paying hundreds of billion of dollars to use this spectrum, and they expect the goods to be delivered."

One of those companies is Verizon, which ponied up nearly \$9.4 billion for spectrum it plans to use for its 4G Long-Term Evolution wireless broadband network. In a letter to top members of the House and Senate commerce committees Monday, Verizon CEO Ivan Seidenberg urged members of Congress to resist any delay of the transition, warning that it could impede the company's plans. "Verizon Wireless intends to begin field testing and deployment of LTE this year," wrote Seidenberg. "Deployment of LTE, however, can only be done if we have access to the 700MHz frequencies. Delaying the DTV transition will delay our ability to upgrade those frequencies to 4G broadband for American consumers and have a negative impact on our nation's international competitiveness."

That viewpoint has put Verizon at odds with AT&T, which has signaled its support for a delay in order to ensure a smooth transition—and, coincidentally, is not planning to use its own winnings from the 700Mhz block for LTE.

It's not clear whether Verizon would really be able to make good on its plans to begin deploying its LTE network by the end of 2009. Most analysts believe that a relatively short postponement, on the order of three months, would have little effect on 4G deployment—provided it did not set the stage for further delays, as Verizon clearly fears it might. Such a delay might also avoid a spate of homeowners sliding off icy rooftops as they struggle to install new antennas.

But a longer, more disruptive delay might provide some breathing room for Verizon competitor Clearwire. That company is seeking to build market share for its own WiMAX network, a joint venture with Sprint, before LTE is ready for prime time. Clearwire has boasted that it remains years ahead of the competition, but while WiMAX networks in Portland and Baltimore are already up and running, scheduled expansions to other cities have been delayed until late 2009, even as Verizon has bumped up its own schedule. The company's stock has now been in free-fall for months, and several major backers recently announced they would take major write-downs on their investments in Clearwire. (The roster of large investors in Clearwire includes Obama-ally Google.) A toxic negative feedback loop in investor confidence could leave it unable to finance its promised buildouts for 2009. With any transition delay certain to push the spectrum handover into the next quarter of the fiscal year, if not further, the attendant uncertainty could also factor into investment decisions as Wall Street—and equipment makers—decide which standard to back.

A conflict of interest?

Enter Gerry Salemme. A telecom industry veteran; former lobbyist; and Clearwire executive vice president for strategy, policy, and external affairs, Salemme has also been a generous Obama supporter. Early in the primary season, Salemme gave the maximum \$2,300 to Obama for America, and then in August threw in another \$10,000 to the Obama Victory Fund, a joint fundraising committee that accepts large contributions and carves them up between the party and candidate. (An apparent typo in the OVF's FEC filing credits this donation to "R. Gerard Salemine." OpenSecrets shows the cash as split into \$5,400 for the Democratic National Committee's Services Corporation and two contributions of \$2,300 to Barack Obama, which on face would seem to exceed Salemme's cap for the primary and general combined.) Once the race to the White House was won, Salemme scrounged another \$5,000 for the transition effort.

Salemme is not listed on Change.gov As of this writing, Salemme is not mentioned anywhere on the Change.gov site—which lists members of the Obama transition's staff, policy working groups, and agency review teams—nor has there been any public announcement of his involvement with the presidential transition. A spokesman for his company says that Salemme "remains in his position as Executive VP at Clearwire." But Ars has learned that Salemme has been on leave using accrued vacation and acting as a key advisor to the Obama transition team on DTV issues.

Last week, Salemme met with Sen. Jay Rockefeller (D-WV) and Tom Wheeler, who is heading Obama's science and technology working group, to discuss a DTV delay, Rockefeller's office confirms. Rockefeller is among the prominent Democratic legislators supporting Obama's call for a DTV changeover postponement. So is Rep. Ed Markey (D-MA), whom Salemme once served as chief of staff. Both have previously expressed concern about the uneven progress of the transition. Salemme's pivotal role with the Obama team, however, suggests that his judgment would have weighed heavily in the decision to bite the bullet and call for a delay—as well as the subsequent effort to rally support for that decision.

Salemme is widely praised for his expertise, both in the tech industry and on Capitol Hill. It's no surprise his résumé made him attractive to a transition effort noted for prizing technocratic competence—especially as it became apparent how massive were the remaining challenges for DTV a mere month or so from the February deadline. And it is an unfortunate fact of life that people with serious expertise in the tech industry also tend to have strong ties to the tech industry. But Salemme's high position with a primary competitor of Verizon—the company most vocally protesting that it would be adversely affected by a delay—creates an unavoidable appearance of conflict of interest.

Wheeler, meanwhile, arguably has his own stake in the outcome of the 4G wars, albeit a more tenuous one. He's currently on leave from Core Capital Partners, whose portfolio includes a \$10 million investment in BridgeWave, a company that provides the high-speed wireless backhaul services demanded by 4G networks. Companies like Verizon, flush with fiber, have less need for such services, as a BridgeWave white paper explains:

All things being equal, most operators will choose fiber optic cabling as their preferred backhaul solution. It is perceived as a well-proven technology (it's been deployed in core networks for decades) with nearly limitless capacity scalability. Unfortunately, most of the time operators do not already happen to own fiber running directly to a base station site, and are therefore faced with either paying to install a new fiber run or paying installation and recurring costs to another operator to provide fiber-based services to the site. [...] Leasing high-capacity data services from another operator is almost always unacceptable from a cost perspective.

Canadian firm DragonWave was the incumbent wireless backhaul provider for Sprint's WiMax network, and appears to have continued its relationship with the new Clearwire joint venture. Neither DragonWave nor BridgeWave, however, would comment on any future deployment plans either might have with the company.

#### Behind the need for speed

Opponents of a delay, such as the Consumer Electronics Association, may also have motives beyond a passion for sound policy. One Capitol Hill source complained that the electronics industry had championed a "bare-bones" converter box program in hopes that frustrated consumers would conclude it was simpler to buy newer television sets ready to receive digital signals. The cable industry, meanwhile, has remained publicly neutral, while asserting its readiness to help meet the current deadline by assisting in a recently assembled call-center effort. But cable, too, may stand to gain from a chaotic transition that drives consumers into its coaxial grasp.

Republicans, for their part, are loath to be blamed for a botched transition requiring a change of schedule. Panels at CES this weekend were rife with criticism of the FCC—and in particular of Chairman Kevin Martin, who opposes a delay—for dragging its feet in preparing for the inevitable flood of consumer questions, both before and after the transition. Any chaos that ensues when analog goes dark, however, will occur on Barack Obama's watch.

Whether Congress agrees to postpone the DTV changeover or decides to press ahead, the only certainty is that either decision will leave some powerful interests sorely displeased.

Deputy Chief of Staff  
Office of Commissioner Robert M. McDowell  
Federal Communications Commission  
(202) 418-2200  
brigid.calamis@fcc.gov

---

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:49 PM  
**To:** Rafael Fernandez  
**Subject:** FW: McDowell Hits Martin On DTV Plans

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

From: Brigid Calamis  
Sent: Wednesday, January 14, 2009 6:43 PM  
To: RMCDSTAFF  
Subject: Fw: McDowell Hits Martin On DTV Plans

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: EdHearn@aol.com <EdHearn@aol.com>  
To: EdHearn@aol.com <EdHearn@aol.com>  
Sent: Wed Jan 14 18:23:26 2009  
Subject: McDowell Hits Martin On DTV Plans

McDowell Hits Martin On DTV Plans

Claims Call Centers Unprepared For Expected 'Crush of Inquiries'

By Ted Hearn -- Multichannel News, 1/14/2009 4:06:00 PM

Washington—Federal Communications Commission member Robert McDowell is concerned that chairman Kevin Martin has failed to prepare the agency for "a crush of inquiries" stemming from the national switch to all-digital broadcast TV on Feb. 17.

<<http://a330.g.akamai.net/7/330/2540/20090114225741/www.multichannel.com/articles/images/MCN/20090114/robertmcdowell.jpg>> "In short, it appears the [FCC's] efforts to date are inadequate. As neither I, nor either of our colleagues, have been consulted in advance or otherwise asked to assist with the task at hand, I cannot be certain regarding the extent of the [FCC's] shortcomings," McDowell said in a letter Wednesday to Martin.

A Martin spokesman didn't have an immediate comment.

The incoming Obama administration wants Congress to postpone the Feb. 17 transition <<http://www.multichannel.com/article/CA6627812.html>> , pointing to problems with the \$1.34 billion converter box coupon program and the potential that too many poor, elderly and rural Americans will lose TV service.

Problems at the FCC have not been cited as the basis for the delay, but McDowell's blunt words for Martin could change that. Both McDowell and Martin are Republican appointees of President Bush.

McDowell's letter reinforced concerns about Martin's leadership that were documented by a House Energy and Commerce Committee report in December, including that Martin withholds

information from colleagues who share in the decision-making.

In the letter, McDowell was particularly upset about the performance of the FCC's consumer call center (1-888-CALL-FCC).

"Through personal experience, I've found that busy signals are common. And, when the line actually rings, it frequently does so for more than two minutes," McDowell wrote.

McDowell also complained that callers have to navigate an electronic menu to reach a live operator.

"Callers that opted for a live operator are sometimes spontaneously disconnected rather than re-routed," McDowell said.

Call volume around the Feb. 17 deadline is expected to surge.

According to the Nielsen Co., 7.8 million households, or 6.8% of total U.S. TV homes, are not prepared for the DTV transition.

McDowell's letter also raised concerns about Martin's effort to award contracts to outsource call center functions and his plans to coordinate with private industry players that plan to set up their own call-in lines.

"Although I'm aware of industry efforts to try to provide a more coordinated approach to call centers, it appears that your fellow commissioners have not been brought into the planning discussions concerning this important initiative," McDowell wrote.

McDowell told Martin that the FCC hasn't been fully staffing the call center on recent weekends—the time when many people obtain their converter boxes and then call the FCC for installation assistance.

"Given that we have not yet reached the transition date, I am especially concerned by this apparent lack of readiness," McDowell said.

McDowell concluded by noting the recent interest in postponing the transition deadline, which was signed into law by President Bush in early 2006. He said he was hopeful Martin can fix the call center problem

"...We have an extraordinary amount of ground to cover in a short period of time. To accomplish this daunting task, the FCC must be better organized, more energetic and must coordinate its efforts in a more open and collaborative manner. American consumers deserve nothing less," McDowell said.

« Back <javascript:history.go(-1)> | Print <javascript:window.print()>

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

#### Advertisement

Click Here <[http://bst.reedbusiness.com/ads/ad14569a-map.cgi/ns/v=2.1S/sz=300x250A%7C336x280A/kw=lay\\_articlePrint,aid\\_CA6629765,ind\\_23408,ind\\_23409,ind\\_44107,ind\\_44108,ind\\_47168,ind\\_47170,ind\\_47171,ind\\_47174,ind\\_47199,ind\\_47200,ind\\_47201/](http://bst.reedbusiness.com/ads/ad14569a-map.cgi/ns/v=2.1S/sz=300x250A%7C336x280A/kw=lay_articlePrint,aid_CA6629765,ind_23408,ind_23409,ind_44107,ind_44108,ind_47168,ind_47170,ind_47171,ind_47174,ind_47199,ind_47200,ind_47201/)>

---

Inauguration '09: Get complete coverage <<http://news.aol.com/main/politics/inauguration?ncid=emlcntusnews00000003>> from the nation's capital.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:49 PM  
**To:** Rafael Fernandez  
**Subject:** FW: VIEWPOINT: All Aboard Kennard's DTV Train Wreck

---

**From:** Brigid Calamis  
**Sent:** Thursday, January 15, 2009 2:57 PM  
**To:** RMCDSTAFF  
**Subject:** VIEWPOINT: All Aboard Kennard's DTV Train Wreck

**VIEWPOINT: All Aboard Kennard's DTV Train Wreck**

**By Ted Hearn -- Multichannel News, 1/15/2009 12:18:00 PM**

Washington -- It seems as if the only people in American who are unprepared for the Feb. 17 transition to digital television are advisers to President-elect Obama.

Some of the second-guessing going on just weeks before the big event seems to be grounded more in fear than fact. And some seem to be saying things today that are totally at odds with what they once espoused while holding high public office.

Take, for instance, former Federal Communications Commission chairman William Kennard, who ran the agency during President Clinton's second term.

Kennard, an Obama fundraiser and adviser, is extremely nervous about the national cutoff of analog TV signals. But Kennard's solicitude for the digitally disenfranchised wasn't something always foremost in his thinking.

Writing in the Jan. 9 edition of *The New York Times* with his successor Michael Powell (a former McCain adviser who is now an Obama adviser), Kennard said the Feb. 17 transition should be delayed, calling it a "fiasco" and a "train wreck."

On his last day in office -- Jan. 19, 2001 -- Kennard sent a letter to Senate Commerce Committee chairman Ernest (Fritz) Hollings (D-S.C.) with his policy prescriptions for hastening the DTV transition -- without, of course, producing a fiasco.

First, Kennard said all analog stations in channels 52-69 -- the 700 MHz band -- should be forced to shut down on Dec. 31, 2006. He said this should happen regardless of how many consumers had DTV sets.

"The firm deadline would be limited to channels 52-69 because this is where substantial, contiguous blocks of spectrum can become available for new services and technologies such as Third Generation or 3G mobile data offerings," Kennard said.

Kennard didn't mention how the loss of channels 52-69 would sit with consumers stuck with old analog sets and who, at that time, had no access to \$1.34 billion in federal funds to buy digital-to-analog converter boxes.

When Kennard was in power, federal law required analog TV stations to transition on Dec. 31, 2006 if at least 85% of households in their markets had digital reception capability.

In his Hollings letter, Kennard said the 85% test should be eliminated because in his view failing to do so would, as he called it in an October 2000 speech, perpetuate "the spectrum squatter" problem.

Kennard predicted it would take until 2025, based on the rollout of color TVs, for DTV set penetration to hit 85%. Unacceptable, he said.

Today, 93% of American TV households are DTV-ready, according to Nielsen. But Kennard says that's just too low to justify going forward on Feb. 17.

But eight years ago, Kennard was saying that maintenance of an 85% DTV readiness standard was too high. With regard to channels 52-69, even a puny 1% DTV penetration was too high for Kennard.

The real DTV train wreck seems to be the collision between Kennard's views in 2001 and his views in 2009.

**[« Back](#) | [Print](#)**

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

---

**Inauguration '09:** Get [complete coverage](#) from the nation's capital.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:49 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Rockefeller Backs June 12 DTV Switch

---

**From:** Brigid Calamis  
**Sent:** Thursday, January 15, 2009 7:35 PM  
**To:** RMCDSTAFF  
**Subject:** Rockefeller Backs June 12 DTV Switch

## Rockefeller Backs June 12 DTV Switch

### Commerce Committee Chairman Introduces Bill to Delay Switch for Four Months

By Ted Hearn -- Multichannel News, 1/15/2009 5:02:00 PM

Washington—Sen. Jay Rockefeller (D-W.Va.), chairman of the Senate Commerce Committee, is sponsoring legislation that would delay the digital television transition until Friday, June 12, 2009.

 “The outgoing Bush Administration has mismanaged this initiative and President-elect Obama has asked Congress to delay the date of the transition. Over two million Americans are waiting to receive a coupon to help them offset the cost of equipment that will help them manage the transition—millions more don’t have the proper information they need,” Rockefeller said in a statement.

Rockefeller said he introduced the bill Thursday.

It would call off the Feb. 17 transition date signed into law by President Bush in February 2006.

“It did not have to be this way. I firmly believe that our nation is not

yet ready to make this transition,” Rockefeller said.

**[« Back](#) | [Print](#)**

© 2009, Reed Business Information, a division of Reed Elsevier Inc.  
All Rights Reserved.

---

**Inauguration '09:** Get [complete coverage](#) from the nation's capital.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:50 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Waxman Supports June 12 DTV Delay

---

**From:** Brigid Calamis  
**Sent:** Friday, January 16, 2009 9:17 AM  
**To:** RMCDSTAFF  
**Subject:** Waxman Supports June 12 DTV Delay

## Waxman Supports June 12 DTV Delay

By Ted Hearn -- Multichannel News, 1/16/2009

Washington -- House Energy and Commerce Committee chairman Henry Waxman (D-Calif.) has scheduled a vote next Wednesday on legislation to postpone the digital TV transition until Friday, June 12, 2009.

The 115-day delay, requested by the incoming Obama administration, is needed because too many people are not prepared for the Feb. 17 national cutoff of analog TV signals, Waxman said in a Jan. 15 memo to all committee members.

"Unless the transition date is delayed, millions of Americans may see their televisions 'go dark' on February 18," Waxman said

Senate Commerce Committee chairman Jay Rockefeller (D-W.Va.) announced Thursday he is sponsoring a bill to put off the transition also until June 12.

Waxman's bill would make changes to the Commerce Department's \$1.34 billion digital-to-analog converter box coupon program, which has a waiting list for about 2 million coupons that can't be released all at once because of restrictions imposed a federal budget law called the Antideficiency Act.

Under current law, the \$40 coupons expire after 90 days. Waxman would extend the expiration date of outstanding or newly issued coupons to Sept. 15. Consumers who let old coupons expire could apply for new ones, something NTIA doesn't allow today.

The bill would also require NTIA to use first-class mail. It may deliver coupons electronically at its discretion.

Under Waxman's bill, TV stations could transition before June 12 with permission from the Federal Communications Commission.

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

---

**Inauguration '09:** Get [complete coverage](#) from the nation's capital.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:50 PM  
**To:** Rafael Fernandez  
**Subject:** FW: McCain Links DTV Delay To Public Safety

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

**From:** Brigid Calamis  
**Sent:** Friday, January 16, 2009 9:25 AM  
**To:** RMCSTAFF  
**Subject:** McCain Links DTV Delay To Public Safety

McCain Links DTV Delay To Public Safety

By Ted Hearn -- Multichannel News, 1/16/2009

Washington -- Sen. John McCain (R-Ariz.) won't agree to a short delay of the digital TV transition if public safety organizations are denied access to old analog TV spectrum on Feb. 17 as guaranteed under current law.

"While I agree with many others that an extension of this well-publicized cutoff date may only serve to confuse consumers, I would not oppose a very short extension of 120 days, provided that public safety's ability to access this spectrum is not delayed and will be made available on Feb. 17," McCain said in a letter Thursday to four senate colleagues.

Sen. Jay Rockefeller (D-W.Va.), chairman of the Senate Commerce Committee, introduced legislation Thursday that would delay the digital television transition for 115 days or until Friday, June 12.

"The outgoing Bush Administration has mismanaged this initiative and President-elect Obama has asked Congress to delay the date of the transition," Rockefeller said.

Rockefeller's bill would extend the Commerce Department's \$1.34 billion converter box coupon program to July 31 from March 31. The boxes extend the life of analog TV sets by converting over-the-air digital signals for display on analog TV sets still used in millions of U.S. homes.

It appeared the bill also would allow Commerce's National Telecommunications and Information Administration to clear out its backlog of 2 million coupon requests under an emergency spending clause.

"Over two million Americans are waiting to receive a coupon to help them offset the cost of equipment that will help them manage the transition—millions more don't have the proper information they need," Rockefeller said in a statement.

Actually, two million Americans are not on NTIA's waiting list. Rather, the waiting list includes requests for two million coupons. Since the program allows each household to apply for two coupons, the number of Americans on the waiting list is probably closer to one million.

But Rockefeller's three-page bill didn't appear to address McCain's chief concern, meaning public safety groups will have to wait until June 12 to take control of the 24 MHz promised for a national, interoperable wireless broadband network recommended by the 9/11 commission.

"While our first responders have been told year-after-year that this spectrum will be available, its availability has continued to be delayed largely due, in my view, to a

well-funded lobby of special interests," McCain said in his letter.

Today, TV stations occupy the bulk of spectrum from channels 2-69. After the transition, the TV band shrinks to channels 2-51, with channels 52-69 going to commercial wireless broadband providers and public safety groups.

Locating TV stations in the 2-51 band is a complicated process. McCain's letter didn't explain how a few channels could be cleared just for public safety groups.

"We simply cannot risk the consequences of further delaying this critically needed spectrum for public safety," McCain said. "I urge you to work with me to uphold Congress' important commitment to public safety and ensure that spectrum is made available to first responders on the date Congress promised -- Feb. 17, 2009."

-30-

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

\*\*\*\*\*Inauguration '09: Get complete coverage from the nation's capital.  
(<http://news.aol.com/main/politics/inauguration?ncid=emlcntusnews00000003>)

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:51 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Hawaii Makes DTV Switch, With No Surprises

---

**From:** Brigid Calamis  
**Sent:** Friday, January 16, 2009 4:59 PM  
**To:** RMCSTAFF  
**Subject:** Hawaii Makes DTV Switch, With No Surprises

**By Todd Spangler -- Multichannel News, 1/16/2009**

### **Hawaii Makes DTV Switch, With No Surprises**

Hawaii became the first state in the country to cut over to all-digital TV broadcasts at 12 noon local time Thursday, with only a few problems reported by Aloha State residents.

For Time Warner Cable's Oceanic division, the cable provider in Hawaii, the transition was "smooth as silk," with virtually no subscriber complaints, corporate spokesman Alex Dudley said.

Oceanic is offering a basic package of 22 channels, including 13 local stations, for \$9.95 a month for one year following the DTV transition.

The switch affected an estimated 20,000 over-the-air households in Hawaii, according to officials, out of 424,000 TV households in the state.

The two call centers set up by the Federal Communications Commission to handle consumer inquiries received around 500 calls by 5:30 p.m. Hawaii standard time on Thursday, about 200 of those prior to the noon shutoff, Hawaii Association of Broadcasters president Chris Leonard told *Broadcasting & Cable*. <http://www.broadcastingcable.com/article/162233->

UPDATE Hawaii DTV No Major Surprises During Evening Rush.php

Leonard says the association handled 900 calls in the week leading up to the analog shutoff.

Hawaii was earlier than the rest of the country to make the digital TV transition partly to avoid disturbing to the nesting habitat of an endangered species of bird, the dark-rumped petrel, near existing analog broadcast towers.

<http://www.multichannel.com/article/81822->

Hawaii DTV Transition Deadline s For The Birds.php

At noon Thursday in Hawaii, a message with white text on a blue background was broadcast over the analog airwaves: "All full-power Hawaii TV stations are now digital." The "night light" will continue for several days or weeks, depending on the station.

According to the Associated Press, one issue cropped before the switch: The PBS station on the Big Island of Hawaii said it had not yet received equipment to broadcast its digital signal to South Point, which is the southernmost point in the U.S.

PBS Hawaii said a shipping company error delayed construction of the digital relay site on the Big Island, and added that it hopes to have the transmitter up and running within two weeks, AP reported.

Nationwide, the digital TV transition has been set to happen at midnight Feb. 17, 2009. However, at the behest of the incoming Obama administration, lawmakers are attempting to move the deadline. Legislation is pending in the House of Representatives that would push the date to June 12.

<http://www.multichannel.com/article/162257->

Waxman Supports June 12 DTV Delay.php

###

---

**Inauguration '09:** Get [complete coverage](#) from the nation's capital.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:51 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Verizon Flip-Flops On DTV Delay

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

From: Brigid Calamis  
Sent: Sunday, January 18, 2009 8:27 AM  
To: RMCDSTAFF  
Subject: Fw: Verizon Flip-Flops On DTV Delay

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: EdHearn@aol.com <EdHearn@aol.com>  
To: EdHearn@aol.com <EdHearn@aol.com>  
Sent: Sat Jan 17 16:17:56 2009  
Subject: Verizon Flip-Flops On DTV Delay

Verizon Flip-Flops On DTV Delay

CEO Seidenberg Again Supports Later Transition Date

Ted Hearn -- Multichannel News, January 17, 2009

Washington -- Verizon CEO Ivan Seidenberg is now supporting a delay of the Feb. 17 digital TV transition in a quick turnaround brought on by assurances from Senate Commerce Committee chairman Jay Rockefeller (D-W.Va.) that postponement won't last more than 115 days.

Seidenberg announced his decision Friday in a letter to the bipartisan leadership of the House and Senate Commerce committees after discussing with Rockefeller his bill to extend the transition to Friday, June 12. Four days before, Seidenberg <[http://www.multichannel.com/article/162058-Obama\\_DTV\\_Plan\\_Splits\\_AT\\_T\\_Verizon.php?q=Seidenberg](http://www.multichannel.com/article/162058-Obama_DTV_Plan_Splits_AT_T_Verizon.php?q=Seidenberg)> said a delay would be disruptive and confusing to consumers.

"I had the opportunity to speak with chairman Rockefeller today [Jan. 16], and he strongly set out his view that this limited extension would be the only delay in the transition," Seidenberg said. "Events since Monday [Jan. 12] have reduced the danger of repeated delay and Verizon, as a result, can support a carefully limited extension of the deadline."

Seidenberg said his new support for delay was also based on promises from Obama transition team co-chair John Podesta <[http://www.multichannel.com/article/162268-Podesta\\_Supports\\_Rockefeller\\_Bill.php...](http://www.multichannel.com/article/162268-Podesta_Supports_Rockefeller_Bill.php...)> that the incoming administration wanted a delay of only "limited and specific duration," mostly designed to eliminate problems with the Commerce Department's \$1.34 billion DTV converter box coupon program.

"Because of these important developments, Verizon agrees that a one-time delay from

February 17 to June 12, as reflected in Sen. Rockefeller's draft Bill, is appropriate," Seidenberg said.

In addition to Rockefeller, Seidenberg's letter went to Sen. Kay Bailey Hutchison (R-Texas) ranking member of the Commerce Committee; House Energy and Commerce Committee chairman Henry Waxman (D-Calif); and Rep. Joe Barton (R-Texas), ranking member on the House Energy and Commerce Committee.

Although Waxman is supporting the June 12 date with his own legislation, Hutchison and Barton have expressed support for going forward on Feb. 17. Last year, Verizon paid \$9.63 billion in a Federal Communications Commission spectrum auction, but the company can't use the airwaves because they are occupied by analog TV stations. After the DTV transition, Verizon plans to use the vacated TV channels to roll out the next generation in high-speed wireless Internet access, also called 4G. "Delaying the DTV transition will delay our ability to upgrade those frequencies to 4G broadband for American consumers and have a negative impact on our nation's international competitiveness," Seidenberg told the same House and Senate committee leaders in a letter last Monday protesting any delay in the DTV transition. In his letter Friday, Seidenberg stressed the need to end the transition on June 12. "Any further delay would harm the nation's economy and broadband future, as I noted in my letter earlier this week," Seidenberg said. Last week, AT&T, which spent about \$7 billion in the same FCC auction, said it could support a brief delay. "From AT&T's perspective, a smooth transition from analog broadcast transmission to digital is in the public interest and will ultimately inure to the benefit of all Americans," AT&T senior executive vice president James Cicconi said in letter to House and Senate Commerce Committee leaders. The incoming Obama administration is concerned about problems with the converter box coupon program and the lack of preparation for the DTV transition by poor, elderly and rural Americans. Although the coupon program has about \$620 million to spend, about 2 million coupon requests are on hold owing to a federal budget law that bans the Commerce from mailing new coupons before a batch of old ones has expired. In 2006, President Bush signed the law that established Feb. 17 as the date when all 1,750 full-power TV stations had to stop beaming analog signals. Analog TVs still in use in million of homes each need a digital-to-analog converter box to watch digital TV signals with an antenna. Last week, the House Appropriations Committee released details of an \$825 billion stimulus package, which included \$650 million for Commerce's coupon program. In his letter, Cicconi said AT&T deserved compensation for the time it couldn't exploit the wireless broadband licenses. "So long as the legitimate interests of licensees are addressed, AT&T will support one-time, limited extension of the current cutoff date," Cicconi said.

« Back <javascript:history.go(-1)> | Print <javascript:window.print()>

© 2009 Reed Business Information, a division of Reed Elsevier Inc. All rights reserved.

---

Inauguration '09: Get complete coverage <<http://news.aol.com/main/politics/inauguration?ncid=emlcntusnews00000003>> from the nation's capital.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:52 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Rockefeller Pushing For DTV Vote

---

**From:** Brigid Calamis  
**Sent:** Thursday, January 22, 2009 2:42 PM  
**To:** RMCDSTAFF  
**Subject:** Rockefeller Pushing For DTV Vote

## **Rockefeller Pushing For DTV Vote**

### **Commerce Committee Chair Wants To Pass Delay Bill By Week's End**

**Ted Hearn -- Multichannel News, January 22, 2009**

Washington--Senate Commerce Committee chairman Jay Rockefeller (D-W.Va.) is hoping to wrap up negotiations soon and pass legislation Thursday or Friday to delay the national switch to digital TV to June 12 from Feb. 17.

"Our goal is to be able to try [to pass the bill] by unanimous consent today or tomorrow," a Rockefeller spokesman said Thursday.

Rockefeller's bill would extend the transition by 115-days and give consumers until July 31 to apply for two \$40 government coupons to buy digital-to-analog converter boxes at retail outlets.

Rockefeller failed to pass his bill last Friday because of objections

by unnamed Senate Republicans. House Energy and Commerce Committee chairman Henry Waxman (D-Calif.) canceled a vote on his DTV delay bill on Wednesday, citing the moves by Senate Republicans to hold up Rockefeller's bill.

A spokeswoman for Senate Minority Leader Mitch McConnell (R-Ky.) said the lawmaker hasn't expressed an opinion about delaying the DTV transition.

"He hasn't said anything, one way or another," McConnell spokeswoman Jennifer Morris said.

Rockefeller's spokesman said the senator is negotiating with the Commerce Committee's ranking Republican member, Sen. Kay Bailey Hutchison of Texas, but he declined to provide details.

Sen. John McCain (R-Ariz.) has made clear that he will support a delay until June 12 but only if the bill guaranteed that the public safety organizations can get access to long-promised spectrum on Feb. 18

A spokeswoman for Waxman said the Energy and Commerce Committee would not vote on the DTV delay bill this week. The panel was voting Thursday on economic stimulus legislation, which includes \$650 million for the Commerce Department's coupon program, which has a waiting list for 2.5 million coupons.

"It looks as if the House is waiting for us to act before they do anything," Rockefeller's spokesman said.

**[« Back](#) | [Print](#)**

© 2009 Reed Business Information, a division of Reed Elsevier Inc.  
All rights reserved.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:54 PM  
**To:** Rafael Fernandez  
**Subject:** FW: B&C: Sources: Rockefeller, Hutchison Compromise On Date-Move Bill

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 22, 2009 8:28 PM  
**To:** RMCDSTAFF  
**Subject:** B&C: Sources: Rockefeller, Hutchison Compromise On Date-Move Bill

# Sources: Rockefeller, Hutchison Compromise On Date-Move Bill

## Aide says bill still includes moving the DTV transition date to June 12

**By John Eggerton -- Broadcasting & Cable, 1/22/2009 4:33:50 PM MT**

At press time, Sen. Jay Rockefeller (D-WVA), chairman of the Senate Commerce Committee, had struck a compromise with Republican Kay Bailey Hutchison (R-TX) on a DTV bill that an aide close to the Senator said still included moving the DTV transition date to June 12.

"My understanding," said the aide, "is that Sens. Rockefeller and Hutchison have talked. They have a deal on the compromise and it's got the original proposal to move the date to June 12."

Rockefeller was trying to get the compromise passed as early as tonight (Jan. 22), though that was considered a long shot. But if so, one industry source gave the Senate bill a 70%-80% chance of superceding a House DTV bill and passing in that body as well. Democrats have a 13-seat majority in Energy & Commerce.

Rockefeller's aide said the goal is to try and get the bill finished and passed by unanimous consent either tonight--unlikely, he said, or Friday--with the help of Majority Leader Harry Reid. The Obama administration has pushed congress to move the date, and specifically to back the Rockefeller bill, though that was before the compromise, which is said to include addressing some of the concerns of first responders and industry, said the aide. That would expand the bill beyond simply changing the date, as Sen. Rockefeller first proposed in an effort to produce the easiest bill to pass in the shortest amount of time.

It would also make it closer to the version of a DTV date delay bill introduced by House Energy & Commerce Committee Chairman Henry Waxman (D-CA).

A spokesman for Senate Republicans had no comment. A spokesperson for Waxman was also unavailable at press time.

Waxman cancelled a hearing and markup on his bill Wednesday, saying he would wait to see what happened in the Senate, where Rockefeller's original bill was blocked from quick passage by an anonymous hold by a

Republican member. "If we have a bill that is sane, rational and prudent and gets the job done, the House should be able to use that as a jumping-off point for their efforts. And Chairman Waxman has said as much."

But according to ranking House Energy & Commerce Committee member Joe Barton, like Hutchison a Texas Republican, his staffers and Waxman's staffers were talking about ways to fix transition problems, primarily a backlog of DTV-to-analog converter box coupon applications, without having to move the date.

While Congress has been focused on the coupon backlog, the Obama administration's initial call to move the date cited a general lack of DTV assistance funds. The new administration has even put \$650 million into the economic stimulus package to help out with the transition, funding Barton has called a pot of money in search of a problem.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:55 PM  
**To:** Rafael Fernandez  
**Subject:** FW: DTV update: DTV-delay appears more likely  
**Importance:** High  
**Attachments:** DTV 012309.pdf

---

**From:** Rosemary Harold  
**Sent:** Friday, January 23, 2009 12:17 PM  
**To:** RMCDSTAFF  
**Subject:** FW: DTV update: DTV-delay appears more likely  
**Importance:** High

I assume most of you already get this, but I'm sending it along just in case you don't.

---

**From:** Anna-Maria Kovacs [mailto:amkovacs@regulatorysourcenes.com]  
**Sent:** Friday, January 23, 2009 11:56 AM  
**To:** amkovacs@regulatorysourcenes.com  
**Subject:** DTV update: DTV-delay appears more likely  
**Importance:** High

**TELECOM REGULATORY NOTE**

**DTV update: DTV-delay appears more likely**

- **Senators Rockefeller and Hutchinson, the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation, have announced a compromise that is likely to delay the DTV transition to June 12<sup>th</sup>. With this compromise, it now seems very likely that the delay will occur.**

**What this means to investors:**

**The DTV transition is likely to be delayed till June 12<sup>th</sup>, but unlikely to be delayed further. With additional converter-box funding out of the stimulus bill, and four extra months for a concerted consumer-education campaign, chances for a smooth transition are improved.**

**This will create delay for wireless carriers that expected to occupy that spectrum, but not an intolerable delay.**

**Discussion:**

- **Senators Rockefeller and Hutchinson will jointly introduce a bill that will:**

- Delay the transition date to June 12<sup>th</sup>.
  - Allow over-the-air stations that are ready sooner to make the switch to do so.
  - Allow public safety to use vacated spectrum, where a station chooses to vacate before June 12<sup>th</sup>.
  - Allow consumers with expired coupons to apply for replacements.
  - Give the FCC auction authority to pay for delay costs.
- Delaying the transition has the support of the Administration, which should help it get the support of most or all Democrats.
  - While there is considerable opposition from Republicans to delaying the transition, Senator Hutchinson's support should help get it garner enough Republican support to get through the Senate, which is usually the most likely hurdle.
  - 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.

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

*To be removed from our distribution, please email [akovacs@regulatorysource.com](mailto:akovacs@regulatorysource.com) and put "remove from distribution" in the subject line.*

---

All rights to this Note are the property of Regulatory Source Associates LLC. Regulatory Source grants to the recipient a limited non-exclusive, non-transferable license to this Note for internal use by its employees. Recipient has no right to reproduce or distribute any original or copy of this Note.

©2009 Regulatory Source Associates LLC

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

# *Regulatory Source Associates, LLC*

Anna-Maria Kovacs, Ph.D., CFA  
617-661-4666  
[akovacs@regulatorysource.com](mailto:akovacs@regulatorysource.com)

*Please see our required disclosures on page 2.*

January 23, 2009

## **TELECOM REGULATORY NOTE**

### **DTV update: DTV-delay appears more likely**

- **Senators Rockefeller and Hutchinson, the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation, have announced a compromise that is likely to delay the DTV transition to June 12<sup>th</sup>. With this compromise, it now seems very likely that the delay will occur.**

#### **What this means to investors:**

**The DTV transition is likely to be delayed till June 12<sup>th</sup>, but unlikely to be delayed further. With additional converter-box funding out of the stimulus bill, and four extra months for a concerted consumer-education campaign, chances for a smooth transition are improved.**

**This will create delay for wireless carriers that expected to occupy that spectrum, but not an intolerable delay.**

#### **Discussion:**

- **Senators Rockefeller and Hutchinson will jointly introduce a bill that will:**
  - **Delay the transition date to June 12<sup>th</sup>.**
  - **Allow over-the-air stations that are ready sooner to make the switch to do so.**
  - **Allow public safety to use vacated spectrum, where a station chooses to vacate before June 12<sup>th</sup>.**
  - **Allow consumers with expired coupons to apply for replacements.**
  - **Give the FCC auction authority to pay for delay costs.**
- **Delaying the transition has the support of the Administration, which should help it get the support of most or all Democrats.**

- **While there is considerable opposition from Republicans to delaying the transition, Senator Hutchinson's support should help get it garner enough Republican support to get through the Senate, which is usually the most likely hurdle.**
- **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.**

---

Regulatory Source Associates LLC is a Massachusetts registered investment adviser engaged in providing research services with a focus on the telecommunications industry. It does not manage accounts or give advice on individual investment portfolios. It is not affiliated with any investment banking firm. The Company and its principals do not own the securities of companies which are the subject of the Notes. The Company provides no valuation, rating or recommendation with respect to individual stocks. This Note is marketed to institutional investors only (as defined in NASD rule 2211) and is not intended to be distributed to or used by retail investors.

This Note was prepared by Anna-Maria Kovacs, who attests that (i) all of the views expressed in this note accurately reflect her personal views about any and all securities or issuers mentioned herein and (ii) that her compensation is based solely on the provision of this Note and consulting related thereto and that no part of her compensation was, is or will be directly or indirectly related to any specific recommendation or view expressed herein.

All rights to this Note are the property of Regulatory Source Associates LLC. Regulatory Source grants to the recipient a limited non-exclusive, non-transferable license to this Note for internal use by its employees. Recipient has no right to reproduce or distribute any original or copy of this Note.

©2009 Regulatory Source Associates LLC

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:55 PM  
**To:** Rafael Fernandez  
**Subject:** FW: DTV update: DTV-delay appears more likely

---

**From:** Rmcd  
**Sent:** Friday, January 23, 2009 12:19 PM  
**To:** Rosemary Harold; RMCDSTAFF  
**Subject:** RE: DTV update: DTV-delay appears more likely

Thx. Actually, I do not get her stuff, so double thanks.

---

**From:** Rosemary Harold  
**Sent:** Friday, January 23, 2009 12:17 PM  
**To:** RMCDSTAFF  
**Subject:** FW: DTV update: DTV-delay appears more likely  
**Importance:** High

I assume most of you already get this, but I'm sending it along just in case you don't.

---

**From:** Anna-Maria Kovacs [mailto:amkovacs@regulatorysourcenotes.com]  
**Sent:** Friday, January 23, 2009 11:56 AM  
**To:** amkovacs@regulatorysourcenotes.com  
**Subject:** DTV update: DTV-delay appears more likely  
**Importance:** High

## TELECOM REGULATORY NOTE

### DTV update: DTV-delay appears more likely

- **Senators Rockefeller and Hutchinson, the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation, have announced a compromise that is likely to delay the DTV transition to June 12<sup>th</sup>. With this compromise, it now seems very likely that the delay will occur.**

#### What this means to investors:

**The DTV transition is likely to be delayed till June 12<sup>th</sup>, but unlikely to be delayed further. With additional converter-box funding out of the stimulus bill, and four extra months for a concerted consumer-education campaign, chances for a smooth transition are improved.**

**This will create delay for wireless carriers that expected to occupy that spectrum, but not an**

intolerable delay.

**Discussion:**

- **Senators Rockefeller and Hutchinson will jointly introduce a bill that will:**
  - **Delay the transition date to June 12<sup>th</sup>.**
  - **Allow over-the-air stations that are ready sooner to make the switch to do so.**
  - **Allow public safety to use vacated spectrum, where a station chooses to vacate before June 12<sup>th</sup>.**
  - **Allow consumers with expired coupons to apply for replacements.**
  - **Give the FCC auction authority to pay for delay costs.**
  
- **Delaying the transition has the support of the Administration, which should help it get the support of most or all Democrats.**
  
- **While there is considerable opposition from Republicans to delaying the transition, Senator Hutchinson's support should help get it garner enough Republican support to get through the Senate, which is usually the most likely hurdle.**
  
- **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.**

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

*To be removed from our distribution, please email [akovacs@regulatorysource.com](mailto:akovacs@regulatorysource.com) and put "remove from distribution" in the subject line.*

---

**All rights to this Note are the property of Regulatory Source Associates LLC. Regulatory Source grants to the recipient a limited non-exclusive, non-transferable license to this Note for internal use by its employees. Recipient has no right to reproduce or distribute any original or copy of this Note.**

**©2009 Regulatory Source Associates LLC**

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

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:56 PM  
**To:** Rafael Fernandez  
**Subject:** FW: dtv and staffing queries

**Follow Up Flag:** Follow up  
**Flag Status:** Green

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

From: Brigid Calamis  
Sent: Friday, January 23, 2009 6:48 PM  
To: Rosemary Harold  
Subject: Fw: dtv and staffing queries

Did you email him your background info?

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: Make, Jonathan <jmake@warren-news.com>  
To: Brigid Calamis  
Sent: Fri Jan 23 18:44:32 2009  
Subject: RE: dtv and staffing queries

Hi Brigid, Thank you nonetheless for getting back to me. Have a good weekend.  
Jonathan

---

From: Brigid Calamis [mailto:Brigid.Calamis@fcc.gov]  
Sent: Friday, January 23, 2009 4:07 PM  
To: Make, Jonathan; Rosemary Harold  
Subject: RE: dtv and staffing queries

Sorry for the delay, Jonathan. On background, re: any questions on what the FCC will be focusing on, we would refer you to the acting Chairman's office for guidance :). And again, on background, we too have heard the rumors about Dan and Michelle, but do not have further confirmation.  
Sorry we can't be of more help.

---

From: Make, Jonathan [mailto:jmake@warren-news.com]  
Sent: Friday, January 23, 2009 2:26 PM  
To: Brigid Calamis; Rosemary Harold  
Subject: dtv and staffing queries

Good afternoon Brigid and Rosemary,

Following up on my voicemail at both of your offices, here's what we're working on today in the media realm that I wanted to see if someone could help me with: the extent to which

DTV will continue to be the No. 1 focus of the FCC even if the hard analog cutoff date gets pushed back to June. It seems it will be of course the No. 1 focus and perhaps push other, more routine subjects to the side even if there are four more months to prepare, partly because the FCC would have to change its educational messages accordingly and perhaps step up efforts.

Also wanted to see if either of you have heard that Dan Gonzales has returned to WCB while Michelle Carey has gone to the Media Bureau.

I can be reached at [REDACTED] today.

Cheers,

Jonathan

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:56 PM  
**To:** Rafael Fernandez  
**Subject:** FW: dtv and staffing queries

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

From: Brigid Calamis  
Sent: Saturday, January 24, 2009 1:36 PM  
To: Rosemary Harold  
Subject: Re: dtv and staffing queries

Thanks.

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: Rosemary Harold  
To: Brigid Calamis  
Sent: Sat Jan 24 13:07:37 2009  
Subject: Re: dtv and staffing queries

Spoke to him on the phone and relayed it that way.

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

From: Brigid Calamis  
To: Rosemary Harold  
Sent: Fri Jan 23 18:47:54 2009  
Subject: Fw: dtv and staffing queries

Did you email him your background info?

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: Make, Jonathan <jmake@warren-news.com>  
To: Brigid Calamis  
Sent: Fri Jan 23 18:44:32 2009  
Subject: RE: dtv and staffing queries

Hi Brigid, Thank you nonetheless for getting back to me. Have a good weekend.  
Jonathan

---

From: Brigid Calamis [mailto:Brigid.Calamis@fcc.gov]  
Sent: Friday, January 23, 2009 4:07 PM  
To: Make, Jonathan; Rosemary Harold

Subject: RE: dtv and staffing queries

Sorry for the delay, Jonathan. On background, re: any questions on what the FCC will be focusing on, we would refer you to the acting Chairman's office for guidance :). And again, on background, we too have heard the rumors about Dan and Michelle, but do not have further confirmation.  
Sorry we can't be of more help.

---

From: Make, Jonathan [mailto:jmake@warren-news.com]  
Sent: Friday, January 23, 2009 2:26 PM  
To: Brigid Calamis; Rosemary Harold  
Subject: dtv and staffing queries

Good afternoon Brigid and Rosemary,

Following up on my voicemail at both of your offices, here's what we're working on today in the media realm that I wanted to see if someone could help me with: the extent to which DTV will continue to be the No. 1 focus of the FCC even if the hard analog cutoff date gets pushed back to June. It seems it will be of course the No. 1 focus and perhaps push other, more routine subjects to the side even if there are four more months to prepare, partly because the FCC would have to change its educational messages accordingly and perhaps step up efforts.

Also wanted to see if either of you have heard that Dan Gonzales has returned to WCB while Michelle Carey has gone to the Media Bureau.

I can be reached at 202 725 5572 or 202 544 8621 today.

Cheers,

Jonathan

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 3:28 PM  
**To:** Rafael Fernandez  
**Subject:** FW: NAB Statement

---

**From:** Brigid Calamis  
**Sent:** Tuesday, January 27, 2009 10:04 AM  
**To:** RMCDSTAFF  
**Subject:** NAB Statement

FOR IMMEDIATE RELEASE

CONTACT

January 27, 2009  
Dennis Wharton  
202-429-5350

NAB STATEMENT ON SENATE PASSAGE OF  
DTV DELAY BILL

WASHINGTON, DC - The U.S. Senate unanimously approved legislation last night that would move the digital TV transition date from February 17 to June 12. The bill is expected to be considered by the U.S. House of Representatives today.

Responding to last night's Senate action, NAB Executive Vice President Dennis Wharton issued the following the statement:

"NAB supports legislation passed unanimously by the full Senate that moves the DTV deadline to June 12, while providing flexibility to local stations in adjusting to the new date. We are especially appreciative of the tireless efforts of Commerce Committee Chairman Rockefeller and Ranking Member Hutchison in crafting the compromise bill.

"Local broadcasters and our network partners are proud of the unprecedented billion dollar educational effort we have undertaken to ensure that our viewers are prepared for the switch to digital, and we are grateful for policymaker efforts that underscore over-the-air television's importance in the fabric of American life. The DTV legislation now moves to the House. NAB salutes the leadership of Commerce Committee Chairman Waxman and his colleagues and we look forward to swift passage of this bill."

About NAB

The National Association of Broadcasters is the premier advocacy association for America's broadcasters. As the voice of more than 8,300 radio and television stations, NAB advances their interests in legislative, regulatory and public affairs. Through advocacy, education and innovation, NAB enables broadcasters to best serve their communities, strengthen their businesses and seize new opportunities in the digital age. Learn more at [www.nab.org](http://www.nab.org)

###

3/6/2009

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 3:29 PM  
**To:** Rafael Fernandez  
**Subject:** FW: S. 328

---

**From:** Jonathan Havens  
**Sent:** Tuesday, January 27, 2009 12:42 PM  
**To:** Rosemary Harold  
**Subject:** S. 328

**DTV Delay Act (Engrossed as Agreed to or Passed by Senate)**

S 328 ES

111th CONGRESS  
1st Session  
**S. 328**

---

**AN ACT**

To postpone the DTV transition date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `DTV Delay Act'.

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

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

(1) by striking `February 18, 2009;' in paragraph (1) and inserting `June 13, 2009;'; and

(2) by striking `February 18, 2009,' in paragraph (2) and inserting `that date'.

(b) EXTENSION OF COUPON PROGRAM- Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking `March 31, 2009,' and inserting `July 31, 2009,'.

(c) Conforming Amendments-

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

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309

(j)(14)(A)) is amended by striking `February 17, 2009.' and inserting `June 12, 2009.'.

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking `February 17, 2009,' and inserting `June 12, 2009,'.

(d) License Terms-

(1) Extension- The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) Definition- In this subsection, the term `recovered spectrum' means--

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

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

### **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.**

(a) Treatment of Expired Coupons- Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

(D) Expired coupons- The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.'.

(b) Conforming amendment- Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking `receives, via the United States Postal Service,' and inserting `redeems'.

### **SEC. 4. IMPLEMENTATION.**

(a) Permissive Early Termination Under Existing Requirements- Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) Public Safety Radio Services-

(1) Use on cleared spectrum- Notwithstanding the amendments made by section 2, if--

(A) a television broadcast station ceases the broadcasting of such station's analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776 megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009, the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause harmful interference to full-power television stations in the analog or digital television service.

(2) Expedited procedures- The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) Expedited Rulemaking- Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

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

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking `2011.' and inserting `2012.'.

## **SEC. 6. EMERGENCY DESIGNATION.**

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

Passed the Senate January 26, 2009.

Attest:

Secretary.

111th CONGRESS  
1st Session  
**S. 328**  
**AN ACT**

To postpone the DTV transition date.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 3:29 PM  
**To:** Rafael Fernandez  
**Subject:** FW: NAB Statement

---

**From:** Rmcd  
**Sent:** Tuesday, January 27, 2009 10:48 AM  
**To:** Brigid Calamis; RMCSTAFF  
**Subject:** RE: NAB Statement

In light of near-certain passage, all ideas re edits to the DTV section of the FD speech are welcome.

---

**From:** Brigid Calamis  
**Sent:** Tuesday, January 27, 2009 10:04 AM  
**To:** RMCSTAFF  
**Subject:** NAB Statement

FOR IMMEDIATE RELEASE

CONTACT

January 27, 2009  
Dennis Wharton  
202-429-5350

NAB STATEMENT ON SENATE PASSAGE OF  
DTV DELAY BILL

WASHINGTON, DC - The U.S. Senate unanimously approved legislation last night that would move the digital TV transition date from February 17 to June 12. The bill is expected to be considered by the U.S. House of Representatives today.

Responding to last night's Senate action, NAB Executive Vice President Dennis Wharton issued the following statement:

"NAB supports legislation passed unanimously by the full Senate that moves the DTV deadline to June 12, while providing flexibility to local stations in adjusting to the new date. We are especially appreciative of the tireless efforts of Commerce Committee Chairman Rockefeller and Ranking Member Hutchison in crafting the compromise bill.

"Local broadcasters and our network partners are proud of the unprecedented billion dollar educational effort we have undertaken to ensure that our viewers are prepared for the switch to digital, and we are grateful for policymaker efforts that underscore over-the-air television's importance in the fabric of American life. The DTV legislation now moves to the House. NAB salutes the leadership of Commerce Committee Chairman Waxman and his colleagues and we look forward to swift passage of this bill."

About NAB

The National Association of Broadcasters is the premier advocacy association for America's broadcasters. As the voice of more than 8,300 radio and television stations, NAB advances their interests in legislative, regulatory and public affairs. Through advocacy, education and innovation, NAB enables broadcasters to best serve their communities, strengthen their businesses and seize new opportunities in the digital age. Learn more at [www.nab.org](http://www.nab.org)

###

3/6/2009

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 3:30 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Multichannel News: DTV House Vote To Come Wednesday: Hoyer

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 7:51 PM  
**To:** RMCSTAFF  
**Subject:** Multichannel News: DTV House Vote To Come Wednesday: Hoyer

# DTV House Vote To Come Wednesday: Hoyer

## Likely Followed By Senate Re-Vote: Hill Source

**Mike Reynolds -- Multichannel News, 1/27/2009 4:28:50 PM MT**

According to a spokesperson for House Majority Leader Steny Hoyer (D-MD), a vote to delay the DTV transition date probably will not come until Wednesday. And then it will likely have to go back to the Senate for a re-vote on some small changes, according to a Hill source.

The Senate version of a bill to change the date from Feb. 17 to June 12 passed Monday. That bill is still expected to be debated in the House "on suspension" Tuesday night, said Hoyer spokeswoman Katie Grant, which means limited debate, no amendments, and a two-thirds majority rather than a simple majority is required for passage. Grant said she expects the bill will pass.

But that debate probably won't come until 8 or 9 p.m., after general debate on the economic stimulus package. The Senate re-vote is over some language "tweaks," as the House source put it, related to technical fixes in budget language and a change in the public safety language.

The \$64,000 question is whether Senate Republicans agree those are only tweaks, which may be determined by how many Republicans wind up voting for the House version.

If the tweaks are only that, the Senate could substitute the House bill for its version, approve it, and it would be off to the president's desk for signing. Since he proposed moving the date, that is a pretty safe bet.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 4:03 PM  
**To:** Rafael Fernandez  
**Subject:** FW: WHIP LD Alert: Leadership Position on DTV Suspension  
**Attachments:** DTV - SRP (1-27-09).pdf

---

**From:** Brigid Calamis  
**Sent:** Wednesday, January 28, 2009 10:27 AM  
**To:** RMCDSTAFF  
**Subject:** FW: WHIP LD Alert: Leadership Position on DTV Suspension

This was sent to House Republicans (it seems).

---

**From:** Vieson, Chris  
**Sent:** Wednesday, January 28, 2009 9:46 AM  
**Subject:** WHIP LD Alert: Leadership Position on DTV Suspension

Please advise your boss that Leadership and Ranking Member Barton are OPPOSED to passage for S. 328, t <<DTV - SRP (1-27-09).pdf>> he DTV Delay act, and encourage all Republican Members to vote NO. Please see below for their individual vote positions on passage.

Leader Boehner: No

Whip Cantor: No

Chairman Pence: No

Ranking Member Barton: No

House Democrats have brought the Senate bill directly to the floor, bypassing the House Energy and Commerce Committee. By suspending the rules to pass it today, Democrats will take away any House Republican input, including: amendments, a substitute alternative, or a motion to recommit.

For more information on the Leadership and Committee position, please see the attached Statement of Republican Policy.

Chris Vieson

Floor Assistant

Office of the Republican Whip

202-225-0197

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 4:03 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Rockefeller statement

---

**From:** Brigid Calamis  
**Sent:** Wednesday, January 28, 2009 2:41 PM  
**To:** RMCDSTAFF  
**Subject:** Rockefeller statement

SENATE COMMERCE COMMITTEE CHAIRMAN ROCKEFELLER DEEPLY DISAPPOINTED BY HOUSE  
REPUBLICAN BLOCK OF DTV DELAY BILL

"I am deeply disappointed that Republicans blocked the digital television transition (DTV) delay bill today in the House. One thing is clear, the outgoing Bush Administration grossly mismanaged the digital television transition and consumers are confused, households are not prepared, and the coupon program for converter boxes is broken. While the Senate paved the way with a bipartisan bill to repair this unfortunate situation, our Republican counterparts in the House chose to stand in the way of a workable solution. Instead of delaying the transition to ensure that the most vulnerable among us have the ability to prepare for the transition, they have made certain that far too many consumers across the country will wake up on February the 18th and find that their television sets have gone dark and access to news, information, and vital emergency alerts will be unavailable. It did not have to be this way - this situation was unnecessary and avoidable."

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 4:05 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House defeats bill to delay digital TV transition

---

**From:** Brigid Calamis  
**Sent:** Wednesday, January 28, 2009 3:10 PM  
**To:** RMCDSTAFF  
**Subject:** AP: House defeats bill to delay digital TV transition

**House defeats bill to delay digital TV transition**

**By JOELLE TESSLER** –WASHINGTON (AP) — Bucking the Obama administration, House Republicans on Wednesday defeated a bill to postpone the upcoming transition from analog to digital television broadcasting to June 12 — leaving the current Feb. 17 deadline intact for now.

The 258-168 vote failed to clear the two-thirds threshold needed for passage. It's a victory for the GOP members, who warn that postponing the transition would confuse consumers.

The House Republicans say a delay also would burden wireless companies and public safety agencies waiting for the spectrum that will be vacated by the switchover, and create added costs for television stations that would have to continue broadcasting both analog and digital signals for four more months.

The defeat is a setback for the administration of President Barack Obama and Democrats on Capitol Hill, who fear too many Americans won't be ready for next month's analog shut-off. The Nielsen Co. estimates more than 6.5 million U.S. households that rely on analog television sets to pick up over-the-air broadcast signals still are not prepared for the transition. People who subscribe to cable or satellite TV or have a newer TV with a digital tuner will not be affected.

"In my opinion, we could do nothing worse than to delay this transition date," said Joe Barton of Texas, the top Republican on the House Commerce Committee. "The bill is a solution looking for a problem that exists mostly in the mind of the Obama administration." Barton led the push to scuttle the bill, which passed the Senate unanimously on Monday night.

The Obama administration had no immediate comment on the House vote.

Congress in 2005 required broadcasters to switch from analog to digital signals, which are more efficient, to free up valuable chunks of wireless spectrum to be used for commercial services and interoperable emergency-response networks.

But the Obama administration called for the transition date to be postponed after the Commerce Department earlier this month hit a \$1.34 billion funding limit for coupons to subsidize digital TV converter boxes for consumers. The coupon program allows consumers to request up to two \$40 vouchers per household to help pay for the boxes, which translate digital signals back into analog ones for older TVs. The boxes generally cost between \$40 and \$80 each and can be purchased without a coupon.

The National Telecommunications and Information Administration, the arm of the Commerce

Department administering the program, is now sending out new coupons only as older, unredeemed ones reach a 90-day expiration date and free up more money. The NTIA had nearly 2.6 million coupon requests on a waiting list last week and those people will not receive their coupons before Feb. 17.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:51 PM  
**To:** Rafael Fernandez  
**Subject:** FW: From barton

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

From: Rosemary Harold  
Sent: Thursday, January 08, 2009 4:36 PM  
To: RMCSTAFF  
Subject: Fw: From barton

FYI

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

From: Tramont, Bryan <BTramont@wbklaw.com>  
To: Rosemary Harold  
Sent: Thu Jan 08 16:31:28 2009  
Subject: From barton

FOR IMMEDIATE RELEASE

CONTACT: Press Office

January 8, 2009  
202 225 3641

Obama Team's Call to Dump DTV Deadline, Boost Spending 'Is Just Panic'  
-- Barton

Statement of U.S. Rep. Joe Barton, R-Texas

"How disappointing. We don't need to bail out the DTV transition program because it isn't failing, and reintroducing uncertainty to the switch will make things worse instead of better.

"Congress has already put up \$1.5 billion to ease the switch to digital television and that money is far from gone, recent headlines notwithstanding. About 300,000 of the \$40 consumer coupons expire each week and as they do, more coupons go out

"Everybody recognizes that these aren't ordinary times, and I'm working with Chairman Markey on an accounting bill that allows NTIA to meet the last-minute demand by issuing additional coupons. That's the right thing to do. Ditching the deadline and slathering on more millions of taxpayer dollars, however, is just panic."

# # #

-- Sent from Blackberry Device --

This electronic message transmission contains information from the law firm of Wilkinson Barker Knauer, LLP which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone at 202.783.4141 or by electronic mail (administrator@wbklaw.com) immediately.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:51 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Podesta TV Letter attached

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

**From:** Rosemary Harold  
**Sent:** Thursday, January 08, 2009 4:40 PM  
**To:** Rmcd; Angela Giancarlo; RMCDSTAFF  
**Subject:** Re: Podesta TV Letter attached

Rob, I have a paper copy here for you -- along w/ NAB statement on same topic of earlier day (pre-Podesta letter).

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

**From:** Rmcd  
**To:** Angela Giancarlo; RMCDSTAFF  
**Sent:** Thu Jan 08 16:36:57 2009  
**Subject:** Re: Podesta TV Letter attached

Pls cut and paste into the email text. Thx.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Angela Giancarlo  
**To:** RMCDSTAFF  
**Sent:** Thu Jan 08 16:15:02 2009  
**Subject:** Podesta TV Letter attached

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:10 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Podesta TV Letter attached

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

From: Rosemary Harold  
Sent: Thursday, January 08, 2009 4:40 PM  
To: Rmcd; Angela Giancarlo; RMCDSTAFF  
Subject: Re: Podesta TV Letter attached

Rob, I have a paper copy here for you -- along w/ NAB statement on same topic of earlier day (pre-Podesta letter).

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

From: Rmcd  
To: Angela Giancarlo; RMCDSTAFF  
Sent: Thu Jan 08 16:36:57 2009  
Subject: Re: Podesta TV Letter attached

Pls cut and paste into the email text. Thx.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Angela Giancarlo  
To: RMCDSTAFF  
Sent: Thu Jan 08 16:15:02 2009  
Subject: Podesta TV Letter attached

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:12 PM  
**To:** Rafael Fernandez  
**Subject:** FW: NY Times

**Follow Up Flag:** Follow up  
**Flag Status:** Purple

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

From: Rosemary Harold  
Sent: Friday, January 09, 2009 12:43 AM  
To: RMCSTAFF  
Subject: Fw: NY Times

This should be the whole thing -- sorry about the cutoff in the earlier version.

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

From: Tramont, Bryan <BTramont@wbklaw.com>  
To: Rosemary Harold  
Sent: Fri Jan 09 00:24:57 2009  
Subject: Fw: NY Times

-- Sent from Blackberry Device --

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

From: Tramont, Bryan  
To: Krinsky, Adam; Tramont, Bryan  
Sent: Fri Jan 09 00:24:16 2009  
Subject: NY Times

NY Times  
January 9, 2009  
Op-Contributors  
Don't Touch That Dial  
By WILLIAM KENNARD and MICHAEL POWELL

THE countdown clock is ticking on the digital television transition and it is becoming increasingly clear that the nation will not be ready. Analog television broadcasts are scheduled to stop on Feb. 17 and, after that, only digital signals are to be available. Then millions of Americans who rely on analog TV sets and antennas must start using converter boxes that will allow them to receive digital signals, or see only a black screen.

In 2005, Congress devised a program meant to ensure that this transition would be smooth. But with 40 days to go, it is now clear that we are heading for a train wreck - unless Congress delays the transition for a few months to allow more time to prepare.

People who subscribe to cable or satellite services or have a newer television with a digital tuner are not at risk of losing their programming. But as many as 19 million American households still rely solely on over-the-air analog television, and perhaps another 19 million use over-the-air in combination with cable or satellite. This population is disproportionately made up of poorer households, the elderly and members of minority groups.

To ease the burden of buying a converter box, Congress appropriated \$1.34 billion for 33.5 million \$40 coupons that can be redeemed at stores where the boxes are

sold. (Boxes cost \$40 to \$80.) People who want these coupons must apply for them from the Commerce Department's National Telecommunications and Information Administration, and then it takes about four to six weeks for them to arrive in the mail. After 90 days, the coupons expire and no one is allowed to request a second one.

Demand for the coupons has been much greater than expected. More than 46 million requests have come in. And there aren't enough coupons to go around. Starting this week, all new requests are being put on a waiting list. No additional coupons can be issued until those already issued expire.

Of course, it is already too late to apply for a coupon and receive it before Feb. 17.

And coupons or no coupons, there is a real danger that there will not be enough converter boxes on store shelves to meet demand. So far 18 million boxes have been purchased using coupons, and an estimated 11 million are in inventory. But total demand is estimated to be 33 million to 60 million units. So there could easily be a shortage of 4 million to 31 million.

The government is also unprepared to handle the volume of calls from baffled television viewers once the switch to digital occurs. Nearly 1.5 million calls are expected to come into a special Federal Communications Commission call center on each of the two days following the transition, but this center will be able to handle only about 350,000 calls a day.

Moreover, many people will need help hooking up their converter boxes and setting up their antennas. (Picking up the digital signal may require reorienting or moving an antenna, or buying a more powerful digital antenna.) The government should train community groups to give assistance to those who need it.

By delaying the switch to digital by just a few months, and spending more money on the program - which the Obama transition team hinted on Thursday that it might favor - we could provide enough coupons and establish a stronger call center. There would be time for manufacturers to put more converter boxes in the pipeline. And we'd have enough time to work with community groups to provide technical assistance and support to the people who need it.

If the transition to digital TV goes badly, it will inconvenience millions. There is no reason to rush toward a fiasco when we can just as well take the time to make sure the change happens smoothly.

William Kennard was the chairman of the Federal Communications Commission from 1997 to 2001 and is a member of The New York Times board of directors.

Michael Powell was the F.C.C. chairman from 2001 to 2005.

-- Sent from Blackberry Device --

This electronic message transmission contains information from the law firm of Wilkinson Barker Knauer, LLP which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone at 202.783.4141 or by electronic mail (administrator@wbklaw.com) immediately.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:53 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Markey Draft Keeps Feb. 17 DTV Transition

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

From: Rosemary Harold  
Sent: Friday, January 09, 2009 6:03 PM  
To: Brigid Calamis; RMCSTAFF  
Subject: Re: Markey Draft Keeps Feb. 17 DTV Transition

Note that this reports NTIA spokesperson said that the agency has issued 334,000 new coupons since Sunday as unredeemed ones expired.

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

From: Brigid Calamis  
To: RMCSTAFF  
Sent: Fri Jan 09 17:22:34 2009  
Subject: Fw: Markey Draft Keeps Feb. 17 DTV Transition

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: EdHearn@aol.com <EdHearn@aol.com>  
To: EdHearn@aol.com <EdHearn@aol.com>  
Sent: Fri Jan 09 17:09:57 2009  
Subject: Markey Draft Keeps Feb. 17 DTV Transition

Markey Draft Keeps Feb. 17 DTV Transition

Bill Flies In Face Obama Team Request For Delay

By Ted Hearn -- Multichannel News, 1/9/2009 11:16:00 AM

Washington -- Rep. Edward Markey (D. Mass.) is circulating a draft bill on the digital TV transition that would retain the Feb. 17 cutoff of analog TV signals, despite a request Thursday by the co-chairman of the Obama transition team for a delay.

Markey's bill would waive a budget law to allow the Commerce Department to begin mailing out millions of \$40 coupons to consumers who need to buy digital-to-analog converter boxes to watch TV with an antenna.

The bill would also allow Commerce's National Telecommunications and Information Administration to assume that 70% of coupons mailed will be used. Current laws force NTIA to assume that all unexpired coupons will be used, even though the one-year-old program

has seen nearly half of all coupons go unused before their 90-day expiration.

Markey, who on Jan. 8 gave up the chairmanship of the House Communications, Technology and the Internet Subcommittee, remains influential on communications policy. In 2008, he held numerous hearings on the DTV transition.

The budget law, called the Antideficiency Act, has forced NTIA to create a waiting list that includes requests for 1.35 million coupons. NTIA can't issue new coupons until old ones have expired, which recycles money into the program. NTIA has re-issued 334,000 expired coupons since Sunday, an NTIA spokesman said Friday.

On Thursday, Obama transition co-chair John Podesta called for a delay, citing NTIA's coupon program backlog and claiming that too many poor, rural and elderly residents were unprepared for the analog TV cutoff so soon after new the president takes office on Jan. 20.

"With coupons unavailable, support and education insufficient, and the most vulnerable Americans exposed, I urge you to consider a change to the legislatively-mandated analog cutoff date," Podesta said in a letter to the bipartisan leadership of the House and Senate commerce committees.

Obama's call for delay was sharply criticized by Rep. Joe Barton, a senior House Republican who helped design the DTV transition law signed by President Bush in February 2006.

Barton decried Obama's suggestion, saying "ditching the deadline and slathering on more millions of taxpayer dollars...is just panic."

U.S. Commerce Secretary Carlos Gutierrez said Friday that he supported retention of Feb. 17 as the transition date.

"We think the statutory date made sense, and its certainty has been a key element of efforts by the government and the private sector to raise awareness and drive preparedness. That's why we supported it. We still do. We're working closely to ensure a smooth transition, and we'll let the next administration comment on the President-elect's views."

« Back <javascript:history.go(-1)> | Print <javascript:window.print()>

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

---

New year...new news. Be the first to know what is making headlines <<http://www.aol.com/?ncid=emlcntaolcom00000026>> .

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:12 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Kennard and Powell on DTV delay

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

From: Rosemary Harold  
Sent: Friday, January 09, 2009 2:20 AM  
To: 'kathy\_zachem@comcast.com'  
Subject: Re: Kennard and Powell on DTV delay

Thanks much. It's been quite an interesting day.

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

From: Zachem, Kathy <Kathy\_Zachem@Comcast.com>  
To: Rosemary Harold  
Sent: Fri Jan 09 00:11:18 2009  
Subject: FW: Kennard and Powell on DTV delay

NY Times  
January 9, 2009  
Op-Contributors  
Don't Touch That Dial  
By WILLIAM KENNARD and MICHAEL POWELL

THE countdown clock is ticking on the digital television transition and it is becoming increasingly clear that the nation will not be ready. Analog television broadcasts are scheduled to stop on Feb. 17 and, after that, only digital signals are to be available. Then millions of Americans who rely on analog TV sets and antennas must start using converter boxes that will allow them to receive digital signals, or see only a black screen.

In 2005, Congress devised a program meant to ensure that this transition would be smooth. But with 40 days to go, it is now clear that we are heading for a train wreck - unless Congress delays the transition for a few months to allow more time to prepare.

People who subscribe to cable or satellite services or have a newer television with a digital tuner are not at risk of losing their programming. But as many as 19 million American households still rely solely on over-the-air analog television, and perhaps another 19 million use over-the-air in combination with cable or satellite. This population is disproportionately made up of poorer households, the elderly and members of minority groups.

To ease the burden of buying a converter box, Congress appropriated \$1.34 billion for 33.5 million \$40 coupons that can be redeemed at stores where the boxes are sold. (Boxes cost \$40 to \$80.) People who want these coupons must apply for them from the Commerce Department's National Telecommunications and Information Administration, and then it takes about four to six weeks for them to arrive in the mail. After 90 days, the coupons expire and no one is allowed to request a second one.

Demand for the coupons has been much greater than expected. More than 46 million requests have come in. And there aren't enough coupons to go around. Starting this week, all new requests are being put on a waiting list. No additional

coupons can be issued until those already issued expire.

Of course, it is already too late to apply for a coupon and receive it before Feb. 17.

And coupons or no coupons, there is a real danger that there will not be enough converter boxes on store shelves to meet demand. So far 18 million boxes have been purchased using coupons, and an estimated 11 million are in inventory. But total demand is estimated to be 33 million to 60 million units. So there could easily be a shortage of 4 million to 31 million.

The government is also unprepared to handle the volume of calls from baffled television viewers once the switch to digital occurs. Nearly 1.5 million calls are expected to come into a special Federal Communications Commission call center on each of the two days following the transition, but this center will be able to handle only about 350,000 calls a day.

Moreover, many people will need help hooking up their converter boxes and setting up their antennas. (Picking up the digital signal may require reorienting or moving an antenna, or buying a more powerful digital antenna.) The government should train community groups to give assistance to those who need it.

By delaying the switch to digital by just a few months, and spending more money on the program - which the Obama transition team hinted on Thursday that it might favor - we could provide enough coupons and establish a stronger call center. There would be time for manufacturers to put more converter boxes in the pipeline. And we'd have enough time to work with community groups to provide technical assistance and support to the people who need it.

If the transition to digital TV goes badly, it will inconvenience millions. There is no reason to rush toward a fiasco when we can just as well take the time to make sure the change happens smoothly.

William Kennard was the chairman of the Federal Communications Commission from 1997 to 2001 and is a member of The New York Times board of directors. Michael Powell was the F.C.C. chairman from 2001 to 2005.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:53 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Markey Draft Keeps Feb. 17 DTV Transition

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

From: Rosemary Harold  
Sent: Friday, January 09, 2009 6:03 PM  
To: Brigid Calamis; RMCSTAFF  
Subject: Re: Markey Draft Keeps Feb. 17 DTV Transition

Note that this reports NTIA spokesperson said that the agency has issued 334,000 new coupons since Sunday as unredeemed ones expired.

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

From: Brigid Calamis  
To: RMCSTAFF  
Sent: Fri Jan 09 17:22:34 2009  
Subject: Fw: Markey Draft Keeps Feb. 17 DTV Transition

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: EdHearn@aol.com <EdHearn@aol.com>  
To: EdHearn@aol.com <EdHearn@aol.com>  
Sent: Fri Jan 09 17:09:57 2009  
Subject: Markey Draft Keeps Feb. 17 DTV Transition

Markey Draft Keeps Feb. 17 DTV Transition

Bill Flies In Face Obama Team Request For Delay

By Ted Hearn -- Multichannel News, 1/9/2009 11:16:00 AM

Washington -- Rep. Edward Markey (D. Mass.) is circulating a draft bill on the digital TV transition that would retain the Feb. 17 cutoff of analog TV signals, despite a request Thursday by the co-chairman of the Obama transition team for a delay.

Markey's bill would waive a budget law to allow the Commerce Department to begin mailing out millions of \$40 coupons to consumers who need to buy digital-to-analog converter boxes to watch TV with an antenna.

The bill would also allow Commerce's National Telecommunications and Information Administration to assume that 70% of coupons mailed will be used. Current laws force NTIA to assume that all unexpired coupons will be used, even though the one-year-old program

has seen nearly half of all coupons go unused before their 90-day expiration.

Markey, who on Jan. 8 gave up the chairmanship of the House Communications, Technology and the Internet Subcommittee, remains influential on communications policy. In 2008, he held numerous hearings on the DTV transition.

The budget law, called the Antideficiency Act, has forced NTIA to create a waiting list that includes requests for 1.35 million coupons. NTIA can't issue new coupons until old ones have expired, which recycles money into the program. NTIA has re-issued 334,000 expired coupons since Sunday, an NTIA spokesman said Friday.

On Thursday, Obama transition co-chair John Podesta called for a delay, citing NTIA's coupon program backlog and claiming that too many poor, rural and elderly residents were unprepared for the analog TV cutoff so soon after new the president takes office on Jan. 20.

"With coupons unavailable, support and education insufficient, and the most vulnerable Americans exposed, I urge you to consider a change to the legislatively-mandated analog cutoff date," Podesta said in a letter to the bipartisan leadership of the House and Senate commerce committees.

Obama's call for delay was sharply criticized by Rep. Joe Barton, a senior House Republican who helped design the DTV transition law signed by President Bush in February 2006.

Barton decried Obama's suggestion, saying "ditching the deadline and slathering on more millions of taxpayer dollars...is just panic."

U.S. Commerce Secretary Carlos Gutierrez said Friday that he supported retention of Feb. 17 as the transition date.

"We think the statutory date made sense, and its certainty has been a key element of efforts by the government and the private sector to raise awareness and drive preparedness. That's why we supported it. We still do. We're working closely to ensure a smooth transition, and we'll let the next administration comment on the President-elect's views."

« Back <javascript:history.go(-1)> | Print <javascript:window.print()>

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

---

New year...new news. Be the first to know what is making headlines <<http://www.aol.com/?ncid=emlcntaolcom00000026>> .

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:13 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Markey Draft Keeps Feb. 17 DTV Transition

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

From: Rosemary Harold  
Sent: Friday, January 09, 2009 6:03 PM  
To: Brigid Calamis; RMCSTAFF  
Subject: Re: Markey Draft Keeps Feb. 17 DTV Transition

Note that this reports NTIA spokesperson said that the agency has issued 334,000 new coupons since Sunday as unredeemed ones expired.

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

From: Brigid Calamis  
To: RMCSTAFF  
Sent: Fri Jan 09 17:22:34 2009  
Subject: Fw: Markey Draft Keeps Feb. 17 DTV Transition

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

From: EdHearn@aol.com <EdHearn@aol.com>  
To: EdHearn@aol.com <EdHearn@aol.com>  
Sent: Fri Jan 09 17:09:57 2009  
Subject: Markey Draft Keeps Feb. 17 DTV Transition

Markey Draft Keeps Feb. 17 DTV Transition

Bill Flies In Face Obama Team Request For Delay

By Ted Hearn -- Multichannel News, 1/9/2009 11:16:00 AM

Washington -- Rep. Edward Markey (D. Mass.) is circulating a draft bill on the digital TV transition that would retain the Feb. 17 cutoff of analog TV signals, despite a request Thursday by the co-chairman of the Obama transition team for a delay.

Markey's bill would waive a budget law to allow the Commerce Department to begin mailing out millions of \$40 coupons to consumers who need to buy digital-to-analog converter boxes to watch TV with an antenna.

The bill would also allow Commerce's National Telecommunications and Information Administration to assume that 70% of coupons mailed will be used. Current laws force NTIA to assume that all unexpired coupons will be used, even though the one-year-old program

has seen nearly half of all coupons go unused before their 90-day expiration.

Markey, who on Jan. 8 gave up the chairmanship of the House Communications, Technology and the Internet Subcommittee, remains influential on communications policy. In 2008, he held numerous hearings on the DTV transition.

The budget law, called the Antideficiency Act, has forced NTIA to create a waiting list that includes requests for 1.35 million coupons. NTIA can't issue new coupons until old ones have expired, which recycles money into the program. NTIA has re-issued 334,000 expired coupons since Sunday, an NTIA spokesman said Friday.

On Thursday, Obama transition co-chair John Podesta called for a delay, citing NTIA's coupon program backlog and claiming that too many poor, rural and elderly residents were unprepared for the analog TV cutoff so soon after new the president takes office on Jan. 20.

"With coupons unavailable, support and education insufficient, and the most vulnerable Americans exposed, I urge you to consider a change to the legislatively-mandated analog cutoff date," Podesta said in a letter to the bipartisan leadership of the House and Senate commerce committees.

Obama's call for delay was sharply criticized by Rep. Joe Barton, a senior House Republican who helped design the DTV transition law signed by President Bush in February 2006.

Barton decried Obama's suggestion, saying "ditching the deadline and slathering on more millions of taxpayer dollars...is just panic."

U.S. Commerce Secretary Carlos Gutierrez said Friday that he supported retention of Feb. 17 as the transition date.

"We think the statutory date made sense, and its certainty has been a key element of efforts by the government and the private sector to raise awareness and drive preparedness. That's why we supported it. We still do. We're working closely to ensure a smooth transition, and we'll let the next administration comment on the President-elect's views."

« Back <javascript:history.go(-1)> | Print <javascript:window.print()>

© 2009, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.

---

New year...new news. Be the first to know what is making headlines <<http://www.aol.com/?ncid=emlcntaolcom00000026>> .

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:14 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Q& A draft for Saturday

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

**From:** Rosemary Harold  
**Sent:** Friday, January 09, 2009 7:21 PM  
**To:** 'haroldknipe@msn.com'  
**Subject:** Fw: Q& A draft for Saturday

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

**From:** Michael Knipe <haroldknipe@msn.com>  
**To:** Rosemary Harold; haroldknipe@msn.com <haroldknipe@msn.com>  
**Sent:** Thu Jan 08 19:42:08 2009  
**Subject:** Q& A draft for Saturday

Q. Do you support a push-back in the DTV transition date?

The decision on any such change is Congress's to make. As of right now, the transition date remains Feb. 17, and the Commission's main task should be focusing on taking all steps possible to keep the momentum moving and making the transition as smooth as possible.

That said, we know that the transition is likely to be messy for those people who have not yet taken steps to get ready for the change. But there are things government can do, and time to do it, to help. Congress can, and I [hope][expect] will, take quick action to lift constraints imposed by the Anti-Deficiency Act on existing funding for the DTV converter coupon program. Doing so will allow the coupon program to start pumping out more coupons to applicants quickly.

And the Commission, working in close cooperation with our industry partners under the leadership of NAB and NCTA, can improve upon our call center capabilities so that we can handle the volume of calls we anticipate at the time of the transition and the days afterward.

In any event, the transition is coming - and I hope that no one interprets recent discussions about a possible change of date as a justification for delaying action to make sure that they themselves are ready NOW. Those who have older, analog sets and still get their TV over the air through rooftop antennas or set-top "rabbit ears" are the ones most at risk now. They need to obtain a DTV converter box today if they cannot afford to buy a new digital TV set or subscribe to cable or satellite. Those who are not yet prepared and can afford to buy a converter box should do so immediately. For those who cannot, I hope that their family, friends and neighbors will step in to help - buying purchasing at least one box for them or contributing toward the cost of it.

Q1 [OLD]. Will the Feb. 17 DTV transition be just Y2K all over again?

I expect the DTV transition to be a bit messy, but between now and then, we have time - and should concentrate on - taking steps to make the transition work as seamlessly as we can. Congress can, and I expect will, take action to allow the DTV converter subsidy coupons to start flowing out again to applicants. The FCC and its industry partners are working together to resolve final technical issues and to try to provide timely, helpful assistance through call centers that should be beefed up by Feb. 17.

But the DTV transition also is a time for individual action. Most American households are prepared, but for the 7 percent or so that recent data suggests are not - about 8 million households total - the time for action is right now. These are the folks who rely on over-the-air signals, and they need to act today. The cheapest option is to buy a converter box, which typically sell at retail for somewhere between \$50-\$80 dollars. People don't need a government-subsidized coupons to buy a box right now, and those who can afford them shouldn't wait to take action. DTV - with its better pictures, sound quality and additional channels - is available right now, so there is no reason to wait to take advantage of better, free broadcast service.

Q2 [OLD]. Is the federal government doing enough to make the transition go smoothly? Did it wait too long to get started?

I'm not here to point fingers - or do a post-mortem on an event that has not yet occurred. What is needed right now is for those of us involved in making the transition happen, both government and industry, to keep up the momentum by working together to make the transition as smooth as possible.

Q3. [OLD] The DTV coupon program has hit a wall at a crucial time, with requests for new coupons being put on hold until previously issued ones expire. How big a problem is this? (As of mid-December, NTIA reported that an estimated 76% of OTA-reliant households had applied for coupons. Thus, with about two months before the analog cutoff, about 3 million OTA-reliant households hadn't acted yet, and several million more were either waiting for a coupon or had yet to redeem theirs.)

This is an issue, of course, but Congress can address it - and plainly, given recent statements this week from several members, there is bipartisan interest in doing so. One thing that Congress could do quickly is lift restraints imposed by the Anti-Deficiency Act, which has slowed NTIA's ability to work quickly with already authorized funding. And there remains the possibility of additional funding, which several interested entities - including, most prominently, the Obama transition team - have said they want to be part of the conversation as well.

Q4 [OLD]. What are the most important things the government learned from the pilot analog shut-off in Wilmington, N.C.? And what did the experience teach us about how well DTV signals propagate compared to analog ones? Will 95% of consumers be able to use the same antenna they've been using for analog TV, as the FCC has said in the past?

Q5 [OLD]. The FCC announced \$8.4 million in grants Monday to various grass-roots groups to help get people connected. Isn't it a bit late in the game to be doing that? And aside from the coupon program, how much money of the money available to assist the public with the DTV transition has been spent on efforts to physically help people set up their TVs?

My information about these contracts is limited - other commissioners have not been in the loop about the details, so my insights are limited to what appeared in the FCC press release. From that, it is difficult to tell how much funding is devoted to "physically" helping people set up their converter boxes or address antenna issues, but it appears that seven contracts - totaling about \$4.2 million - appear to contemplate sort of hands-on assistance in some, but not all, areas of the country. Not all of that \$4.2 million appears to be devoted to that kind of help, however.

So I do have some concerns that these efforts are "too little, too late." But for months during my own DTV outreach trips around the country, I have been urging local broadcasters in the markets I've visited not to wait for the federal government to completely step into this role - which is why I have encouraged them to do their own outreach in their own communities to solicit volunteers to help stations offer this kind of assistance to people who need it. Third-party groups like churches, colleges and high schools, and civic organizations all could provide such help.

Q6 [OLD]. What data are there on the return rates for converters? Has a secondary market emerged (on eBay, for example)? Any sense for how many were bought by people who didn't need them, but were confused by the messaging?

[Need to check e-Bay]

I've just checked e-Bay to see if I could find signs of a booming secondary market, because I haven't heard reports of such sales on any wide basis...

Q7 [OLD]. I've seen conflicting reports about retailers' stocks of converter boxes. What's your information on that?

I've heard some conflicting reports, but I note that CEA on Thursday came out with a statement that, according to its survey of retailers, boxes are available at major stores - including both electronics stores and more general venues like WalMart - and through online retailers. I suspect that there may be spot shortages in some places, however. That's another good reason why people who need the boxes to keep their older analog sets working should run, not walk, to their nearest favorite retailer to purchase a box today.

Q8 [OLD]. If I were a retailer, I'd prefer to err on the side of having too few boxes than having too many, given that there will be essentially no demand for them at some point in the not-too-distant future. Do you think there will be any demand for converters after the last coupon expires in July? And what, if anything, should the government do to

help retailers with this inventory dilemma? Buy back the unsold converters?

I'm not retail expert, but at this point I'm not convinced that demand will completely dry up in [July]. There still are many homes out there hooked up to cable or satellite TV for some sets but with the odd, rabbit-ears set in a guest room or the basement. Depending on the finances of those households - and the attention being paid to those sets by the homeowners - there may be some demand continuing through 2009. I certainly would expect it to drop off the further in time we get from the transition date, of course.

Q9 [OLD]. Back when the FCC set the framework for the digital transition, the hope of then-Chairman Reed Hundt was that broadcasters would make innovative use of their spectrum -- offering a variety of data, communications and video services. That doesn't seem to be the way things have played out, however. How well do you think the spectrum is being used? Did the feds make any fundamentally bad choices on the route to the analog cut-off? Or is this shaping up as an unalloyed success?

The digital transition was the right decision for several reasons. For broadcasters themselves, the big news now for the future appears to be the promise of mobile TV - and so digital technology's potential for more program channels, as well as better pictures and sound, is a major plus.

For spectrum policy generally, the transition also is a plus. We've been able to pack DTV channels into a smaller portion of the old TV band, thereby freeing up spectrum with terrific propagation characteristics for new wireless uses - both commercial uses and public safety ones. In addition, the greater sophistication of digital TV technology has helped to make possible the potential use of "white spaces" in the TV band for other wireless services - because the technology makes it financially feasible to develop the technology that should allow both uses to co-exist in a way that would not have been possible in the analog environment.

Q10 [OLD]. How should we define a broadcaster's public interest obligations in the digital era, when there are so many sources of media and information?

I'm glad that you've posed the question this way because it sets up the policy balance we will need to work through. At this point in time, I am extremely hesitant to impose additional obligations on broadcasters who already are struggling financially to keep up their current efforts. One of our local stations in Washington, for example, just announced that it will cancel its local newcasts on Saturday and Sunday mornings. That station isn't alone - falling revenue is having a negative impact on TV newsrooms across the country. I do not favor adding new government mandates now that could well result in the loss of further jobs in local news and public affairs programming.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:36 PM  
**To:** Rafael Fernandez  
**Subject:** FW: S. 328 (Senate's DTV Delay Act)

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 1:49 PM  
**To:** RMCDSTAFF  
**Subject:** S. 328 (Senate's DTV Delay Act)

Thanks to intern Jonathan Havens, the full (and very short) text of the legislation as passed by the Senate is pasted in below. Highlights:

- Pushes back end of analog broadcasting from Feb. 17, 2009 to June 12, 2009.
- Extends the license terms for the "recovered" TV spectrum to June 12, 2009 (a 116-day period).
- Allows NTIA to issue replacement coupons (up to the original limit of two per household) for any household that requests a replacement for coupons that expired.
- Permits TV licensees to terminate their analog signal before June 12, 2009, "so long as such termination is conducted in accordance with the FCC's requirements in effect on the date of enactment of this Act, including the flexible procedures" for notice of early termination in the Third Periodic. As I read that language, this gives stations the right to terminate at any time during the extension period as long as they have given us at least 30 days notice, which is what is required right now under the Third Periodic. (Until the rules got more flexible last October, they had to give us 90 days notice.)
- Please also note that the DTV Delay Act provides both the FCC and NTIA broad authority to make new/revised rules to implement the bill, though we must do so within 30 days. Presumably what to do about notice requirements, both to us and to consumers, is going to be a big part of the FCC implementation decisions.
- If a station terminates early and thereby frees up spectrum on the higher channels to be devoted to public safety uses (frequencies between 768-776 MHz and 798-806 MHz), the FCC "may" permit public safety entities to start using that spectrum for those uses if the FCC determines such use would (1) serve the public interest, and (2) not cause harmful interference to either DTV or existing analog TV signals. The FCC has authority to use expedited procedures to process applications for this purposes.
- Extends relevant auction authority to 2012.

As I noted earlier, the DTV Delay Act does not address the provision of additional funding to either the NTIA for the coupon program or us for consumer outreach (e.g., call center, boots-on-ground) or any other component of this. Reportedly \$650 million for the purpose, currently designated to go to NTIA alone, is in the stimulus package. OLA also reports that there is some Hill staff understanding that the money needs to be divvied up between the two agencies, with the bulk to go to NTIA. Mechanics on how to do that remain pending.

---

**From:** Jonathan Havens  
**Sent:** Tuesday, January 27, 2009 12:42 PM

3/9/2009

**To:** Rosemary Harold  
**Subject:** S. 328

**DTV Delay Act (Engrossed as Agreed to or Passed by Senate)**

S 328 ES

111th CONGRESS  
 1st Session  
**S. 328**

**AN ACT**

To postpone the DTV transition date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `DTV Delay Act'.

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

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

- (1) by striking `February 18, 2009;' in paragraph (1) and inserting `June 13, 2009;'; and
- (2) by striking `February 18, 2009,' in paragraph (2) and inserting `that date'.

(b) EXTENSION OF COUPON PROGRAM- Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking `March 31, 2009,' and inserting `July 31, 2009,'.

(c) Conforming Amendments-

- (1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking `February 17, 2009.' and inserting `June 12, 2009.'.
- (2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking `February 17, 2009.' and inserting `June 12, 2009.'.
- (3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking `February 17, 2009,' and inserting `June 12, 2009,'.

(d) License Terms-

- (1) Extension- The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.
- (2) Definition- In this subsection, the term `recovered spectrum' means--
  - (A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

### **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.**

(a) Treatment of Expired Coupons- Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

` (D) Expired coupons- The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.'.

(b) Conforming amendment- Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking `receives, via the United States Postal Service,' and inserting `redeems'.

### **SEC. 4. IMPLEMENTATION.**

(a) Permissive Early Termination Under Existing Requirements- Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) Public Safety Radio Services-

(1) Use on cleared spectrum- Notwithstanding the amendments made by section 2, if--

(A) a television broadcast station ceases the broadcasting of such station's analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776 megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009, the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause harmful interference to full-power television stations in the analog or digital television service.

(2) Expedited procedures- The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety

Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) Expedited Rulemaking- Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

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

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking `2011.' and inserting `2012.'.

## **SEC. 6. EMERGENCY DESIGNATION.**

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

Passed the Senate January 26, 2009.

Attest:

Secretary.

111th CONGRESS  
1st Session  
**S. 328**  
**AN ACT**

To postpone the DTV transition date.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:36 PM  
**To:** Rafael Fernandez  
**Subject:** FW: S. 328 (Senate's DTV Delay Act)

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 1:49 PM  
**To:** RMCDSTAFF  
**Subject:** S. 328 (Senate's DTV Delay Act)

Thanks to intern Jonathan Havens, the full (and very short) text of the legislation as passed by the Senate is pasted in below. Highlights:

- Pushes back end of analog broadcasting from Feb. 17, 2009 to June 12, 2009.
- Extends the license terms for the "recovered" TV spectrum to June 12, 2009 (a 116-day period).
- Allows NTIA to issue replacement coupons (up to the original limit of two per household) for any household that requests a replacement for coupons that expired.
- Permits TV licensees to terminate their analog signal before June 12, 2009, "so long as such termination is conducted in accordance with the FCC's requirements in effect on the date of enactment of this Act, including the flexible procedures" for notice of early termination in the Third Periodic. As I read that language, this gives stations the right to terminate at any time during the extension period as long as they have given us at least 30 days notice, which is what is required right now under the Third Periodic. (Until the rules got more flexible last October, they had to give us 90 days notice.)
- Please also note that the DTV Delay Act provides both the FCC and NTIA broad authority to make new/revised rules to implement the bill, though we must do so within 30 days. Presumably what to do about notice requirements, both to us and to consumers, is going to be a big part of the FCC implementation decisions.
- If a station terminates early and thereby frees up spectrum on the higher channels to be devoted to public safety uses (frequencies between 768-776 MHz and 798-806 MHz), the FCC "may" permit public safety entities to start using that spectrum for those uses if the FCC determines such use would (1) serve the public interest, and (2) not cause harmful interference to either DTV or existing analog TV signals. The FCC has authority to use expedited procedures to process applications for this purposes.
- Extends relevant auction authority to 2012.

As I noted earlier, the DTV Delay Act does not address the provision of additional funding to either the NTIA for the coupon program or us for consumer outreach (e.g., call center, boots-on-ground) or any other component of this. Reportedly \$650 million for the purpose, currently designated to go to NTIA alone, is in the stimulus package. OLA also reports that there is some Hill staff understanding that the money needs to be divvied up between the two agencies, with the bulk to go to NTIA. Mechanics on how to do that remain pending.

---

**From:** Jonathan Havens  
**Sent:** Tuesday, January 27, 2009 12:42 PM

3/9/2009

**To:** Rosemary Harold  
**Subject:** S. 328

**DTV Delay Act (Engrossed as Agreed to or Passed by Senate)**

S 328 ES

111th CONGRESS  
 1st Session  
**S. 328**

---

**AN ACT**

To postpone the DTV transition date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `DTV Delay Act'.

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

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

- (1) by striking `February 18, 2009;' in paragraph (1) and inserting `June 13, 2009;'; and
- (2) by striking `February 18, 2009,' in paragraph (2) and inserting `that date'.

(b) EXTENSION OF COUPON PROGRAM- Section 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amended by striking `March 31, 2009,' and inserting `July 31, 2009,'.

(c) Conforming Amendments-

- (1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking `February 17, 2009.' and inserting `June 12, 2009.'.
- (2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking `February 17, 2009.' and inserting `June 12, 2009.'.
- (3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking `February 17, 2009,' and inserting `June 12, 2009,'.

(d) License Terms-

- (1) Extension- The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.
- (2) Definition- In this subsection, the term `recovered spectrum' means--
  - (A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

### **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.**

(a) Treatment of Expired Coupons- Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

(D) Expired coupons- The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.'

(b) Conforming amendment- Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking 'receives, via the United States Postal Service,' and inserting 'redeems'.

### **SEC. 4. IMPLEMENTATION.**

(a) Permissive Early Termination Under Existing Requirements- Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) Public Safety Radio Services-

(1) Use on cleared spectrum- Notwithstanding the amendments made by section 2, if--

(A) a television broadcast station ceases the broadcasting of such station's analog television service under subsection (a) of this section prior to June 12, 2009, and

(B) as a consequence of such cessation, spectrum between frequencies 768 and 776 megahertz, inclusive, and 798 and 806 megahertz, inclusive, becomes available for non-television broadcast use prior to June 12, 2009, the Federal Communications Commission shall permit the use of such spectrum for authorized public safety radio services if the Commission determines that such use is in the public interest and does not cause harmful interference to full-power television stations in the analog or digital television service.

(2) Expedited procedures- The Federal Communications Commission may use expedited procedures, and may waive such rules as may be necessary, to make a determination on an application made under paragraph (1) to begin such use of such spectrum by a public safety agency (as such term is defined in section 3006(d)(1) of the Digital Television Transition and Public Safety

Act of 2005) in not less than 2 weeks after the date of submission of such application.

(c) Expedited Rulemaking- Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

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

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking `2011.' and inserting `2012.'.

## **SEC. 6. EMERGENCY DESIGNATION.**

Each amount made available under section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) as a result of the amendments made by this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

Passed the Senate January 26, 2009.

Attest:

Secretary.

111th CONGRESS  
1st Session  
**S. 328**  
**AN ACT**

To postpone the DTV transition date.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:37 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Action on DTV Delay Bill

**Importance:** High

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 2:42 PM  
**To:** RMCSTAFF  
**Subject:** FW: House Action on DTV Delay Bill  
**Importance:** High

Debate in the House tonight but no vote until tomorrow. Guess I'll be watching C-SPAN this evening....

---

**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.

---

**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 >>

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:37 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Action on DTV Delay Bill

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 2:43 PM  
**To:** William Freedman  
**Subject:** FW: House Action on DTV Delay Bill

FYI

---

**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.

---

**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 >>

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:37 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Action on DTV Delay Bill

**Importance:** High

**Attachments:** S328\_SUS\_xml.pdf

---

**From:** Rosemary Harold  
**Sent:** Tuesday, January 27, 2009 5:51 PM  
**To:** RMCSTAFF  
**Subject:** FW: House Action on DTV Delay Bill  
**Importance:** High

Latest FYI -- Debate now not likely until later this evening, and the House has made a few tweaks that will require sending it back to the Senate. This afternoon, Nick and I worked on an insert for the speech that, should Rob wish to use it, assumes that passage is imminent but won't have happened at the time of delivery.

---

**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.



S328\_SUS\_xml.pdf  
(40 KB)

---

**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.

---

**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 >>

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:39 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Action on DTV Delay Bill

**Importance:** High

**Attachments:** House Floor Debate on DTV Delay Act (Congressional Record, 1.28.09).doc

---

**From:** Rosemary Harold  
**Sent:** Wednesday, January 28, 2009 9:36 AM  
**To:** RMCDSTAFF  
**Subject:** FW: House Action on DTV Delay Bill  
**Importance:** High

FYI -- I'm about to review the 36-page transcript now. Note that there is now some uncertainty about passage.

---

**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.



House Floor Debate  
on DTV Dela...

---

**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 >>

---

**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.

---

**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 >>

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:40 PM  
**To:** Rafael Fernandez  
**Subject:** FW: A new DTV spoof on the potential delay

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 29, 2009 10:37 AM  
**To:** Rick Chessen; Rudy Brioche; Gary Epstein; Eloise Gore; Barbara Kreisman; Cathy Seidel; Julius Knapp  
**Subject:** A new DTV spoof on the potential delay

In case you haven't already seen it....

<http://www.hulu.com/watch/54019/talkshow-with-spike-feresten-tv-psa-update>

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:40 PM  
**To:** Rafael Fernandez  
**Subject:** FW: A new DTV spoof on the potential delay

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 29, 2009 10:37 AM  
**To:** 'michael.knipe@ogc.usda.gov'  
**Subject:** FW: A new DTV spoof on the potential delay

<http://www.hulu.com/watch/54019/talkshow-with-spike-feresten-tv-psa-update>

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:41 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Congress Daily: Effort underway to expedite revised DTV delay measure

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 29, 2009 4:14 PM  
**To:** 'michael.knipe@ogc.usda.gov'  
**Subject:** FW: Congress Daily: Effort underway to expedite revised DTV delay measure

This feels like it's the baby brother of the fight over the stimulus package.

---

**From:** Brigid Calamis  
**Sent:** Thursday, January 29, 2009 4:04 PM  
**To:** RMCDSTAFF  
**Subject:** Congress Daily: Effort underway to expedite revised DTV delay measure

Congress Daily  
 TELECOMMUNICATIONS

## **Effort Under Way To Expedite Revised DTV Delay Measure**

*Thursday, Jan. 29, 2009*

In an effort to placate first responders, Senate Commerce Chairman **John (Jay) Rockefeller** is seeking Senate passage today of an updated version of legislation delaying the nation's shift to digital television signals from Feb. 17 to June 12. At presstime, the senator was trying to "hotline" a revised version of his bill that sailed through the chamber Monday to gauge whether it would pass by unanimous consent. Rockefeller's bill is backed by Senate Commerce ranking member **Kay Bailey Hutchison**. But there was speculation that some GOP senators might object in an act of solidarity with House Republicans opposed to a postponement. The development is the latest twist in a pitched battle on Capitol Hill over the fate of the troubled DTV transition, which is set to culminate Feb. 17 unless Congress approves a four-month extension. The revision would make it easier for public-safety agencies to tap spectrum to be vacated by analog broadcasters to improve their emergency communications. Under the change, police, fire and rescue squads would not require FCC approval to use the frequencies.

In an interview, Ken LaSala, director of government relations at the International Association of Fire Chiefs, said the tweak is satisfactory to public safety groups because obtaining the FCC's consent posed an extra hurdle. Nevertheless, the change does not address a broader complaint voiced by House Republicans, who say delaying the DTV transition would force first responders to wait well beyond mid-February to access the airwaves. While some frequencies would become available early for public safety use as TV stations go all-digital with FCC

approval, portions would not be accessible until after the new deadline for terminating analog transmissions.

Republican concerns about this and other implications of a delay helped derail a Democratic effort Wednesday to secure swift House passage of the Senate-approved bill with a two-thirds majority vote to suspend the rules. At presstime, a congressional source said it remained unclear whether Democrats would bring the revised version of the bill to the House floor next week. If they do, it would be considered Tuesday or Wednesday under regular rules requiring a simple majority for approval. Should Rockefeller win Senate approval beforehand, the measure could be expedited to the White House, where President Obama is expected to sign it.

Democrats insist a postponement is necessary because an estimated 6.5 million households remain unprepared for the scheduled Feb. 17 switch to digital signals. After Wednesday's rebuff in the House, Energy and Commerce Chairman **Henry Waxman** blasted Republicans, saying their vote "wasted valuable time and will cause needless confusion for consumers." House Republicans, led by Energy and Commerce ranking member **Joe Barton**, continue to insist a delay is unnecessary. The Texan is championing an alternative bill that aims to quickly clear a backlog of requests for government-issued coupons that consumers can use to reduce the out-of-pocket cost of buying equipment to keep older sets working in the digital era. With only 19 days until Feb. 17, the Commerce Department has a waiting list of more than 3.2 million requests for the \$40 vouchers. "Manufacturers and retailers of converter boxes made and bought boxes based on the February 17 date and no one knows how a delay will affect the supply of boxes," warned Gary Shapiro, who heads the Consumer Electronics Association, a manufacturing trade group. "A delay is costly, affects broadcasters and affects emergency responders."

*by David Hatch*

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:42 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Just heard that the DTV Delay Act passed the Senate again

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 29, 2009 7:13 PM  
**To:** Rick Chessen; Rudy Brioche; Gary Epstein  
**Cc:** Lori Maarbjerg  
**Subject:** Just heard that the DTV Delay Act passed the Senate again

I assume Lori will confirm this officially, but my source seems reliable!

3/9/2009

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:42 PM  
**To:** Rafael Fernandez  
**Subject:** FW: FYI: Just heard that the DTV Delay Act passed the Senate again

---

**From:** Rosemary Harold  
**Sent:** Thursday, January 29, 2009 7:18 PM  
**To:** Eloise Gore; Barbara Kreisman  
**Subject:** FYI: Just heard that the DTV Delay Act passed the Senate again

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:42 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Senate Passed Amended DTV Delay Bill

**Attachments:** S. 352 (Amended Senate DTV bill - as passed).pdf



S. 352 (Amended  
Senate DTV bil...

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

**From:** Rosemary Harold  
**Sent:** Friday, January 30, 2009 9:27 AM  
**To:** RMCSTAFF  
**Subject:** FW: Senate Passed Amended DTV Delay Bill

FYI

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

**From:** Lori Maarbjerg  
**Sent:** Friday, January 30, 2009 9:19 AM  
**To:** Rudy Brioche; Mark Wigfield; Jeff Cohen; Jill Pender; Rick Chessen; Rosemary Harold; Eloise Gore; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Senate Passed Amended DTV Delay Bill

Last night by UC, the Senate passed the House version of the DTV Delay bill. There's a new bill number - S. 352. The text is attached.

As I understand it, the House is still likely to take up the bill next week by going to the Rules Committee on Tuesday, and to the floor on Wednesday. There's a Democratic Retreat next Thursday and Friday, so if it's going to happen it'll be before then.

Please let me know if you have any questions. Thanks!

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:45 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Rules Committee meeting  
**Follow Up Flag:** Follow up  
**Due By:** Wednesday, March 11, 2009 8:48 AM  
**Flag Status:** Red

---

**From:** Rosemary Harold  
**Sent:** Tuesday, February 03, 2009 11:23 AM  
**To:** Jonathan Havens  
**Subject:** RE: House Rules Committee meeting

Thanks very much!

---

**From:** Jonathan Havens  
**Sent:** Tuesday, February 03, 2009 10:39 AM  
**To:** Rosemary Harold  
**Subject:** House Rules Committee meeting

Rosemary,  
I just checked the House Rules Committee website and it looks like the DTV delay bill is one of only two items on the agenda for the 5:00 meeting. I will do some poking around to see if I can find out any intel on timing of the Committee vote and expectations for the meeting.

Jonathan

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:45 PM  
**To:** Rafael Fernandez  
**Subject:** FW: House Rules Committee meeting  
**Follow Up Flag:** Follow up  
**Due By:** Wednesday, March 11, 2009 8:48 AM  
**Flag Status:** Red

---

**From:** Rosemary Harold  
**Sent:** Tuesday, February 03, 2009 11:23 AM  
**To:** Jonathan Havens  
**Subject:** RE: House Rules Committee meeting

Thanks very much!

---

**From:** Jonathan Havens  
**Sent:** Tuesday, February 03, 2009 10:39 AM  
**To:** Rosemary Harold  
**Subject:** House Rules Committee meeting

Rosemary,  
I just checked the House Rules Committee website and it looks like the DTV delay bill is one of only two items on the agenda for the 5:00 meeting. I will do some poking around to see if I can find out any intel on timing of the Committee vote and expectations for the meeting.

Jonathan

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:46 PM  
**To:** Rafael Fernandez  
**Subject:** FW: DTV Delay Bill: House Action - Rules Cmte

**Attachments:** Rule for Consideration of S. 352.pdf



Rule for  
consideration of S. 3.

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

**From:** Rosemary Harold  
**Sent:** Wednesday, February 04, 2009 10:38 AM  
**To:** RMCSTAFF  
**Subject:** FW: DTV Delay Bill: House Action - Rules Cmte

FYI

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

**From:** Lori Maarbjerg  
**Sent:** Wednesday, February 04, 2009 8:52 AM  
**To:** Rick Chessen; Eloise Gore; Rosemary Harold; Rudy Briocche; 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.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:46 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Update: DTV Delay Bill: House Action

**Importance:** High

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

From: Rosemary Harold  
Sent: Wednesday, February 04, 2009 11:49 AM  
To: RMCSTAFF  
Subject: FW: Update: DTV Delay Bill: House Action  
Importance: High

FYI -- Debate likely to start around 4 p.m.

-----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.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:46 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Update: DTV Delay Bill: House Action

**Importance:** High

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

From: Rosemary Harold  
Sent: Wednesday, February 04, 2009 11:49 AM  
To: RMCSTAFF  
Subject: FW: Update: DTV Delay Bill: House Action  
Importance: High

FYI -- Debate likely to start around 4 p.m.

-----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.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:47 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Update: DTV Delay Bill: House Action

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

From: Rosemary Harold  
Sent: Wednesday, February 04, 2009 1:24 PM  
To: RMCSTAFF  
Subject: FW: Update: DTV Delay Bill: House Action

The bell has rung -- at least for debate on the rule -- and the fighters are coming out of their corners.

-----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  
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.

-----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.

**Rafael Fernandez**

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:47 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Final vote on DTV Delay Act happening right now

---

**From:** Rosemary Harold  
**Sent:** Wednesday, February 04, 2009 4:06 PM  
**To:** RMCDSTAFF  
**Subject:** Final vote on DTV Delay Act happening right now

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 7:47 PM  
**To:** Rafael Fernandez  
**Subject:** FW: Update: DTV Delay Bill: House Action

**Importance:** High

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

**From:** Rosemary Harold  
**Sent:** Wednesday, February 04, 2009 4:13 PM  
**To:** RMCSTAFF  
**Subject:** FW: Update: DTV Delay Bill: House Action  
**Importance:** High

Passed!

-----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  
**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.

-----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.

## Rafael Fernandez

---

**From:** Rosemary Harold  
**Sent:** Friday, March 06, 2009 2:56 PM  
**To:** Rafael Fernandez  
**Subject:** FW: dtv and staffing queries

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

**From:** Brigid Calamis  
**Sent:** Friday, January 23, 2009 6:48 PM  
**To:** Rosemary Harold  
**Subject:** Fw: dtv and staffing queries

Did you email him your background info?

-----  
Brigid N. Calamis  
Office of Commissioner Robert M. McDowell  
(202) 418-2200  
brigid.calamis@fcc.gov  
-----

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

**From:** Make, Jonathan <jmake@warren-news.com>  
**To:** Brigid Calamis  
**Sent:** Fri Jan 23 18:44:32 2009  
**Subject:** RE: dtv and staffing queries

Hi Brigid, Thank you nonetheless for getting back to me. Have a good weekend.  
Jonathan

---

**From:** Brigid Calamis [mailto:Brigid.Calamis@fcc.gov]  
**Sent:** Friday, January 23, 2009 4:07 PM  
**To:** Make, Jonathan; Rosemary Harold  
**Subject:** RE: dtv and staffing queries

Sorry for the delay, Jonathan. On background, re: any questions on what the FCC will be focusing on, we would refer you to the acting Chairman's office for guidance :). And again, on background, we too have heard the rumors about Dan and Michelle, but do not have further confirmation.

Sorry we can't be of more help.

---

**From:** Make, Jonathan [mailto:jmake@warren-news.com]  
**Sent:** Friday, January 23, 2009 2:26 PM  
**To:** Brigid Calamis; Rosemary Harold  
**Subject:** dtv and staffing queries

Good afternoon Brigid and Rosemary,

Following up on my voicemail at both of your offices, here's what we're working on today in the media realm that I wanted to see if someone could help me with: the extent to which DTV will continue to be the No. 1 focus of the FCC even if the hard analog cutoff date gets pushed back to June. It seems it will be of course the No. 1 focus and perhaps push other, more routine subjects to the side even if there are four more months to prepare,

partly because the FCC would have to change its educational messages accordingly and perhaps step up efforts.

Also wanted to see if either of you have heard that Dan Gonzales has returned to WCB while Michelle Carey has gone to the Media Bureau.

I can be reached at 202 725 5572 or 202 544 8621 today.

Cheers,

Jonathan