

## Mike Copps

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**From:** Scott Deutchman  
**Sent:** Monday, January 05, 2009 6:57 PM  
**To:** Mike Copps; [REDACTED] Rick Chessen  
**Subject:** I spoke to Bruce . . .

He said that there appeared to be momentum within the transition team in the last couple of days to push off the DTV transition. However, it's Bruce's impression that for now the idea of putting off the transition is being put on the back burner (though views on many subjects change often). He isn't part of the DTV team over there so he didn't have a lot of details. He said he's mostly working on long term planning.

**Mike Copps**


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**From:** Rick Chessen  
**Sent:** Thursday, January 08, 2009 5:46 PM  
**To:** Mike Copps  
**Cc:** Scott Deutchman  
**Subject:** FW: ROCKEFELLER STATEMENT ON OBAMA TRANSITION TEAM REQUEST

Guess we don't have to worry about being out in front of Rockefeller. This seems to be breaking down by party - Barton and Hutchison put out negative statements (Barton's more so; Hutchison basically said it's too early to delay).

Have gotten no requests for comment.

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**From:** Lucey, Anne [mailto:anne.lucey@cbs.com]  
**Sent:** Thursday, January 08, 2009 5:41 PM  
**To:** Rick Chessen  
**Subject:** FW: ROCKEFELLER STATEMENT ON OBAMA TRANSITION TEAM REQUEST

For Immediate Release  
 January 8, 2009

Contact: Steven Broderick  
 202-224-6101

ROCKEFELLER STATEMENT ON OBAMA TRANSITION TEAM REQUEST TO DELAY DIGITAL TELEVISION TRANSITION

Washington, DC - Senator John D. (Jay) Rockefeller IV (D-WV), Chairman of the Committee on Commerce, Science and Transportation, issued the following statement after receiving a request from the Obama Transition Team to delay the upcoming digital television transition on February 17, 2009:

"I've long believed that there is too much at stake for consumers and for public safety to simply cross our fingers and hope for the best when it comes to the digital television transition. Millions of Americans could be left in the dark if this doesn't go smoothly.

"The Obama Administration deserves time to bring order to what has been an appallingly mismanaged process by the Bush Administration. I look forward to reviewing the details of the Obama Administration proposal with my colleagues, and will support delaying the current date of the DTV transition until we can do it right."

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**Scott Deutchman**

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**From:** Sherman, Roger [Roger.Sherman@mail.house.gov]  
**Sent:** Friday, January 16, 2009 12:57 PM  
**To:** Scott Deutchman  
**Subject:** RE: Letter from Commissioners Copps and Adelstein on the DTV transition

So okay to say that your bosses see merit in delay? Support a delay?

Thanks,

Roger

Roger C. Sherman  
Chief Counsel  
Communications and Technology Policy  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515  
O: 202.225.2927 F: 202.225.2525

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**From:** Scott Deutchman [mailto:Scott.Deutchman@fcc.gov]  
**Sent:** Friday, January 16, 2009 12:46 PM  
**Cc:** Rick Chessen  
**Subject:** Letter from Commissioners Copps and Adelstein on the DTV transition

Below is a letter from Commisioners Copps and Adelstein on the DTV transition. Please let us know if you've got any questions.

Best,  
Scott

January 16, 2009

The Honorable John D. Rickerfeller IV, Chairman  
Committee on Commerce, Science & Transportation  
United States Senate

The Honorable Kay Bailey Hutchison, Ranking Member  
Committee on Commerce, Science & Transportation  
United States Senate

The Honorable Henry A. Waxman, Chairman  
Committee on Energy and Commerce  
United States House of Representatives

The Honorable Joe Barton, Ranking Member

3/11/2009

Committee on Energy and Commerce  
United States House of Representatives

Dear Chairman Rockefeller, Senator Hutchison, Chairman Waxman, and Congressman Barton:

We are writing to express our deep concern about the state of the nation's readiness for the digital television transition on February 17, 2009. We are nowhere near where we should be only 32 days from a deadline that threatens to pull the plug on television service in millions of American homes.

Unlike Y2K, the DTV transition has not been the focus of a sustained and coordinated public-private partnership. While the FCC and others have been scrambling recently to ramp-up their DTV efforts (often in response to Congressional oversight), the late start has led to a rushed effort with little room for strategic thinking or for anticipating and fixing problems that have arisen.

As Congress considers delaying the transition date, we would like it to be aware of some of the problems that we believe could be ameliorated if the transition were delayed:

1. Inadequate coordination. There has been inadequate coordination between the FCC and NTIA (and other potential government stakeholders), and between the public and private sectors. This has led to a patchwork of disjointed efforts on everything from consumer education to call centers to converter boxes.
2. Inadequate consumer education. There are three steps to preparing consumers for a successful transition: first awareness that a transition is happening; then understanding how the transition affects them and what they need to prepare; and finally taking effective action (e.g., obtaining and installing a converter box and/or antenna). In our view, there continues to be too much focus on increasing general awareness and not enough on the more difficult challenge of educating consumers about how the transition affects them personally and what they need to do, if anything, to prepare.
3. Inadequate attention to certain key issues. We mention two in which more time could make a real difference.

First, reception issues. As we travel the country talking to consumers, reception/antenna problems are one of the most common complaints we hear. The FCC began to seriously examine the issue only late last year and by that time, some of the potential solutions (e.g., Distributed Transmission Systems) were adopted with too little time for stations to implement. Similarly, we only recently identified the scope of the potential service losses that some stations will experience and there is no plan for notifying affected consumers that they may lose service.

Second, closed captioning issues. The FCC has never heeded the repeated recommendation of its own Consumer Advisory Committee to convene a technical working group to address digital closed captioning issues for the deaf and hard of hearing.

4. Inadequate consumer support. We remain concerned about the readiness of the FCC to handle the expected avalanche of calls. Although the FCC recently released a

request for proposals for outside Call Center assistance, and industry may step up with additional call center resources, it is unclear at this point what resources will be available and how they fit together. Similarly, there is no plan that gives us comfort that “boots on the ground” will be available to provide in-home assistance to the many vulnerable consumers who may need it.

Three caveats:

1. We do not mean to imply that these are our sole concerns regarding the transition. There are many others—certainly involving the converter box coupon program—that would benefit from a delay in the transition date. We raise these in an effort to flag some issues that may have not received the same level of attention.
2. We do not advise delay for delay’s sake. Any delay must be used to better prepare the American people for the DTV transition. We recognize that there will be some consumers who will not be prepared for the transition no matter when the date is. But we believe that number can be significantly reduced and the assistance available to those who lose service can be significantly improved. At the same time, if there were a delay, we must take a flexible approach with sensitivity to the particular circumstances faced by particular communities and stations.
3. In raising the above concerns, we do not in any way mean to diminish the tireless and dedicated efforts of Commission staff. They have done a truly amazing job under exceedingly difficult circumstances. But they cannot do the impossible—and too often that is what has been asked of them.

We look forward to continuing to work with you and the other Members of Congress to make this transition as smooth as possible for the American people.

Sincerely,

Michael J. Copps  
Commissioner

Jonathan S. Adelstein  
Commissioner

## Scott Deutchman

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**From:** Scott Deutchman  
**Sent:** Sunday, January 25, 2009 1:20 PM  
**To:** Rick Chessen; Mike Copps  
**Subject:** Re: DTV delay bill

Mark Seifert who is working with roger called today asking if he could get some technical advice on wireless licenses and on public safety needs as they prepare for tomorrow's mark-up. Mark knows jim schlicting and I told him Jim would be a good place to start.

On an unrelated matter, I mentioned how cathartic it would be if the fcc staff were able to stop holding all their documents indefinitely, assuming it was consistent with the committee's needs. Apparently, they had been discussing that already internally among the stupak and waxman staff and he was going to see if there was anything we could say about a change in the policy by tuesday. No promises as they are busy with dtv but he's going to raise it. It would be a great thing to announce on tuesday.

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Rick Chessen  
To: Mike Copps  
Cc: Scott Deutchman  
Sent: Fri Jan 23 23:17:55 2009  
Subject: Fw: DTV delay bill

Fyi

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Sherman, Roger <Roger.Sherman@mail.house.gov>  
To: Rick Chessen  
Sent: Fri Jan 23 23:08:33 2009  
Subject: DTV delay bill

Rick, Chairman Waxman sent out a notice this evening that says we plan to markup DTV delay bill on Tuesday. This could, of course, change. But I wanted to give you and Chairman Copps a heads up that we plan to proceed.

Call me if you have any questions.

Roger

Roger C. Sherman

Chief Counsel

Communications and Technology Policy

Committee on Energy and Commerce

2125 Rayburn House Office Building

U.S. House of Representatives

(202) 225-2729 (p)/(202) 225-2525(f)

## Mike Copps

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**From:** Mike Copps  
**Sent:** Thursday, February 19, 2009 6:52 AM  
**To:** Rick Chessen  
**Subject:** RE: press coverage of Wilkes-Barre situation

That is a great story! I'll e-mail our guy there. TX

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

**From:** Rick Chessen  
**Sent:** Thursday, February 19, 2009 6:30 AM  
**To:** Mike Copps  
**Subject:** Fw: press coverage of Wilkes-Barre situation

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Sent from my BlackBerry Wireless Handheld

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

**From:** Mark Wigfield  
**To:** DTV-National Working Group; DTV Policy Group  
**Sent:** Thu Feb 19 06:22:28 2009  
**Subject:** press coverage of Wilkes-Barre situation

And excellent press work by FCC engineer /field rep Dave Dombrowski

PUBLIC SERVICE FCC wants one network affiliate station in each market to remain on analog

February 19  
WNEP to keep analog signal going

By Andrew M. Sederaseder@timesleader.com Times Leader Staff Writer

After public-safety concerns were expressed by the Federal Communications Commission, WNEP-TV has agreed to continue broadcasting its analog signal a few months longer than planned.

Kevin Doyle, left, and David Dombrowski, of the Federal Communications Commission, set up an information booth on digital TV conversion at the Mall at Steamtown in Scranton on Wednesday afternoon.

S. John Wilkin/The Times Leader

David Dombrowski, an engineer with the FCC, said Wednesday there was some concern in markets - including Scranton/Wilkes-Barre - where all major broadcasting affiliates opted to make the switch from analog to digital signals on Tuesday.

"In all those markets ... we wanted at least one station that's a network affiliate to remain on analog," he said.

WNEP agreed to do it, and will have to pay the few thousand dollars a month cost to continue its analog broadcast for an undetermined amount of time. At the latest, the changeover would come June 12, the FCC deadline for all stations to make the conversion.

The new digital signal remains on the air.

"Even though this comes as an expense to us, we believe we have a responsibility to act in the public interest and continue to provide news, weather, and emergency information to our viewers who were not ready for the transition," said station General Manager Chuck Morgan in an e-mailed statement.

For a few hours Tuesday, WNEP made the switch to digital-only broadcasts but by Wednesday the analog signal was back up. The change came after the Federal Communications Commission made an urgent request to Wilkes-Barre/Scranton television stations to have one of them continue its analog feed.

All other local stations, with the exception of WQPX, ION-TV out of Scranton, made the switch Tuesday or earlier. WVIA, WBRE, WYOU, WOLF, WSWB and WQMY all are broadcasting in digital only.

That's good news to Bonnie Fowler Chocallo of Wyoming. She was one of a few thousand Northeastern Pennsylvania residents who did not prepare for the conversion by Tuesday.

She was watching "The Late Show with David Letterman" on WYOU when the screen went blank at 11:59 p.m. Tuesday. She changed the channel to WNEP and found programming.

She does have a digital converter box, which will allow her to pick up broadcasts through her antenna, but has yet to install it. In the meantime, she said it's nice to know that if there's an emergency or a newsworthy event happening she'll be able to turn on WNEP news to hear about it.

"It's good to know we're still being taken care of," Chocallo said.

Scott Fybush, editor of North East Radio Watch, follows the broadcasting industry. He said the FCC never wanted to have an entire market's stations make the switch by Wednesday, and when it realized that was going to happen here, "it scrambled to convince a station to stay (on analog)."

Lou Abitabilo, general manager for WBRE-TV, said the FCC contacted his station Tuesday with a request to remain on the air with the analog signal. After the initial request, the FCC called WBRE back and said it was no longer necessary. He said the station received a few calls from viewers about the switch but "we've had very little negative reaction."

The switch to digital impacts only those who receive their television signals through antennas or rabbit ears. Those with cable or satellite service or owning televisions with a digital tuner are not impacted. Neither will those who purchased and installed digital converter boxes.

As part of the digital-television conversion, which had been in the works for more than a year, over-the-air broadcasters had been mandated by the government to begin broadcasting in digital frequencies. Feb. 17 was the deadline for the switchover, but the government recently delayed the deadline until June 12. Stations were given the option to proceed with the switch Tuesday or wait until no later than June 12.

The FCC said about 640 television stations, or 36 percent of the approximately 1,800 full-power television stations in the country, have made the switch to digital-only broadcasts. Two hundred and twenty of them made the switch before Tuesday.

Andrew M. Seder, a Times Leader staff writer, may be reached at 570-829-7269.

Find this article at:  
[http://www.timesleader.com/news/WNEP\\_to\\_keep\\_analog\\_signal\\_going\\_02-19-2009.html](http://www.timesleader.com/news/WNEP_to_keep_analog_signal_going_02-19-2009.html)

## Mike Copps

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**From:** Mike Copps on behalf of Michael Copps  
**Sent:** Thursday, February 05, 2009 10:15 AM  
**To:** Rick Chessen  
**Subject:** FW: DTV transition delay suggestions

Interesting e-mail

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

From: dave boland [REDACTED]  
Sent: Thursday, February 05, 2009 9:57 AM  
To: Michael Copps; Jonathan Adelstein; Robert McDowell  
Subject: DTV transition delay suggestions

F.C.C.,

Now that full transition has been postponed to June, you have an opportunity to do what Mr. Copps suggested yesterday -- more education for consumers. I agree that more is needed, and I have a few suggestions for your consideration (below). Let me also say that I am DTV ready, but I know:

1. There are more people not ready that is being reported.
2. There are more analog TV's in use than reported.
3. DTV will reach fewer people than analog TV due to the digital cliff.
4. The reason so many people are not ready is part procrastination, but the larger reason is due lack of knowledge on what to do and how to do it. Just telling the viewer that DTV is coming or to call this number is not enough -- especially if one doesn't know what to ask in the first place!

I know all of this because of all the questions I get from neighbors and friends. It is not a scientific study to be sure, but I have doubts about the Neilson estimate as well. There are a lot of people that have second or third, or even fourth TV's that are not connected to cable even though the house has a cable TV connection. Included in my casual survey are all of those TV sets in the garage, the camper, and the cabin. So far, very few of these TV's I have seen have digital tuners, most being at least 10 years old.

Of these TV's, all but a few use rabbit ear antennas. The problem here is that the antennas are not good enough to pick up the digital signal. In the past the picture had some snow, now there is nothing. In most cases an outdoor antenna will be needed, and it may have to be elevated high enough to get above trees and hills. Not a project for February in the Binghamton-Syracuse NY area! The problem seems to be part the nature of DTV (cliff effect), and lower power being used by some DTV signals. It looks like any station on the WSTM tower in Syracuse will be ok as it is very tall, and the same is true of the WSKG tower in Binghamton. Stations on VHF-high seem to be ok as well. Stations on UHF with the same tower height used for analog seem to be the most difficult to receive.

This brings up a dirty little secret in the TV industry. Spend as little on transmitting facilities as possible and charge the cable companies to distribute the signal. There is a Bingham TV station, WIVT/WBGH, that is not carried by a cable company reportedly due to the fees WIVT wants to charge. As long as TV stations can charge cable providers there will be a conflict of interest that will work against OTA broadcasts.

Finally, the suggestions I promised you.

1. Require all of the TV stations in an area to get together and put on educational seminars about the DTV conversion. I went to one of these put on by WCNY at the NYS Fair and it was very helpful. I'm not aware of any other seminars in the Bing.-Syr. area. The seminars need to be hands-on, and cover the following:

\* Who needs to be concerned about the DTV switch. Answer: Everyone that has a TV not connected to cable or satellite, or that may want to switch to OTA to get better quality video (cable and satellite uses signals that are more compressed, and don't look as good).

\* How to select the correct antenna. The antenna needed varies with distance and terrain. Discussing wiring, signal boosters, etc. will be needed.

\* How to select the correct DTV converter and connect it. Turns out there are some major differences between converters, and connecting them to an analog device like a VCR can be a challenge.

2. Require all broadcasters to continue with analog broadcasts until June. I realize there are expenses for tower lease, electricity, and transmitter maintenance. I also realize that all most of them have done to prepare the consumer are worthless DTV reminders. Had they really reached out to the community (like WCNY) I would feel differently.

Exceptions granted for true financial hardship or the stations that will re-use their channel (WIVT, WSTM/WCNY, etc.).

3. Require TV stations receive no compensation from cable TV companies as it is a clear conflict of interest. Broadcasters get money from advertisers. Advertisers pay based on viewers of a particular demographic. Being on cable TV increases these numbers, so the broadcasters can charge more for advertisements as they are seen by more TV's due to the cable connection. Otherwise, broadcasters will want to get rid of transmitters and towers and just live off cable TV income.

Good luck on your decision. Please know that if you do nothing, the situation in June will be little changed and the delay will have been for naught.

Sincerely,  
David Boland

--  
dave boland

--  
<http://www.fastmail.fm> - And now for something completely different...

## Christopher Lewis

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**From:** Christopher Lewis  
**Sent:** Wednesday, February 11, 2009 5:07 PM  
**To:** Robin Rosenbaum  
**Subject:** Fw: Obama statement on signing DTV Delay Act

**Attachments:** image001.gif



image001.gif (235  
B)

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

**From:** Rosemary Harold  
**To:** Rick Chessen; Lori Maarbjerg; Gary Epstein; Rudy Brioche  
**Cc:** Eloise Gore; Julius Knapp; Barbara Kreisman; Joseph Hall; Cathy Seidel; Louis Sigalos; Patrick Webre; David Furth; Joel Kaufman; William Scher; Andrew Martin; Robert Ratcliffe; Christopher Lewis; Jeff Cohen; Roy Stewart; Robert Ratcliffe; Matthew Berry; Joel Kaufman; Marilyn Sonn  
**Sent:** Wed Feb 11 17:04:45 2009  
**Subject:** Obama statement on signing DTV Delay Act

FYI: Statement of President Barack Obama on Signing the DTV Bill

WASHINGTON - Today, President Barack Obama signed S.352, a bill to postpone the DTV transition date to June 12th to allow for more time for the American consumers to prepare for the switch from analog television.

"During these challenging economic times, the needs of American consumers are a top priority of my administration. This law, which was crafted in a bipartisan way and passed overwhelmingly in the House and Senate, ensures that our citizens will have more time to prepare for the conversion. Millions of Americans, including those in our most vulnerable communities, would have been left in the dark if the conversion had gone on as planned, and this solution is an important step forward as we work to get the nation ready for digital TV. My administration will continue to work with leaders in Congress, broadcasters, consumer groups and the telecommunications industry to improve the information and assistance available to our citizens in advance of June 12."

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## Christopher Lewis

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**From:** Rosemary Harold  
**Sent:** Wednesday, February 11, 2009 5:05 PM  
**To:** Rick Chessen; Lori Maarbjerg; Gary Epstein; Rudy Brioche  
**Cc:** Eloise Gore; Julius Knapp; Barbara Kreisman; Joseph Hall; Cathy Seidel; Louis Sigalos; Patrick Webre; David Furth; Joel Kaufman; William Scher; Andrew Martin; Robert Ratcliffe; Christopher Lewis; Jeff Cohen; Roy Stewart; Robert Ratcliffe; Matthew Berry; Joel Kaufman; Marilyn Sonn  
**Subject:** Obama statement on signing DTV Delay Act

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WASHINGTON – Today, President Barack Obama signed S.352, a bill to postpone the DTV transition date to June 12th to allow for more time for the American consumers to prepare for the switch from analog television.

"During these challenging economic times, the needs of American consumers are a top priority of my administration. This law, which was crafted in a bipartisan way and passed overwhelmingly in the House and Senate, ensures that our citizens will have more time to prepare for the conversion. Millions of Americans, including those in our most vulnerable communities, would have been left in the dark if the conversion had gone on as planned, and this solution is an important step forward as we work to get the nation ready for digital TV. My administration will continue to work with leaders in Congress, broadcasters, consumer groups and the telecommunications industry to improve the information and assistance available to our citizens in advance of June 12."

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## Christopher Lewis

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**From:** Gary Epstein  
**Sent:** Monday, February 09, 2009 1:38 PM  
**To:** Christopher Lewis  
**Subject:** FW: Invitee list

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

From: Rick Chessen  
Sent: Monday, February 09, 2009 1:37 PM  
To: 'Bernadette McGuire-Rivera'; Christopher Lewis; Gary Epstein; 'Anna Gomez'  
Subject: RE: Invitee list

Agree that we should have a separate meeting for government folks. Here's my stab at a combined list (treating Tom Romeo of IBM as a staff slot not an outside invitee):

### TV/Cable Associations

1. David Rehr - NAB
2. Kyle McSlarrow - NCTA
3. David Donovan - MSTV

### TV/Cable Groups

4. Preston Padden - Disney/ABC
5. Martin Franks - CBS
6. Joe Uva (CEO) or Ray Rodriguez (President & COO) - Univision
7. Larry Sidman - Assn of Public TV Stations
8. Linda Kinney - Echostar (both for DBS industry and as converter box mfr)

### Manufacturers/Retailers

9. Gary Shapiro - CEA
10. Chris McLean - CERC (please cc Bob Schwartz on any correspondence w CERC)
11. John Taylor - LG Electronics
12. Mario Boltri (516) 238-4556 - represents Magnavox - the largest seller
13. RadioShack - Call Jennifer Blum, outside counsel (202)354-1329
14. Mike Vitale - Best Buy - call Mike Hiltner (612)291-8707

### Community/Non-Profit

15. Sandy Markwood - N4A
16. Wade Henderson - LCCR
17. Bill Novelii - AARP
18. Chris Murray or Gene Kimmelman - Consumers Union
19. Michael Collins, National Council on Disabilities (or Karen Peltz-Strauss, disabilities advocate and member of FCC Consumer Advisory Committee)
20. Gloria Tristani - former FCC Commissioner and member of FCC Consumer Advisory Committee

Other possibilities, depending on agenda:

### Possible Boots on the Ground:

Intl Assn of Firefighter Chiefs  
Americorps  
Meals-On-Wheels  
United Way  
Verizon/AT&T

Possible financial help for indigent assistance to purchase antennas, etc.  
Google

### Other Community/Non-profit

Don Mathis, Community Action Partnership George Kessinger, Good Will Industries Major George E. Hood, Salvation Army Reverend Larry Snyder, Catholic Charities Julian Bond, NAACP La Raza United Way Charles Benton - Benton Foundation and FCC Consumer Advisory Committee

Other TV  
Don Brown, Telemundo  
Paula Kerger, PBS

Other mfrs/retailers:  
Chris Lee (310) 713-4477 - Digital Stream VP of Marketing WalMart

Local Call Center  
State Assn of Broadcasters

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

From: Bernadette McGuire-Rivera [mailto:bmcguire-rivera@ntia.doc.gov]  
Sent: Sunday, February 08, 2009 12:07 PM  
To: Christopher Lewis; Gary Epstein; Rick Chessen; Anna Gomez  
Subject: Re: Invitee list

I looked at the FCC list, and added a few of the FCC mentions to ours and named a top 20. These 20 are selected based on their actual contributions to date. ie. They have people assigned to this issue and were active before grant money was available. I am surmising that these organizations will be most likely to ramp up existing efforts or start technical assistance efforts in the time available, and have a representative available on Thursday.

Combining both lists will be too many people for more than a government show and tell. Also should be Presidents/CEO's, not staffer in attendance. Otherwise we are wasting the White House imprimatur. We can have a group of 50-60+ over at the FCC later.

To get the count down maybe we can leave the govt. groups out of this one meeting and have a separate meeting with them. Almost all of them will need some money transferred to do anything substantial.

We didn't have any of the networks on our list since, other than the Spanish language networks, NAB has coordinated all broadcast activity for the Coupon Program. I do think they need to be here given their support of the delay so I'll let the FCC pick who will be invited from the networks.

Revised NTIA List

IBM—Treat this as a staff slot not an outside invitee.  
Tom Romeo, VP  
(Brenda Dixon, Program manager is on vacation until week of 2/17.)

TV/Cable Associations  
1. David Rehr, NAB  
2. Kyle McSlarrow, NCTA  
3. MSTV David Donovan

TV/Cable Groups  
6. Joe Uva (CEO) or Ray Rodriguez (President & COO) Univision 7. Don Brown, Telemundo 8. Larry Sidman, APTS/ Paula Kerger (PBS) one or the other

Manufacturers/Retailers  
4. Gary Shapiro, CEA  
5. Chris McLean, CERC (please cc Bob Schwartz on any correspondence w CERC)

Individual Retailers Manufacturers  
13. John Taylor, LG Electronics  
Mario Boltri (516) 238-4556 - represents Magnavox - the largest seller, sold in Walmart  
Chris Lee (310) 713-4477 - Digital Stream VP of Marketing - big seller, sold in RadioShack and others  
14. RadioShack Executive—Call Jennifer Blum, outside counsel, (202)354-1329  
15. Best Buy—Mike Vitale—call Mike Hiltner (612)291-8707

Community/Non-Profit

9. Sandy Markwood, N4a
10. Wade Henderson, LCCR
11. Bill Novelii, AARP
12. Chris Murray, Consumers Union

Other Community/Non-profit

Don Mathis, Community Action Partnership George Kessinger, Good Will Industries Major George E. Hood, Salvation Army Reverend Larry Snyder, Catholic Charities Julian Bond, NAACP Other Government Organizations 16. Michael Collins, National Council on Disabilities 17. Veterans Administration (Kevin Secor, VSO Liaison and Ramos Alejandro, Minority Affairs) 18. USDA (Food and Nutrition Services - Food Stamps) 19. HHS (Administration on Aging and Office of Disability) Department of the Interior - Indian Affairs (Nedra Darling) 20. Joshua Du Bois, White House Office of Faith Based & Community Initiatives Libby Beatty, NATOA

## Christopher Lewis

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**From:** Gary Epstein  
**Sent:** Monday, February 09, 2009 10:42 AM  
**To:** Rick Chessen; Christopher Lewis  
**Subject:** WH Meeting

Rick

Chris is helping with the logistics, etc. for the WH meeting. Once you have the list of invitees finalized, can you copy him and me on it? We should then, of course, figure to the script for the meeting.

3/25/2009

**Robin Rosenbaum**

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**From:** Gary Epstein  
**Sent:** Friday, February 27, 2009 9:04 AM  
**To:** Andrew Martin; DTV Policy Group  
**Subject:** RE:

Fascinating presentation – really helpful

Thanks  
Gary

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**From:** Andrew Martin  
**Sent:** Friday, February 27, 2009 8:29 AM  
**To:** DTV Policy Group  
**Subject:**

Attached are some draft slides displaying some aspects of the 2/17 transition

**Robin Rosenbaum**

**From:** Robert Ratcliffe  
**Sent:** Friday, February 27, 2009 6:56 PM  
**To:** DTV Policy Group  
**Cc:** 'William.Lake@wilmerhale.com'  
**Subject:** The Master Stations List as of 2/27/09  
**Attachments:** Master List 2-27-09 With Appendix Changes No Notes CLEAN.xls; Master List 2-27-09 With Appendix Changes No Notes CLEAN.xls

Attached is an updated Master Stations list. Changes include:

WFXS, Wittenberg, WI (Wausau-Rhineland DMA) was changed from analog to digital only.

WFXT, Boston, MA (Boston (Manchester) DMA) experienced analog antenna problems and may have ceased or substantially reduced their analog service. They indicated in January that they would continue analog service as long as possible, but due to their equipment problems they are operating at reduced power. The station's status was changed from analog to digital only.

Some other minor edits.

**Robin Rosenbaum**

**From:** Julius Knapp  
**Sent:** Monday, March 02, 2009 1:34 PM  
**To:** DTV Policy Group  
**Cc:** Thomas Horan; Alan Stillwell; Ira Keltz  
**Subject:** OET Lessons Learned  
**Attachments:** Lessons Learned OET 3-2-09 Final.doc

Here is the OET submittal for lessons learned from the DTV transitions that occurred on 2/17 .

## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Tuesday, January 27, 2009 8:21 AM  
**To:** Eloise Gore  
**Subject:** Re: Senate Vote to Delay

Not yet. I will do so as soon as I get in.

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

**From:** Eloise Gore  
**To:** Lori Maarbjerg  
**Sent:** Tue Jan 27 08:07:31 2009  
**Subject:** Re: Senate Vote to Delay

Have you been able to confirm that the Senate Bill passed is the same as what you analyzed last week?

The Conference Report will be key.

Thank you.

Non-Public

For Internal Use Only

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Lori Maarbjerg  
**To:** Eloise Gore; Rick Chessen; Cathy Seidel; Pam Slipakoff; Julius Knapp; Thomas Horan; Alan Stillwell  
**Cc:** Jill Pender; Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Tue Jan 27 07:28:26 2009  
**Subject:** Re: Senate Vote to Delay

Fyi. The House Energy and Commerce Committee has cancelled the mark up. They plan to bring the Senate bill to the House floor today. I will continue to monitor the situation and provide updates as necessary. Thanks!

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

**From:** Lori Maarbjerg  
**To:** Eloise Gore; Rick Chessen; Cathy Seidel; Pam Slipakoff; Julius Knapp; Thomas Horan; Alan Stillwell  
**Cc:** Jill Pender; Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Mon Jan 26 20:45:36 2009  
**Subject:** Senate Vote to Delay

Please forward to anyone I may have left off. AP is reporting that the Senate voted to delay the DTV transition to June 12 by UC. The House Energy and Commerce Committee is scheduled to mark up their bill tomorrow morning. I will be attending the mark up and will provide additional info as it becomes available

## Lori Maarbjerg

---

**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

**Attachments:** S. 328 (as passed by Senate).pdf; Summary of S. 328.doc

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!



S. 328 (as passed  
by Senate).p...



Summary of S.  
328.doc (37 KB)

## Lori Maarbjerg

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

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## Lori Maarbjerg

---

**From:** Lori Maarbjerg  
**Sent:** Tuesday, January 27, 2009 2:58 PM  
**To:** Patrick Webre  
**Subject:** RE: House Action on DTV Delay Bill

There is not the expectation that the Economic Stimulus package will be ready to go at the same time. Unlike the DTV bill, where the House is taking up the Senate language, there are significant differences between the House and Senate versions of the Economic Stimulus package which will require a conference between the two sides. This is in fact one of the reasons there is a DTV delay - the money was always in the economic stimulus package, and action on that (while some wanted it quickly), has slowed to where it may not be ready to go with enough time before the existing Feb. 17th deadline.

---

**From:** Patrick Webre  
**Sent:** Tuesday, January 27, 2009 2:47 PM  
**To:** Lori Maarbjerg  
**Subject:** RE: House Action on DTV Delay Bill

Thanks Lori. What is the status of the Economic Stimulus package? Has it, or a version of it, already passed the Senate? Is it foreseeable that the Stimulus package and the DTV bill could clear Congress at about the same time?

---

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**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

**Importance:** High

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

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S328\_SUS\_xml.pdf  
(41 KB)

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## Lori Maarbjerg

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**Subject:** RE: House Action on DTV Delay Bill

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

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House Floor Debate  
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**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

**Importance:** High

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**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

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

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**To:** Rick Chessen; Rosemary Harold; Rudy Brioché; 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

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**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** Senate Passage of DTV Delay Bill

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

## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 1:15 PM  
**To:** Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
**Subject:** RE: House Action on DTV Delay Bill

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

---

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

Vote failed on a final tally of 258 - 168.

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

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

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

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

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## Lori Maarbjerg

---

**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 1:32 PM  
**To:** William Freedman  
**Subject:** RE: Dtv

Yes.

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

**From:** William Freedman  
**Sent:** Wednesday, January 28, 2009 1:31 PM  
**To:** Lori Maarbjerg  
**Subject:** Re: Dtv

Aren't they running out of time?

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Lori Maarbjerg  
**To:** William Freedman  
**Sent:** Wed Jan 28 13:30:29 2009  
**Subject:** RE: Dtv

It could be. They did get 258 votes, so that's a majority if they decide to go regular order and bring it up again. I'm trying to find out what the plan is at this point.

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

**From:** William Freedman  
**Sent:** Wednesday, January 28, 2009 1:30 PM  
**To:** Lori Maarbjerg  
**Subject:** Re: Dtv

No sweat  
Think its dead?

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Lori Maarbjerg  
**To:** William Freedman  
**Sent:** Wed Jan 28 13:27:40 2009  
**Subject:** RE: Dtv

Sorry, sorry, sorry. I know I promised, and I forgot.

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

**From:** William Freedman  
**Sent:** Wednesday, January 28, 2009 1:25 PM  
**To:** Lori Maarbjerg  
**Subject:** Dtv

Can you add me to your dtv update emails?  
Thanks  
(On the way to s bend)

-----  
Sent from my BlackBerry Wireless Handheld

## Lori Maarbjerg

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## Lori Maarbjerg

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**Sent:** Wednesday, January 28, 2009 1:57 PM  
**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan; Roger Goldblatt  
**Subject:** Re: Post-vote talking points for FCC DTV field reps

At this point it is my understanding that the House Republicans are having a retreat tomorrow and Friday, so the House was not scheduled to be in. I am confirming.

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

**From:** Mark Wigfield  
**To:** Lori Maarbjerg; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan; Roger Goldblatt  
**Sent:** Wed Jan 28 13:53:37 2009  
**Subject:** RE: Post-vote talking points for FCC DTV field reps

Any idea when? Field reps will face questions in the interim, and probably should be telling consumers to prepare ASAP

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

**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 1:49 PM  
**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan; Roger Goldblatt  
**Subject:** Re: Post-vote talking points for FCC DTV field reps

One thing to point out: I am hearing that they may try to bring it back under regular order given the fact that they did get over 250 votes - which would be more than enough under the normal rules. So, there is still a chance of additional action on the House side.

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

**From:** Mark Wigfield  
**To:** Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan; Roger Goldblatt  
**Sent:** Wed Jan 28 13:45:36 2009  
**Subject:** Post-vote talking points for FCC DTV field reps

Attached and pasted below are talking points for FCC people in the field working with communities on the DTV transition. Please give me your feedback on this as soon as

possible so we can provide them with guidance. Many are doing media interviews on a daily basis. Most of the points here are adapted from existing language, .

<<Post-vote talking points for field.doc>>

- \* The fact that Congress rejected an extension of the Feb. 17 transition date makes it doubly important that consumers prepare now for the digital transition.
- \* Consumers who haven't yet applied for a coupon for a digital converter probably won't be able to get a coupon before Feb. 17. But they should apply anyway for any additional televisions they may have.
- \* If you already received a coupon, redeem it now!
- \* Consumers lacking a coupon should purchase a converter box anyway so they will be ready for the transition
- \* Consumers should hook up the box now in order to test their reception.
- \* If your reception is poor, consider replacing or upgrading your antenna. Antennas are especially important for digital reception, and outdoor antennas don't last forever.
- \* For help in choosing an antenna, visit [www.antennaweb.org](http://www.antennaweb.org). Once you enter your address into the site, it can tell you what kind of antenna to buy.
- \* Unfortunately, some households may still have trouble getting a signal in some areas, especially in hilly or mountainous terrain.
- \* The FCC is increasing efforts to work with broadcasters to help resolve these signal problems.
- \* The FCC is sending additional volunteers to communities to help consumers prepare for the transition.
- \* Contact your broadcaster if you have trouble getting digital reception.
- \* Remember: if you have cable or satellite, you are ready for the transition in most cases. Digital televisions do not need digital converters, but may need a better antenna.

---

From: Jeff Cohen  
Sent: Wednesday, January 28, 2009 1:38 PM  
To: Jill Pender; 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; 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; David Furth  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill

AP appears to have it right.

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

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From: Jill Pender  
Sent: Wednesday, January 28, 2009 1:36 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; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill

I just had a phone call from someone who told me that he heard on sports radio that the

measure had passed (ESPN980)! Let's hope that this incorrect information is not being sent via a news service. It could really cause consumer confusion.

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From: Lori Maarbjerg  
Sent: Wednesday, January 28, 2009 1:15 PM  
To: Lori Maarbjerg; Rick Chessen; Rosemary Harold; Rudy Brioche; Eloise Gore; Thomas Horan; Barbara Kreisman; John Gabrysch; Gordon Godfrey; Roy Stewart; Julius Knapp; Alan Stillwell; Ira Keltz; Cathy Seidel; Jill Pender; Louis Sigalos; Patrick Webre; Joel Kaufman; Marilyn Sonn; Mark Wigfield; Edie Herman; Christopher Lewis; Robin Rosenbaum; Gary Epstein; Mindy Ginsburg; Joseph Hall; Mark Stone; Jon Peha; Krista Witanowski; Pam Slipakoff; Bruce Romano; Jeff Cohen; David Furth  
Cc: Deana Funderburk; Jim Balaguer; Joy Medley; Timothy Strachan  
Subject: RE: House Action on DTV Delay Bill

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

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

Vote failed on a final tally of 258 - 168.

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

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

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

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

by 6 PM.

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

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

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

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

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

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

Here's the latest: Things are running a bit behind schedule on the House floor, so looks like they won't reach the 40 minutes of debate until later this evening. Attached please find the House version of S. 328. There are a couple differences, which will require the Senate to vote again (and they are not necessarily happy about that).

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

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

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

The House will have debate on the DTV delay bill tonight. However, the vote will occur tomorrow. The House will take up the Economic Stimulus package at some point after 3:30 PM, and have up to 3.5 hours of debate. Debate on the DTV bill will occur after debate on

the Economic Stimulus package has ended. Please let me know if you have any questions.

---

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 >>

## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 4:57 PM  
**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Recap: DTV Delay Bill

Here's a brief recap of today's events in a condensed format. Please forward to anyone else who may need it.

- After 40 minutes of debate on Tuesday evening, a roll call vote on the House version of S. 328 was postponed until today.
- The bill was brought to the floor under suspension of the rules which requires 2/3s of the House to approve the measure for it to pass (i.e. 285 votes)
- The final vote was 258-168, and the measure was not agreed to.
- The Majority can bring the measure back up under regular order by going to the Rules Committee to establish a rule for consideration, which could include floor amendments, but only requires a simple majority to pass (i.e. 218).
- While Chairman Waxman has not released an official statement on the next steps, at this point, I'm hearing that because they were able to garner over 250 votes in the affirmative, there is a possibility that they will take up the measure next week prior to the House Democratic Retreat on Thursday and Friday.
- If the House is successful in passing S. 328 next week, it still has to go back to the Senate because the language is different.
- On a side note, Reps. Barton and Stearns have proposed their bill (H.R. 661) as an alternative to a date delay. It would provide \$250 million for coupons in order to clear the backlog of coupon requests in the NTIA program.

## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 7:02 PM  
**To:** Lori Maarbjerg; Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Re: Recap: DTV Delay Bill

We've just heard that the Senate intends to pass the amended House version in order to expedite the process. That action is anticipated tonight.

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

**From:** Lori Maarbjerg  
**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Wed Jan 28 16:56:45 2009  
**Subject:** Recap: DTV Delay Bill

Here's a brief recap of today's events in a condensed format. Please forward to anyone else who may need it.

- \* After 40 minutes of debate on Tuesday evening, a roll call vote on the House version of S. 328 was postponed until today.
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- \* If the House is successful in passing S. 328 next week, it still has to go back to the Senate because the language is different.
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## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 7:05 PM  
**To:** Eloise Gore  
**Subject:** Re: Recap: DTV Delay Bill

No. They will try again next week.

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

**From:** Eloise Gore  
**To:** Lori Maarbjerg  
**Sent:** Wed Jan 28 19:02:42 2009  
**Subject:** Re: Recap: DTV Delay Bill

Did the House pass it?

Non-Public  
For Internal Use Only

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Sent from my BlackBerry Wireless Handheld

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

**From:** Lori Maarbjerg  
**To:** Lori Maarbjerg; Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Wed Jan 28 19:01:34 2009  
**Subject:** Re: Recap: DTV Delay Bill

We've just heard that the Senate intends to pass the amended House version in order to expedite the process. That action is anticipated tonight.

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

**From:** Lori Maarbjerg  
**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Wed Jan 28 16:56:45 2009  
**Subject:** Recap: DTV Delay Bill

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affirmative, there is a possibility that they will take up the measure next week prior to the House Democratic Retreat on Thursday and Friday.

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## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 7:22 PM  
**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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Re: Recap: DTV Delay Bill

House Democratic staff indicated to me that there will not be a report, but offered to possibly send us a letter to help with any implementation issues.

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

**From:** Rudy Brioche  
**To:** Lori Maarbjerg; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Wed Jan 28 19:14:45 2009  
**Subject:** RE: Recap: DTV Delay Bill

...so no conference would be necessary and the bill could go straight to the President.

Lori, do you know whether there will be any committee report language on the many implementation issues Eloise and others raised during our meeting Monday am?

To be sure, I'm not asking for guidance on the Commission's behalf. I just want to know whether they intend to provide it, formally.

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

**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 7:02 PM  
**To:** Lori Maarbjerg; Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Re: Recap: DTV Delay Bill

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**To:** Mark Wigfield; Jeff Cohen; Jill Pender; 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; 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; Angela Giancarlo; Maureen McLaughlin; Roger Goldblatt  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley

Sent: Wed Jan 28 16:56:45 2009  
Subject: Recap: DTV Delay Bill

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## Lori Maarbjerg

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**From:** Lori Maarbjerg  
**Sent:** Thursday, January 29, 2009 11:20 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** RE: Recap: DTV Delay Bill

As an Update: The Senate did not take up the revised House DTV Bill last night. Unclear if/when they will do so. I'll let you know if anything changes. On the House side, no specifics beyond Chairman Waxman saying that he is working with the Majority Leadership to discuss all the options.

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

**From:** Lori Maarbjerg  
**Sent:** Wednesday, January 28, 2009 7:22 PM  
**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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Re: Recap: DTV Delay Bill

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

**From:** Rudy Brioche  
**To:** Lori Maarbjerg; 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  
**Cc:** Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Sent:** Wed Jan 28 19:14:45 2009  
**Subject:** RE: Recap: DTV Delay Bill

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## Pam Slipakoff

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

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

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**Sent:** Tuesday, January 27, 2009 8:55 AM  
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**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 >>

## Pam Slipakoff

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

**Attachments:** S. 328 (as passed by Senate).pdf; Summary of S. 328.doc

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!



S. 328 (as passed  
by Senate).p...



Summary of S.  
328.doc (37 KB)

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## Pam Slipakoff

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**From:** Lori Maarbjerg  
**Sent:** Monday, January 26, 2009 8:46 PM  
**To:** Eloise Gore; Rick Chessen; Cathy Seidel; Pam Slipakoff; Julius Knapp; Thomas Horan; Alan Stillwell  
**Cc:** Jill Pender; Deana Funderburk; Jim Balaguer; Timothy Strachan; Joy Medley  
**Subject:** Senate Vote to Delay

Please forward to anyone I may have left off. AP is reporting that the Senate voted to delay the DTV transition to June 12 by UC. The House Energy and Commerce Committee is scheduled to mark up their bill tomorrow morning. I will be attending the mark up and will provide additional info as it becomes available

## Pam Slipakoff

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**From:** Lori Maarbjerg  
**Sent:** Friday, January 23, 2009 10:30 AM  
**To:** Monica Desai; Eloise Gore; Mindy Ginsburg; Jim Schlichting; Charles Mathias; Julius Knapp; Cathy Seidel; Pam Slipakoff; Mark Stone; Michelle Carey; Alan Stillwell; Bruce Romano  
**Cc:** Deana Funderburk; Timothy Strachan; Rick Chessen; Jim Balaguer; Joy Medley  
**Subject:** RE: DTV Bill - Senate

**Attachments:** Side-by-Side Senate DTV Bills (original draft v amended version).doc; DTV Transition Draft 1-22-09.pdf; Modifications to Deficit Reduction Act DTV language by 1.22.09 Senate Draft language.doc

Adding others in OET as I understand Julie is out.

Here's a quick summary/comparison of the Amended Senate version (as distributed below) with the original senate draft from last week. I've also re-attached the language, and provided a document that shows the changes in the statutory language.

Please let me know if you have any questions or see any technical issues with the language. I did note that there may be an issue with the language for public safety. While I believe they are trying to reference channels 63, 64, 68 and 69, I think they have a typo for channel 63 - they reference allowing use in 768 - 776 MHz. (see page 5 line 2 of the bill text). I think it should be 764 MHz? If so, please let me know and I can alert the staff to this technical issue.



Side-by-Side  
Senate DTV Bills ...



DTV Transition  
Draft 1-22-09.p...



Modifications to  
Deficit Reduc...

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**From:** Lori Maarbjerg  
**Sent:** Friday, January 23, 2009 10:03 AM  
**To:** Monica Desai; Eloise Gore; Mindy Ginsburg; Jim Schlichting; Charles Mathias; Julius Knapp; Cathy Seidel; Pam Slipakoff; Mark Stone; Michelle Carey  
**Cc:** Deana Funderburk; Timothy Strachan; Rick Chessen; Jim Balaguer; Joy Medley  
**Subject:** DTV Bill - Senate  
**Importance:** High

Here's the DTV bill from the Senate side. Still trying to track down when it is likely to come up. I will look at this and do a quick summary and send that around as well. A quick preview looks like they have added in the House language allowing stations to continue to terminate early, added in new language for public safety, extend the auction authority for the FCC to 2012, and allow for replacement coupons to households with expired coupons.

<< File: DTV Transition Draft 1-22-09.pdf >>

**Side-by-Side Comparison of DTV Delay Bills – Senate Original Draft v. Amended Version**

<b>ISSUE</b>	<b>Amended Senate Draft (1/22/09 – 6:05 PM Version)</b>	<b>Original Senate Draft (1/15/2009 – 6:04 PM Version)</b>
<b>Date Extension</b>	Extends DTV transition deadline to June 12, 2009 (Pg. 1; Lines 7; Page 2; Lines 1, 11, 15)	Extends DTV transition deadline to June 12, 2009 (Pg. 2; Line 1; 13; & 17)
<b>Converter Box Coupon Program Extension</b>	Extends coupon availability to July 31, 2009. (Pg. 2; Line 3)	Extends coupon availability to July 31, 2009 (Pg. 2; Line 5).
<b>Low Power TV Program</b>	Extends LPTV D-to-A Conversion Program to deadline to June 12, 2009 (See Section 3008 of the DTV Transition and Public Safety Act of 2005). (Pg. 2; Line 8)	Extends LPTV D-to-A Conversion Program to deadline to June 12, 2009 (See Section 3008 of the DTV Transition and Public Safety Act of 2005). (Pg. 2; Line 10)
<b>License Terms</b>	Requires the FCC to “postpone the commencement and the expiration” of the licenses for the recovered analog spectrum for a 116-day period. (Pg. 2; Line 20)	No provision in original draft Senate bill.
<b>Already Expired Coupons</b>	Allows NTIA to issue – at the request of a household – one replacement coupon for each coupon that was issued to the household that had expired without being redeemed. (Pg 3; Line 9)	No provision in original draft Senate bill.
<b>Delivery of Coupons</b>	Deletes reference to USPS in Section 300, and inserts “redeems” in place of “receives”. (Note: This may allow other methods of delivery). (Pg. 3; Line 21)	No provision in original draft Senate bill.
<b>Early Termination by Broadcasters</b>	Allows broadcasters to continue to use the flexibility granted by the FCC in the Third Periodic Review to terminate analog service early. (Pg. 4; Line 1)	No provision in original draft Senate bill.
<b>Public Safety</b>	Allows FCC to permit public safety to use 768 – 776 MHz and 798 – 806 MHz (Note: Should this be 764?) if the TV stations on those channels terminate early, as long it would not cause harmful interference to either analog or digital full-power stations. (Pg. 4; Line 20). Allows the FCC to use an	

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**Side-by-Side Comparison of DTV Delay Bills – Senate Original Draft v. Amended Version**

<b>ISSUE</b>	<b>Amended Senate Draft (1.22.09 – 6:05 PM Version)</b>	<b>Original Senate Draft (1.15.2009 – 6:04 PM Version)</b>
	expedited process and waive rules to allow use by public safety in not less than 2 weeks after submission of an application from public safety. (Pg. 5; Line 13)	
<b>Expedited Rulemakings</b>	Requires the FCC and NTIA – “notwithstanding any other provision of law” – to adopt or revise its rules to carry out the provisions of the Act, not later than 30 days from enactment. (Pg. 5; Line 23)	No provision in original draft Senate bill.
<b>Auction Authority</b>	Extends auction authority to 2012 from 2011. (Pg. 6; Line 8)	No provision in original draft Senate bill.
<b>Emergency Designation</b>	Makes an “emergency designation” for each amount made available under section 3005 (Converter Box Coupon Program) to “meet emergency needs.” (Pg. 6; Line 11).	Makes an “emergency designation” for each amount made available under section 3005 (Converter Box Coupon Program) to “meet emergency needs.” (Pg. 2; Line 21)

AMENDMENT NO.

CAL. NO.

[STAFF WORKING DRAFT]

January 22, 2009

Purpose: To postpone the DTV transition date.

**IN THE SENATE OF THE UNITED STATES**—111TH Cong., 1ST Sess.

**S. ———**, 111TH Congress, 1ST Session

JANUARY ———, 2009

( ) Referred to the Committee on ——— and  
ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. ROCKEFELLER (for himself  
and Mrs. HUTCHISON)

Viz: Strike out all after the enacting clause and insert the  
following:

**1 SECTION 1. SHORT TITLE.**

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

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

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

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

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

3 (b) EXTENSION OF COUPON PROGRAM.—Section  
4 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amend-  
5 ed by striking “March 31, 2009,” and inserting “July 31,  
6 2009,”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 3008(a)(1) of that Act (47 U.S.C.  
9 309 note) is amended by striking “February 17,  
10 2009.” and inserting “June 12, 2009.”.

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

15 (3) Section 337(e)(1) of the Communications  
16 Act of 1934 (47 U.S.C. 337(e)(1)) is amended by  
17 striking “February 17, 2009,” and inserting “June  
18 12, 2009,”.

19 (d) LICENSE TERMS.—

20 (1) EXTENSION.—The Federal Communications  
21 Commission shall extend the terms of the licenses  
22 for the recovered spectrum, including the license pe-  
23 riod and construction requirements associated with  
24 those licenses, for a 116-day period.

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

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

6 (B) the spectrum excluded from the defini-  
7 tion of recovered analog spectrum by subclauses  
8 (I) and (II) of such section.

9 **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-**  
10 **VERTER BOX PROGRAM.**

11 (a) TREATMENT OF EXPIRED COUPONS.—Section  
12 3005(c)(1) of the Digital Television Transition and Public  
13 Safety Act of 2005 (47 U.S.C. 309 note) is amended by  
14 adding at the end the following:

15 “(D) EXPIRED COUPONS.—The Assistant  
16 Secretary may issue to a household, upon re-  
17 quest by the household, one replacement coupon  
18 for each coupon that was issued to such house-  
19 hold and that expired without being re-  
20 deemed.”.

21 (b) CONFORMING AMENDMENT.—Section  
22 3005(c)(1)(A) of the Digital Television Transition and  
23 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
24 ed by striking “receives, via the United States Postal Serv-  
25 ice,” and inserting “redeems”.

1 **SEC. 4. IMPLEMENTATION.**

2 (a) **PERMISSIVE EARLY TERMINATION UNDER EX-**  
3 **ISTING REQUIREMENTS.**—Nothing in this Act is intended  
4 to prevent a licensee of a television broadcast station from  
5 terminating the broadcasting of such station’s analog tele-  
6 vision signal (and continuing to broadcast exclusively in  
7 the digital television service) prior to the date established  
8 by law under section 3002(b) of the Digital Television  
9 Transition and Public Safety Act of 2005 for termination  
10 of all licenses for full-power television stations in the ana-  
11 log television service (as amended by section 2 of this Act)  
12 so long as such prior termination is conducted in accord-  
13 ance with the Federal Communications Commission’s re-  
14 quirements in effect on the date of enactment of this Act,  
15 including the flexible procedures established in the Matter  
16 of Third Periodic Review of the Commission’s Rules and  
17 Policies Affecting the Conversion to Digital Television  
18 (FCC 07–228, MB Docket No. 07–91, released December  
19 31, 2007).

20 (b) **PUBLIC SAFETY RADIO SERVICES.**—

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

23 (A) a television broadcast station ceases  
24 the broadcasting of such station’s analog tele-  
25 vision service under subsection (a) of this sec-  
26 tion prior to June 12, 2009, and

1 (B) as a consequence of such cessation,  
2 spectrum between frequencies 768 and 776  
3 megahertz, inclusive, and 798 and 806 mega-  
4 hertz, inclusive, becomes available for non-tele-  
5 vision broadcast use prior to June 12, 2009,  
6 the Federal Communications Commission shall  
7 permit the use of such spectrum for authorized  
8 public safety radio services if the Commission  
9 determines that such use is in the public inter-  
10 est and does not cause harmful interference to  
11 full-power television stations in the analog or  
12 digital television service.

13 (2) EXPEDITED PROCEDURES.—The Federal  
14 Communications Commission may use expedited pro-  
15 cedures, and may waive such rules as may be nec-  
16 essary, to make a determination on an application  
17 made under paragraph (1) to begin such use of such  
18 spectrum by a public safety agency (as such term is  
19 defined in section 3006(d)(1) of the Digital Tele-  
20 vision Transition and Public Safety Act of 2005) in  
21 not less than 2 weeks after the date of submission  
22 of such application.

23 (c) EXPEDITED RULEMAKING.—Notwithstanding  
24 any other provision of law, the Federal Communications  
25 Commission and the National Telecommunications Infor-

1 mation Administration shall, not later than 30 days after  
2 the date of enactment of this Act, each adopt or revise  
3 its rules, regulations, or orders or take such other actions  
4 as may be necessary or appropriate to implement the pro-  
5 visions, and carry out the purposes, of this Act and the  
6 amendments made by this Act.

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

8 Section 309(j)(11) of the Communications Act of  
9 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
10 "2011." and inserting "2012."

11 **SEC. 6. EMERGENCY DESIGNATION.**

12 Each amount made available under section 3005 of  
13 the Digital Television Transition and Public Safety Act  
14 of 2005 (47 U.S.C. 309 note) as a result of the amend-  
15 ments made by this Act is designated as an emergency  
16 requirement and necessary to meet emergency needs pur-  
17 suant to section 204(a) of S. Con. Res. 21 (110th Con-  
18 gress) and section 301(b)(2) of S. Con. Res. 70 (110th  
19 Congress), the concurrent resolutions on the budget for  
20 fiscal years 2008 and 2009.

○

PROPOSED MODIFICATIONS TO TITLE III OF THE DEFICIT REDUCTION ACT OF 2005

Modifications in Blue are proposed in the 1.22.09 Senate versions of draft legislation to extend DTV Deadline.

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[[Page 120 STAT. 4]]

Public Law 109-171  
109th Congress

An Act

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). Feb. 8, 2006 - [S. 1932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Deficit Reduction Act of 2005. assembled, ...

TITLE III--DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY

SEC. 3001. SHORT TITLE; DEFINITION.

(a) Short Title.--This title may be cited as the ``Digital Television Transition and Public Safety Act of 2005''.

(b) Definition.--As used in this Act, the term ``Assistant Secretary'' means the Assistant Secretary for Communications and Information of the Department of Commerce.

SEC. 3002. ANALOG SPECTRUM RECOVERY: FIRM DEADLINE.

(a) Amendments.--Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended--

(1) in subparagraph (A)--

(A) by inserting ``full-power'' before ``television broadcast license''; and

(B) by striking ``December 31, 2006'' and inserting ``February 17, 2009'';

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking ``or (B)'';

(4) in subparagraph (D), by striking ``subparagraph (C)(i)'' and inserting ``subparagraph (B)(i)''; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) Terminations of Analog Licenses and Broadcasting.--The Federal Communications Commission shall take such actions as are necessary--

(1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by ~~February 18, 2009~~ June 13, 2009; and

(2) to require by ~~February 18, 2009~~ that date, that all broadcasting by Class A stations, whether in the analog television service or digital television service, and all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).

(c) Conforming Amendments.--

(1) Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended--

(A) in paragraph (1)--

(i) by striking ``channels 60 to 69'' and inserting ``channels 52 to 69'';

(ii) by striking ``person who'' and inserting ``full-power television station licensee that'';

(iii) by striking ``746 and 806 megahertz'' and inserting ``698 and 806 megahertz''; and

[[Page 120 STAT. 22]]

(iv) by striking ``the date on which the digital television service transition period terminates, as determined by the Commission'' and inserting ``February 17, 2009'';

(B) in paragraph (2), by striking ``746 megahertz'' and inserting ``698 megahertz''.

SEC. 3005. DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) Creation of Program.--The Assistant Secretary shall--

(1) implement and administer a program through which households in the United States may obtain coupons that can be applied toward the purchase of digital-to-analog converter boxes; and

(2) make payments of not to exceed \$990,000,000, in the aggregate, through fiscal year 2009 to carry out that program from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)).

(b) <<NOTE: Effective date.>> Credit.--The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed \$1,500,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) Program Specifications.--

(1) Limitations.--

(A) Two-per-household maximum.--A household may obtain coupons by making a request as required by the regulations under this section between January 1, 2008, and ~~March 31, 2009~~ July 31, 2009, inclusive. The Assistant Secretary shall ensure that each requesting household receives, ~~via the United States Postal Service~~ redeems no more than two coupons.

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(B) No combinations of coupons.--Two coupons may not be used in combination toward the purchase of a single digital-to-analog converter box.

(C) Duration.--All coupons shall expire 3 months after issuance.

(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.

(2) Distribution of coupons.--The Assistant Secretary shall expend not more than \$100,000,000 on administrative expenses and shall ensure that the sum of--

(A) all administrative expenses for the program, including not more than \$5,000,000 for consumer education concerning the digital television transition and the availability of the digital-to-analog converter box program; and

(B) the total maximum value of all the coupons redeemed, and issued but not expired, does not exceed \$990,000,000.

(3) Use of additional amount.--If the Assistant Secretary transmits to the Committee on Energy and Commerce of the House of Representatives and Committee on Commerce,

[[Page 120 STAT. 24]]

Science, and Transportation of the Senate a statement certifying that the sum permitted to be expended under paragraph (2) will be insufficient to fulfill the requests for coupons from eligible households--

(A) <<NOTE: Applicability.>> paragraph (2) shall be applied--

(i) by substituting ``\$160,000,000'' for ``\$100,000,000''; and

(ii) by substituting ``\$1,500,000,000'' for ``\$990,000,000'';

(B) subsection (a)(2) shall be applied by substituting ``\$1,500,000,000'' for ``\$990,000,000''; and

(C) <<NOTE: Deadline.>> the additional amount permitted to be expended shall be available 60 days after the Assistant Secretary sends such statement.

(4) Coupon value.--The value of each coupon shall be \$40.

(d) Definition of Digital-to-Analog Converter Box.--For purposes of this section, the term ``digital-to-analog converter box'' means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on television receivers designed to receive and display signals only in the analog television service, but may also include a remote control device.

SEC. 3008. LOW-POWER TELEVISION AND TRANSLATOR DIGITAL-TO-ANALOG CONVERSION.

231

(a) Creation of Program.--The Assistant Secretary shall make payments of not to exceed \$10,000,000, in the aggregate, during the fiscal year 2008 and 2009 period from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for

[[Page 120 STAT. 26]]

transmission on the low-power television station's analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before ~~February 17, 2009~~ June 12, 2009. Priority compensation shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.

(b) Credit.--The Assistant Secretary may borrow from the Treasury beginning October 1, 2006, such sums as may be necessary, but not to exceed \$10,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) Eligible Stations.--For purposes of this section, the term ``eligible low-power television station'' means a low-power television broadcast station, Class A television station, television translator station, or television booster station--

(1) that is itself broadcasting exclusively in analog format; and

(2) that has not purchased a digital-to-analog conversion device prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.

## **Pam Slipakoff**

---

**From:** Lori Maarbjerg  
**Sent:** Friday, January 16, 2009 11:12 AM  
**To:** Mark Stone; Michelle Carey; Monica Desai; Eloise Gore; Mindy Ginsburg; Jim Schlichting; Charles Mathias; Julius Knapp; Cathy Seidel; Pam Slipakoff  
**Cc:** Deana Funderburk; Timothy Strachan  
**Subject:** DTV Delay: Question from Sen. Byrd

Senator Byrd's staff has two questions regarding the possible extension of the DTV transition date. As you probably know, Senator Byrd sits on the Senate Appropriations Committee.

- (1) What is the impact on industry of a DTV transition extension generally; and
- (2) Does the federal govt have any contractual obligations to the 700 MHz auction winners that would need to be renegotiated, and whether that would cost money.

I am in the process of summarizing and comparing the two DTV Date Delay bills and will circulate that when available, but wanted to pass along these questions in the interim. Thanks!

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**

**Pam Slipakoff**

**From:** Debra Berlyn [drberlyn@yahoo.com]  
**Sent:** Sunday, December 14, 2008 12:29 PM  
**To:** CAC 2007 Consumer Advisory Committee  
**Subject:** RE: House Passes DTV Transition Bill

An excellent point, Jay. We will need to check on that.

--- On Fri, 12/12/08, Jay Stiteley <jstiteley@seeingeve.org> wrote:

**From:** Jay Stiteley <jstiteley@seeingeve.org>  
**Subject:** RE: House Passes DTV Transition Bill  
**To:** "CAC 2007 Consumer Advisory Committee" <cac2007@info.fcc.gov>  
**Date:** Friday, December 12, 2008, 12:01 PM

the way this is described that it is only visual, causes concerns for people who are blind and visually impaired, that they will not have access.

Could someone confirm whether there will be audio as part of this message.

thank you

**From:** Ken McElDowney [mailto:ken.mceldowney@consumer-action.org]  
**Sent:** Thursday, December 11, 2008 1:48 PM  
**To:** CAC 2007 Consumer Advisory Committee  
**Cc:** CAC 2007 Consumer Advisory Committee  
**Subject:** Re: House Passes DTV Transition Bill

Agreed

At 11:36 AM -0800 12/11/08, Debra Berlyn wrote:

A great victory for consumers!

On Dec 11, 2008, at 12:05 PM, Charles Benton <cbenton@benton.org> wrote:

House Passes DTV Transition Bill

[SOURCE: Rep Lois Capps (D-CA), AUTHOR: Press release]

On Wednesday the US House of representatives approved -- by unanimous consent -- the Short-term Analog Flash and Emergency Readiness Act, a bill sponsored by Rep Louis Capps in the House and Sen Jay Rockefeller (D-WV) in the Senate. The legislation allows for the short-term continued analog broadcast of essential information after the February 18, 2009 nationwide transition to digital television (DTV), including broadcasts of emergency information. The legislation now goes to the President who is expected to sign the bill. Under the SAFER Act, after February 18th households that may not have prepared their televisions to receive digital signals will see a "slide" on their screen-in both English and Spanish- informing them that the transition to digital has taken place, and providing a phone number for further information on how to arrange for their televisions to receive digital signals. More importantly, they will also receive emergency weather and public safety information that is broadcast over digital airwaves. The SAFER Act would ensure that this information was available for 30 days following the transition to all-digital broadcasting.

[http://www.house.gov/apps/list/speech/ca23\\_capps/morenews/pr121008\\_dtv.shtml](http://www.house.gov/apps/list/speech/ca23_capps/morenews/pr121008_dtv.shtml)

House bill allows some analog messages after DTV switch (C|Net)

[http://news.cnet.com/8301-13578\\_3-10121057-38.html?part=rss&subj=news&tag=2547-1\\_3-0-5](http://news.cnet.com/8301-13578_3-10121057-38.html?part=rss&subj=news&tag=2547-1_3-0-5)

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--

\*\*\*\*\*  
Ken McEldowney, Executive Director  
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**Pam Slipakoff**

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**From:** John Goodykoontz [Jgoodykoontz@crosbyvolmer.com]  
**Sent:** Tuesday, February 10, 2009 10:57 AM  
**To:** Pam Slipakoff  
**Subject:** DTV Digest: Congress extends DTV deadline to June 12 and much more!

**DTV Top Headlines**

- President Barack Obama is expected to sign into law the DTV Delay Act, the bill approved last week by Congress that will extend the nationwide switch to digital television (DTV) to June 12, 2009. Television stations across the country are running a new public service announcement produced by the National Association of Broadcasters (NAB) highlighting the June 12 deadline.
- Yesterday was the deadline for TV stations to submit their requests to the Federal Communications Commission for permission to switch prior to the June 12 deadline. [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-6A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-6A1.doc)
- The TV Converter Box Coupon Program is under the new leadership of Anna Gomez, who was appointed deputy assistant secretary for communications and information at the National Telecommunications and Information Administration (NTIA). Since NTIA manages the coupon program, one of Ms. Gomez's top duties will be to help facilitate the DTV transition. [www.ntia.doc.gov/press/2009/NTIA\\_Gomez\\_090203.htm](http://www.ntia.doc.gov/press/2009/NTIA_Gomez_090203.htm)
- At least 8 out of 10 broadcast-only TV households have taken steps to prepare for the transition, according to NAB's January 2009 survey. The poll found that 82 percent of broadcast-only households, considered to be most impacted by the switch, have either learned more about their options in getting DTV, applied for a converter box coupon or completed their upgrade to DTV. [www.dtvanswers.com/presskit/090205.html](http://www.dtvanswers.com/presskit/090205.html)

**Did You Know?**

June 12 is the new deadline by which full-power television stations must go all digital, but some stations intend to switch prior to that date.

**Converter Box Coupons: Who's Applying**

Here are coupon statistics as of February 4, 2009 (Source: NTIA):

Approved households that have applied = 27,850,352  
Coupons requested = 51,713,600  
Coupons mailed = 47,580,850  
Coupons expired = 14,692,493  
Coupons redeemed = 22,623,231  
Coupons on wait list = 3,713,234  
Coupons active = 10,265,126  
Average daily orders last 30 days = 180,649

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Average daily orders last week = 123,748  
Participating retailers / Locations = 2,366 / 34,230

The U.S. Department of Commerce's NTIA manages the TV converter box coupon program. Consumers can apply for coupons at [www.DTV2009.gov](http://www.DTV2009.gov) or call the 24-hour toll-free hotline at 1-888-388-2009 (1-888-DTV-2009).

Weekly statistics on coupons requested and redeemed are available by state and zip code at [https://www.ntiadtv.gov/coupon\\_stats.cfm](https://www.ntiadtv.gov/coupon_stats.cfm).

### **Converter Boxes: What to Buy and Where**

One new coupon-eligible converter boxes was approved this past week, and the total stands at 188. There are 87 certified converter boxes, of which 52 can pass through analog signals, now available in retail stores. There are also 101 certified converter boxes, of which 58 can pass through analog signals, not yet available in retail stores. Each box costs around \$40-70. For a detailed listing of eligible boxes, visit [www.ntiadtv.gov/cecb\\_list.cfm](http://www.ntiadtv.gov/cecb_list.cfm).

No new national retailers joined the program this past week. There are 7 national, 36 online and 10 telephone retailers selling converter boxes. For a complete listing or to search for local retailers, visit [www.DTV2009.gov/VendorSearch.aspx](http://www.DTV2009.gov/VendorSearch.aspx).

### **Coming Up**

Next stops on NAB's DTV Road Show: Virginia and Tennessee  
Resembling giant television sets, two "DTV Trekker" trucks will travel 95,000 miles to more than 600 locations in 200 markets nationwide before the 2009 transition deadline.  
[www.dtvroadshow.com](http://www.dtvroadshow.com)

Next stop on the DTV Speakers Bureau circuit:  
Feb 12: Northeast Ohio's WNEO-TV will hold a DTV educational event and converter box demonstration at the Western Reserve Public Media studio in Kent.

The nation's largest speakers bureau of television station representatives is on target to reach 8,000 audiences with DTV messages by the 2009 transition deadline. [www.dtvSpeak.com](http://www.dtvSpeak.com)

### **DTV Fast Facts**

National DTV transition deadline is June 12, 2009.

93 percent or 1,631 out of 1,759 full-power TV stations are broadcasting in digital today

70 million TV sets are at risk of losing their signals

19.6 million households receive over-the-air signals exclusively in their homes

14.9 million households have secondary over-the-air TV sets in their bedrooms or kitchens

Demographics of households that get TV reception exclusively over the air: 27.5 percent African American, 31.8 percent Hispanic, 41.5 percent Spanish-speaking homes

How DTV benefits consumers: crystal clear pictures and sound, more programming choices and services than ever before – all for free!

How to switch options: 1. Purchase a DTV converter box, 2. Purchase a TV set with built-in digital tuner, or 3. Subscribe to cable, satellite or other pay TV service

**Links**

NAB's DTV electronic press kit [www.dtvanswers.com/presskit](http://www.dtvanswers.com/presskit)

Consumer DTV information [www.dtvanswers.com](http://www.dtvanswers.com)

Coupon program [www.DTV2009.gov](http://www.DTV2009.gov)

DTV Coalition (241 members and growing) [www.dtvtransition.org](http://www.dtvtransition.org)

FCC on DTV [www.dtv.gov](http://www.dtv.gov)

**NAB DTV Transition Media Contacts**

Shermaze Ingram, Senior Director of Media Relations  
[singram@nab.org](mailto:singram@nab.org), (202) 429-5477

Linda Yun, Media Relations Manager  
[lyun@nab.org](mailto:lyun@nab.org), (202) 429-4190

Ashley Dos Santos, Crosby-Volmer, Senior Account Executive  
[adossantos@crosbyvolmer.com](mailto:adossantos@crosbyvolmer.com), (202) 232-6571

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**Pam Slipakoff**

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**From:** Cathy Seidel  
**Sent:** Monday, February 09, 2009 1:03 PM  
**To:** Cathy Seidel; Gary Epstein; Rick Chessen; Rudy Briocche; Rosemary Harold  
**Cc:** Pam Slipakoff; Thomas Wyatt; Louis Sigalos  
**Subject:** RE: DTV Coalition Meeting  
**Importance:** High

Gary said he would be attending. Rudy mentioned that he will likely attend as well. The car is reserved and will be out front at 2 p.m. Louis and I both have conflicts and will not be attending this one.

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**From:** Cathy Seidel  
**Sent:** Friday, February 06, 2009 11:57 AM  
**To:** Gary Epstein; Rick Chessen; Rudy Briocche; Rosemary Harold  
**Cc:** Pam Slipakoff; Thomas Wyatt; Louis Sigalos  
**Subject:** DTV Coalition Meeting

The DTV Coalition meeting is on Monday. Let me know if any of you plan to attend.

---

**From:** Collegio, Jonathan [mailto:JCollegio@nab.org]  
**Sent:** Friday, February 06, 2009 11:26 AM  
**To:** Collegio, Jonathan  
**Subject:** DTV Transition Coalition Update: February 2009



February 6, 2009

**To:** DTV Transition Coalition  
Interested Parties  
**From:** Jonathan Collegio, NAB

Below is an update on the activities of the Digital Television (DTV) Transition Coalition. We will continue to provide updates like this each month as we approach the transition.

3/3/2009

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**1) Next Coalition Meeting on Monday, February 9:** The next meeting of the DTV Transition Coalition will be held on Monday, February 9, at 3 p.m. at the National Association of Broadcasters (NAB) building at 1771 N Street, NW, in Washington, D.C.

We look forward to welcoming Gary Epstein, the FCC's new DTV Czar.

If you have any agenda items or potential presentations for the meeting, please let me know in advance. **Please RSVP** for the meeting by contacting Abbigail Stuaan at [astuaan@nab.org](mailto:astuaan@nab.org).

**2) New June 12 Transition Date:** On Wednesday, Congress passed legislation to delay the national DTV transition from February 17 to June 12. The White House has indicated that President Obama will sign the bill into law in the coming days. The "DTV Delay Act" (S. 352) also allows consumers whose coupons have expired to reapply for replacement coupons and gives stations the flexibility to switch to digital prior to the June 12 deadline. We will discuss implications of the date change at the meeting on Monday.

**3) New NTIA Official to Lead DTV Efforts:** The National Telecommunications and Information Administration (NTIA) announced this week the appointment of Anna Gomez as deputy assistant secretary for communications and information. Since NTIA manages the TV converter box coupon program, one of Ms. Gomez's top duties will be to help facilitate the DTV transition.

**4) Converter Box Coupon Update:** As of January 28, 2009, NTIA has received applications for 51 million coupons from 27 million households, and is **averaging 152,052 applications each day**. About 3.2 million coupon requests are currently on the waiting list. Meanwhile, 2,371 retailers representing 34,236 locations are participating in the program, and 187 converter boxes have been certified, including 109 models with the "analog pass-through" option. A list of certified available and not-yet-available converter boxes can be found at [www.ntiadtv.gov](http://www.ntiadtv.gov).

**5) New Date Updates to Coalition Resources:** NAB and CEA are in the process of updating coalition collateral to reflect the new June 12 transition date. In the coming days, changes will be made to the Coalition Web site and electronic toolkit, as well as downloadable materials including the DTV Q&A flyer in English and Spanish. For organizations linking to [www.DTVAnswers.com](http://www.DTVAnswers.com), please note that NAB has already updated the site to reflect the June 12 date. NAB has also distributed spots to television stations promoting the June 12 transition date.

*Reminder: The coalition's sole purpose is to educate consumers about the federally mandated transition to digital broadcasting with the goal of no consumer losing television reception due to a lack of information about the DTV transition. The coalition does not promote or oppose any public policy issues surrounding the transition, although some coalition members do individually take positions on DTV-related issues.*

**6) DTV toll-free hotline:** Executives from the broadcasting and cable industries and officials from the FCC are currently working together to create an integrated toll free telephone system that will help viewers navigate the DTV transition after February 17, 2009. The system would combine live operators with automated elements to answer viewer calls before and after February 17. The details of the plan are still being worked out, and we will keep you updated once the plan is finalized.

**7) DTV "Nightlight" Educational Video:** NAB will show a clip of the DTV educational video that will be distributed to television stations to broadcast over their analog channels in a continuous loop in analog after their transition to DTV. The video is available in English and Spanish and accessible to persons with disabilities. It addresses frequently asked questions about the transition, demonstrates how to hook up a converter box and scan for channels, how to best position an antenna and directs viewers to the national DTV hotline.

**8) Invite Other Organizations to Join the DTV Transition Coalition:** The DTV Transition Coalition is comprised of 241 organizations and businesses supportive of a smooth transition to digital television broadcasting. If you know of any organizations that might be interested in joining the DTV Transition Coalition or distributing DTV-related information to their memberships, please contact Megan Pollock of CEA at [mpollock@ce.org](mailto:mpollock@ce.org) or (703) 907-7668.

We will continue to keep you updated on our consumer education efforts in the weeks ahead. If you have any comments or suggestions, please do not hesitate to contact me at (202) 429-5386 or [jcollegio@nab.org](mailto:jcollegio@nab.org).

Sincerely,

**Jonathan Collegio**

Vice President, Digital Television Transition

National Association of Broadcasters

1771 N Street NW

Washington DC 20036

Phone 202 429 5386

Mobile 202 390 4243

Fax 202 429 4199

[www.nab.org](http://www.nab.org)

[www.dtvanswers.com](http://www.dtvanswers.com)

**Advocacy Education Innovation**

The NAB Show | Las Vegas | April 18-23, 2009

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## Pam Slipakoff

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**From:** Mark Wigfield  
**Sent:** Friday, February 06, 2009 7:09 PM  
**To:** Cathy Seidel; Brock Fekken  
**Cc:** Patrick Webre; Pam Slipakoff  
**Subject:** RE: DTV Advisory

Thank you, all. This keeps our site in the game!

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**From:** Cathy Seidel  
**Sent:** Friday, February 06, 2009 6:58 PM  
**To:** Brock Fekken  
**Cc:** Patrick Webre; Mark Wigfield; Pam Slipakoff  
**Subject:** DTV Advisory

<< File: Delay Legislation Advisory 02-06-09.doc >>

Brock,

As discussed, please post this to the dtv.gov webpage later this evening.

I know you are out of pocket until around 9 p.m., but that you will post it then. Thank you for doing so.

Just drop us an email back when it is done.

Thanks again for all your help.

(and, thanks again, Patrick for your work on this.)

## **Pam Slipakoff**

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

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

## Pam Slipakoff

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**From:** Cathy Seidel  
**Sent:** Tuesday, February 10, 2009 1:02 PM  
**To:** Gregory Vadas; Pam Slipakoff; Thomas Wyatt  
**Subject:** RE: events and messaging

I will look to Thomas to provide detailed guidance, but after just skimming this I had a few reactions.

First, I don't think we would or should ever try to say what the "priorities for this Administration" are.

We are an independent agency and we can't nor should we speak for "the Administration." Nor do I think at this point, it is fair to say that as soon as we "finish" with DTV we will then be focusing on broadband. While I personally think that to be the case, it is the Chairman's priorities that matter, and at this stage it would be premature to say what they may be until after we get through DTV.

Thomas can provide more.

Thanks.

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

**From:** Gregory Vadas  
**Sent:** Tuesday, February 10, 2009 12:54 PM  
**To:** Pam Slipakoff; Thomas Wyatt  
**Cc:** Cathy Seidel  
**Subject:** RE: events and messaging

Got it, thank you!!! What about the general message on broadband?

I just need to be clear in case we are asked about broadband. I need to know if we should decline to comment or just say something general as indicated in the language below.

Please provide guidance. Thank you, Greg

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

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

**From:** Pam Slipakoff  
**Sent:** Tuesday, February 10, 2009 12:52 PM  
**To:** Gregory Vadas; Thomas Wyatt  
**Cc:** Cathy Seidel  
**Subject:** Re: events and messaging

Yes. We should speak on dtv through april

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

**From:** Gregory Vadas  
**To:** Pam Slipakoff; Thomas Wyatt  
**Cc:** Cathy Seidel  
**Sent:** Tue Feb 10 12:49:57 2009  
**Subject:** events and messaging

Pam,

I would like to confirm our conversation that IGA's outreach to NGA, NAAG, NADO, NACO, NLC, USCM, etc. will be on DTV Transition until further notice, please confirm. This plan for works for IGA; I just want to be clear. Thanks

Also, please note that NACO made a specific request last week that we speak on broadband. I will try to steer NACO, and all the organizations, towards DTV for now.

Until DTV is over and/or until we get further direction on broadband from the Chairman's Office, I propose having something VERY GENERAL to say about broadband. It may be difficult / awkward for us to be at some of these events on DTV and not be able to field a broadband question at all. The language below would be responsive to organizations and general, while importantly letting the organizations know the focus for now is DTV, but the FCC hears your concerns going forward.

Both DTV and broadband are priorities for this Administration. However, Chairman Copps' main focus, as he has stated on numerous occasions, through June is DTV, DTV, DTV. We understand the import of broadband to you and recognize that President Obama has called for a more active government role in promoting universal and next-generation broadband deployment as part of his broader economic recovery stimulus plan.

State and local organizations are following closely the broadband provisions in the pending federal economic stimulus bill, the "American Recovery and Reinvestment Act." The pending legislation may authorize billions of grants and loans for expanded broadband service, especially to underserved regions of the country.

Additionally, the FCC needs to implement S. 1492, the Broadband Data Improvement Act, Pub. L. 110-385, signed into law on Oct. 10, 2008. This legislation among several provisions requires the FCC to: (1) revise the definitions of advanced telecommunications capability, or broadband; (2) identify tiers of broadband service in which most connections can reliably transmit full-motion, high definition video; and (3) revise certain provider reporting requirements to enable the FCC to identify actual numbers of broadband connections by customer type and geographic area.

We look forward to successfully completing the transition to DTV and focusing our outreach efforts on broadband in the coming months.

I think the above general language will work and ensure good relations going forward with these groups, as well as allow us to get our DTV Transition message forward.

Please let me know if this plan works for you. I look forward to Front Office guidance.

Thanks, Greg

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

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From: Pam Slipakoff  
Sent: Monday, February 09, 2009 10:24 AM  
To: Pam Slipakoff; Thomas Wyatt; Rachel Kazan; Sherry Dawson; Gregory Vadas  
Subject: RE: February through April events

We need some more detail. Have we asked to speak at these events? In light of the date

change, we should be asking to speak at NGA, NAAG, NADo, NACO, CFA, NLC & USHLI. Please update the document to indicate where we have a speaking role. So, please call all of the groups to push for a speaking role & to see if we can hand out our new DTV publication. Please find out if the fee is waived if we speak.

We should be OK for NCAI, we just need to know what Shana is saying. She should also take handout.

Sherry or Rachel- when one of you get back in the office, please set up a time for us to talk. I am concerned about April.

Please get me an updated draft by Wednesday.

Thanks

Pam Slipakoff  
Chief of Staff  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
202-418-7705

To visit the FCC's Digital Television Website paste this URL into your browser:  
[www.DTV.gov](http://www.DTV.gov) <<http://www.DTV.gov>>

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From: Pam Slipakoff  
Sent: Monday, February 09, 2009 10:17 AM  
To: Thomas Wyatt; Rachel Kazan; Sherry Dawson; Gregory Vadas  
Subject: FW: February through April events

Adding Thomas.

Greg- is there still a fee for NCAI if Shana is speaking? I don't recall a fee in past years.

Thanks

Pam Slipakoff  
Chief of Staff  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
202-418-7705

To visit the FCC's Digital Television Website paste this URL into your browser:  
[www.DTV.gov](http://www.DTV.gov) <<http://www.DTV.gov>>

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From: Kevin Holmes [mailto:riff\_animal@yahoo.com]  
Sent: Monday, February 09, 2009 8:18 AM  
To: Rachel Kazan; Pam Slipakoff; Gregory Vadas  
Subject: February through April events

Attached is the document for CAOD and IGA events through April. The two Hispanic events for DTV are included because of the DTV deadline extension.

Helen mentioned there were Deaf Expo events being held between now and April that would be good for DTV outreach. I did not add them to our list but the events should probably be mentioned to the regional supervisors to see if they think they are worth participating.

Deaf Expos:

February 21 - Greensboro, NC

March 7 - Austin, TX

March 14 - Orlando, FL

March 21 - Kansas City, MO

March 28 - Minneapolis, MN

April 4 - Phoenix, AZ

April 18 - Atlanta, GA

April 25 - Indianapolis, IN

You can reach me on my cell 240-417-6982 and I have my blackberry. Hope to be in this afternoon.

Sherry

## Pam Slipakoff

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**From:** Cathy Seidel  
**Sent:** Tuesday, February 10, 2009 1:15 PM  
**To:** D'Wana Terry; Pam Slipakoff; Thomas Wyatt; Nicole McGinnis  
**Subject:** FW: Senate Passes Economic Stimulus Bill with Telecom Provisions  
**Importance:** High  
**Attachments:** HR 1 As Approved by the House (Broadband Related Provisions).pdf; Nelson Collins Amendment to HR 1 (Broadband Related Provisions).pdf

fyi

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**From:** Jim Balaguer  
**Sent:** Tuesday, February 10, 2009 1:14 PM  
**To:** Rick Chessen; Scott Deutchman; Paul Murray; Scott Bergmann; Rudy Brioche; Renee Crittendon; Angela Giancarlo; Nicholas Alexander; Rosemary Harold; Julie Veach; Jim Schlichting; Cathy Seidel; Julius Knapp; Robert Ratcliffe; John Giusti  
**Cc:** Michael Perko; Lori Maarbjerg; Timothy Strachan; Joy Medley  
**Subject:** Senate Passes Economic Stimulus Bill with Telecom Provisions  
**Importance:** High

FYI - As anticipated, by a vote of 61-37, the Senate has given final approval to an amended version of an \$838.2 billion economic stimulus bill, H.R. 1, the American Recovery and Reinvestment Act of 2009. The House passed its version of the bill, totaling \$819.5 billion, on January 29th. The two bills will need to be reconciled in a House-Senate conference. The Senate has appointed Senators Inouye (D-HI), Baucus (D-MT), Reid (D-NV), Cochran (R-MS) and Grassley (R-IA) to serve as conferees. The House is expected to name conferees later today. Although Democratic leaders have stated their goal is to complete action by Friday when Congress is scheduled to leave for the President's Day recess, the complex nature of the legislation is likely to require additional time to complete negotiations.

Below are brief summaries of the provisions which impact the Commission. In addition, attached are the communications-related excerpts from the respective Senate and House bills. The attached documents also contain bookmarks for these sections. (Click on the "bookmarks" tab on left side of the pdf).

### Digital Television Transition

**DTV Converter Box Program** - The Senate bill includes \$650 million for the DTV converter box program, of which \$90 million may be used for education and outreach activities. Although none of the DTV funds are specifically allocated for FCC, the bill includes a provision which permits NTIA to transfer funds designated for education and outreach to the Commission. While the House bill also includes \$650 million, it is silent as to any additional FCC funding. The Senate bill also includes a provision permitting NTIA to reissue any expired or lost converter box coupon.

### Broadband Deployment Programs

**Rural Utilities Program** – The final Senate bill contains \$100 million direct loans and grants for distance learning and telemedicine services in rural areas. The original language provided for \$200 million. The House bill provides RUS with \$2.825 billion in grants, loans and loan guarantees for open access broadband infrastructure, as the House version divides approximately \$6 billion in broadband deployment funding between NTIA and RUS.

**NTIA Broadband Technology Opportunities Program** – The Senate bill designates the vast majority (\$7 billion of the \$7.1 billion) in broadband deployment funding to NTIA. The bill includes \$200 million for public computing

centers, \$250 million for competitive grants to encourage broadband adoption, \$10 million for IG audits, \$350 million for broadband mapping and \$6.19 billion for a broadband infrastructure program to provide service to unserved and underserved areas. The grant program would require companies to partner with a state, municipality, or a nonprofit entity. NTIA is to coordinate with the FCC on the program, including publishing "non-discriminations and network interconnection obligations" as a condition of grant funding. The bill stipulates that half of the funding (\$3.325 billion) is to go to rural areas. NTIA has the discretion to transfer a portion of the rural funding to RUS.

The House version allocates \$2.825 billion for an NTIA wireless and wireline broadband deployment grant program, with \$1 billion for wireless voice and wireless broadband service. The bill calls for a goal of 25% of the grants to be distributed to unserved areas and 75% to underserved areas. A total of \$1.825 billion is designated for deployment of terrestrial broadband, with a similar goal of 25% for basic broadband in unserved areas and 75% of the grants to go to advanced broadband in underserved areas.

**Broadband Tax Credits** – Senator Rockefeller (D-WV) sponsored a provision that provides a 10% tax credit for "current broadband technology" (5 Mbps/1Mbps and 3 Mbps/768 kbps for wireless) in underserved areas and 20% in unserved areas. A 20% credit would be available for "next generation broadband" (100 Mbps/20 Mbps) in either area. Senator Rockefeller had filed an amendment to bring the tax credit up to 30% for current generation and 40% for next generation in rural and unserved areas, but the Senate did not add that language to the bill.

The Senate bill defines "unserved area" as a census tract area where no current generation broadband services are provided. "Underserved area" is defined as an empowerment or enterprise zone, renewal community, or low income community, as designated by statute. In contrast, the House bill requires the FCC to define "unserved" and "underserved" areas, as well as the terms "open access", and "wireless open access" within 45 days of enactment

**National Broadband Plan** - Like the House bill, the Senate version directs the Commission to develop a national broadband plan within 1 year of enactment that will consider the most effective and efficient mechanisms for ensuring broadband access across the country. The bill contains language which permits NTIA to transfer a portion of the \$350 million in broadband mapping funds to the Commission to fund the development of the national broadband plan.

111TH CONGRESS  
1ST SESSION

# H. R. 1

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## AN ACT

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Recovery  
3 and Reinvestment Act of 2009”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

DIVISION A—APPROPRIATION PROVISIONS

TITLE I—GENERAL PROVISIONS  
TITLE II—AGRICULTURE, NUTRITION, AND RURAL DEVELOPMENT  
TITLE III—COMMERCE, JUSTICE, AND SCIENCE  
TITLE IV—DEFENSE  
TITLE V—ENERGY AND WATER  
TITLE VI—FINANCIAL SERVICES AND GENERAL GOVERNMENT  
TITLE VII—HOMELAND SECURITY  
TITLE VIII—INTERIOR AND ENVIRONMENT  
TITLE IX—LABOR, HEALTH AND HUMAN SERVICES, AND EDU-  
CATION  
TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS  
TITLE XI—DEPARTMENT OF STATE  
TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVEL-  
OPMENT  
TITLE XIII—STATE FISCAL STABILIZATION FUND

DIVISION B—OTHER PROVISIONS

TITLE I—TAX PROVISIONS  
TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUG-  
GLING FAMILIES  
TITLE III—HEALTH INSURANCE ASSISTANCE FOR THE UNEM-  
PLOYED  
TITLE IV—HEALTH INFORMATION TECHNOLOGY  
TITLE V—MEDICAID PROVISIONS  
TITLE VI—BROADBAND COMMUNICATIONS  
TITLE VII—ENERGY

6 **SEC. 3. PURPOSES AND PRINCIPLES.**

7 (a) STATEMENT OF PURPOSES.—The purposes of  
8 this Act include the following:

- 9 (1) To preserve and create jobs and promote  
10 economic recovery.  
11 (2) To assist those most impacted by the reces-  
12 sion.

1 *vided*, These funds shall be transferred and merged with  
 2 the appropriation for "Rural Development, Salaries and  
 3 Expenses": *Provided further*, That the authority provided  
 4 in this paragraph shall apply to appropriations under this  
 5 heading in lieu of the provisions of section 1106 of this  
 6 Act.

7 Funds appropriated by this Act to the Rural Housing  
 8 Insurance Fund Program account for section 502 direct  
 9 loans and unsubsidized guaranteed loans may be trans-  
 10 ferred between these programs: *Provided*, That the Com-  
 11 mittees on Appropriations of the House of Representatives  
 12 and the Senate shall be notified at least 15 days in ad-  
 13 vance of any transfer.

14 RURAL UTILITIES SERVICE

15 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND  
 16 PROGRAM

17 (INCLUDING TRANSFERS OF FUNDS)

18 For an additional amount for the cost of broadband  
 19 loans and loan guarantees, as authorized by the Rural  
 20 Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for  
 21 grants, \$2,825,000,000: *Provided*, That the cost of direct  
 22 and guaranteed loans shall be as defined in section 502  
 23 of the Congressional Budget Act of 1974: *Provided fur-*  
 24 *ther*, That, notwithstanding title VI of the Rural Elec-  
 25 trification Act of 1936, this amount is available for grants,

1 loans and loan guarantees for open access broadband in-  
2 frastructure in any area of the United States: *Provided*  
3 *further*, That at least 75 percent of the area to be served  
4 by a project receiving funds from such grants, loans or  
5 loan guarantees shall be in a rural area without sufficient  
6 access to high speed broadband service to facilitate rural  
7 economic development, as determined by the Secretary of  
8 Agriculture: *Provided further*, That priority for awarding  
9 funds made available under this paragraph shall be given  
10 to projects that provide service to the most rural residents  
11 that do not have access to broadband service: *Provided fur-*  
12 *ther*, That priority shall be given for project applications  
13 from borrowers or former borrowers under title II of the  
14 Rural Electrification Act of 1936 and for project applica-  
15 tions that include such borrowers or former borrowers:  
16 *Provided further*, That notwithstanding section 1103 of  
17 this Act, 50 percent of the grants, loans, and loan guaran-  
18 tees made available under this heading shall be awarded  
19 not later than September 30, 2009: *Provided further*, That  
20 priority for awarding such funds shall be given to project  
21 applications that demonstrate that, if the application is  
22 approved, all project elements will be fully funded: *Pro-*  
23 *vided further*, That priority for awarding such funds shall  
24 be given to project applications for activities that can be  
25 completed if the requested funds are provided: *Provided*

1 *further*, That priority for awarding such funds shall be  
2 given to activities that can commence promptly following  
3 enactment of this Act: *Provided further*, That no area of  
4 a project funded with amounts made available under this  
5 paragraph may receive funding to provide broadband serv-  
6 ice under the Broadband Deployment Grant Program:  
7 *Provided further*, That the Secretary shall submit a report  
8 on planned spending and actual obligations describing the  
9 use of these funds not later than 90 days after the date  
10 of enactment of this Act, and quarterly thereafter until  
11 all funds are obligated, to the Committees on Appropria-  
12 tions of the House of Representatives and the Senate.

13 In addition to other available funds, the Secretary  
14 may use not more than 3 percent of the funds made avail-  
15 able under this account for administrative costs to carry  
16 out loans, loan guarantees, and grants funded under this  
17 account, which shall be transferred and merged with the  
18 appropriation for "Rural Development, Salaries and Ex-  
19 penses" and shall remain available until September 30,  
20 2012: *Provided*, That the authority provided in this para-  
21 graph shall apply to appropriations under this heading in  
22 lieu of the provisions of section 1106 of this Act.

1 BUREAU OF THE CENSUS  
2 PERIODIC CENSUSES AND PROGRAMS

3 For an additional amount for “Periodic Censuses and  
4 Programs”, \$1,000,000,000: *Provided*, That section 1106  
5 of this Act shall not apply to funds provided under this  
6 heading.

7 NATIONAL TELECOMMUNICATIONS AND INFORMATION  
8 ADMINISTRATION  
9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-  
11 penses”, \$350,000,000, to remain available until Sep-  
12 tember 30, 2011: *Provided*, That funds shall be available  
13 to establish the State Broadband Data and Development  
14 Grant Program, as authorized by Public Law 110–385,  
15 for the development and implementation of statewide ini-  
16 tiatives to identify and track the availability and adoption  
17 of broadband services within each State, and to develop  
18 and maintain a nationwide broadband inventory map, as  
19 authorized by section 6001 of division B of this Act.

20 WIRELESS AND BROADBAND DEPLOYMENT GRANT  
21 PROGRAMS  
22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses related to the Wireless and  
24 Broadband Deployment Grant Programs established by  
25 section 6002 of division B of this Act, \$2,825,000,000,

1 of which \$1,000,000,000 shall be for Wireless Deployment  
2 Grants and \$1,825,000,000 shall be for Broadband De-  
3 ployment Grants: *Provided*, That the National Tele-  
4 communications and Information Administration shall  
5 submit a report on planned spending and actual obliga-  
6 tions describing the use of these funds not later than 120  
7 days after the date of enactment of this Act, and an up-  
8 date report not later than 60 days following the initial re-  
9 port, to the Committees on Appropriations of the House  
10 of Representatives and the Senate, the Committee on En-  
11 ergy and Commerce of the House of Representatives, and  
12 the Committee on Commerce, Science, and Transportation  
13 of the Senate: *Provided further*, That notwithstanding sec-  
14 tion 1103 of this Act, 50 percent of the grants made avail-  
15 able under this heading shall be awarded not later than  
16 September 30, 2009: *Provided further*, That up to 20 per-  
17 cent of the funds provided under this heading for Wireless  
18 Deployment Grants and Broadband Deployment Grants  
19 may be transferred between these programs: *Provided fur-*  
20 *ther*, That the Committees on Appropriations of the House  
21 of Representatives and the Senate shall be notified at least  
22 15 days in advance of any transfer.

23 DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

24 Notwithstanding any other provision of law, and in  
25 addition to amounts otherwise provided in any other Act,

1 for costs associated with the Digital-to-Analog Converter  
2 Box Program, \$650,000,000, to be available until Sep-  
3 tember 30, 2009: *Provided*, That these funds shall be  
4 available for coupons and related activities, including but  
5 not limited to education, consumer support and outreach,  
6 as deemed appropriate and necessary to ensure a timely  
7 conversion of analog to digital television.

8 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
9 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

10 For an additional amount for "Scientific and Tech-  
11 nical Research and Services", \$100,000,000.

12 INDUSTRIAL TECHNOLOGY SERVICES

13 For an additional amount for "Industrial Technology  
14 Services", \$100,000,000, of which \$70,000,000 shall be  
15 available for the necessary expenses of the Technology In-  
16 novation Program and \$30,000,000 shall be available for  
17 the necessary expenses of the Hollings Manufacturing Ex-  
18 tension Partnership.

19 CONSTRUCTION OF RESEARCH FACILITIES

20 For an additional amount for "Construction of Re-  
21 search Facilities", as authorized by sections 13 through  
22 15 of the Act of March 13, 1901 (15 U.S.C. 278c-278e),  
23 \$300,000,000, for a competitive construction grant pro-  
24 gram for research science buildings: *Provided further*,  
25 That for peer-reviewed grants made under this heading,

1           that the DSH allotment for such State for  
2           such year under this paragraph determined  
3           without applying clause (i) would grow  
4           higher than the DSH allotment specified  
5           under clause (i) for the State for such  
6           year.”.

## 7           **TITLE VI—BROADBAND** 8           **COMMUNICATIONS**

### 9   **SEC. 6001. INVENTORY OF BROADBAND SERVICE CAPA-** 10           **BILITY AND AVAILABILITY.**

11           (a) **ESTABLISHMENT.**—To provide a comprehensive  
12 nationwide inventory of existing broadband service capa-  
13 bility and availability, the National Telecommunications  
14 and Information Administration (“NTIA”) shall develop  
15 and maintain a broadband inventory map of the United  
16 States that identifies and depicts the geographic extent  
17 to which broadband service capability is deployed and  
18 available from a commercial provider or public provider  
19 throughout each State.

20           (b) **PUBLIC AVAILABILITY AND INTERACTIVITY.**—  
21 Not later than 2 years after the date of enactment of this  
22 Act, the NTIA shall make the broadband inventory map  
23 developed and maintained pursuant to this section acces-  
24 sible by the public on a World Wide Web site of the NTIA  
25 in a form that is interactive and searchable.

## 1 SEC. 6002. WIRELESS AND BROADBAND DEPLOYMENT

## 2 GRANT PROGRAMS.

## 3 (a) GRANTS AUTHORIZED.—

4 (1) IN GENERAL.—The National Telecommuni-  
5 cations and Information Administration (“NTIA”)  
6 is authorized to carry out a program to award  
7 grants to eligible entities for the non-recurring costs  
8 associated with the deployment of broadband infra-  
9 structure in rural, suburban, and urban areas, in ac-  
10 cordance with the requirements of this section.

11 (2) PROGRAM WEBSITE.—The NTIA shall de-  
12 velop and maintain a website to make publicly avail-  
13 able information about the program described in  
14 paragraph (1), including—

15 (A) each prioritization report submitted by  
16 a State under subsection (b);

17 (B) a list of eligible entities that have ap-  
18 plied for a grant under this section, and the  
19 area or areas the entity proposes to serve; and

20 (C) the status of each such application,  
21 whether approved, denied, or pending.

## 22 (b) STATE PRIORITIES.—

23 (1) PRIORITIES REPORT SUBMISSION.—Not  
24 later than 75 days after the date of enactment of  
25 this section, each State intending to participate in  
26 the program under this section shall submit to the

1 NTIA a report indicating the geographic areas of  
2 the State which—

3 (A) for the purposes of determining the  
4 need for Wireless Deployment Grants under  
5 subsection (c), the State considers to have the  
6 greatest priority for—

7 (i) wireless voice service in unserved  
8 areas; and

9 (ii) advanced wireless broadband serv-  
10 ice in underserved areas; and

11 (B) for the purposes of determining the  
12 need for Broadband Deployment Grants under  
13 subsection (d), the State considers to have the  
14 greatest priority for—

15 (i) basic broadband service in  
16 unserved areas; and

17 (ii) advanced broadband service in un-  
18 derserved areas.

19 (2) LIMITATION.—The unserved and under-  
20 served areas identified by a State in the report re-  
21 quired by this subsection shall not represent, in the  
22 aggregate, more than 20 percent of the population  
23 of such State.

24 (c) WIRELESS DEPLOYMENT GRANTS.—

1           (1) AUTHORIZED ACTIVITY.—The NTIA shall  
2 award Wireless Deployment Grants in accordance  
3 with this subsection from amounts authorized for  
4 Wireless Deployment Grants by this subtitle to eligi-  
5 ble entities to deploy necessary infrastructure for the  
6 provision of wireless voice service or advanced wire-  
7 less broadband service to end users in designated  
8 areas.

9           (2) GRANT DISTRIBUTION.—The NTIA shall  
10 seek to distribute grants, to the extent possible, so  
11 that 25 percent of the grants awarded under this  
12 subsection shall be awarded to eligible entities for  
13 providing wireless voice service to unserved areas  
14 and 75 percent of grants awarded under this sub-  
15 section shall be awarded to eligible entities for pro-  
16 viding advanced wireless broadband service to under-  
17 served areas.

18       (d) BROADBAND DEPLOYMENT GRANTS.—

19           (1) AUTHORIZED ACTIVITY.—The NTIA shall  
20 award Broadband Deployment Grants in accordance  
21 with this subsection from amounts authorized for  
22 Broadband Deployment Grants by this subtitle to el-  
23 igible entities to deploy necessary infrastructure for  
24 the provision of basic broadband service or advanced  
25 broadband service to end users in designated areas.

1           (2) GRANT DISTRIBUTION.—The NTIA shall  
2 seek to distribute grants, to the extent possible, so  
3 that 25 percent of the grants awarded under this  
4 subsection shall be awarded to eligible entities for  
5 providing basic broadband service to unserved areas  
6 and 75 percent of grants awarded under this sub-  
7 section shall be awarded to eligible entities for pro-  
8 viding advanced broadband service to underserved  
9 areas.

10          (e) GRANT REQUIREMENTS.—The NTIA shall—

11           (1) adopt rules to protect against unjust enrich-  
12 ment; and

13           (2) ensure that grant recipients—

14                   (A) meet buildout requirements;

15                   (B) maximize use of the supported infra-  
16 structure by the public;

17                   (C) operate basic and advanced broadband  
18 service networks on an open access basis;

19                   (D) operate advanced wireless broadband  
20 service on a wireless open access basis; and

21                   (E) adhere to the principles contained in  
22 the Federal Communications Commission's  
23 broadband policy statement (FCC 05-151,  
24 adopted August 5, 2005).

25          (f) APPLICATIONS.—

1           (1) SUBMISSION.—To be considered for a grant  
2 awarded under subsection (c) or (d), an eligible enti-  
3 ty shall submit to the NTIA an application at such  
4 time, in such manner, and containing such informa-  
5 tion and assurances as the NTIA may require. Such  
6 an application shall include—

7           (A) a cost-study estimate for serving the  
8 particular geographic area to be served by the  
9 entity;

10           (B) a proposed build-out schedule to resi-  
11 dential households and small businesses in the  
12 area;

13           (C) for applicants for Wireless Deployment  
14 Grants under subsection (c), a build-out sched-  
15 ule for geographic coverage of such areas; and

16           (D) any other requirements the NTIA  
17 deems necessary.

18           (2) SELECTION.—

19           (A) NOTIFICATION.—The NTIA shall no-  
20 tify each eligible entity that has submitted a  
21 complete application whether the entity has  
22 been approved or denied for a grant under this  
23 section in a timely fashion.

1 (B) GRANT DISTRIBUTION CONSIDER-  
2 ATIONS.—In awarding grants under this sec-  
3 tion, the NTIA shall, to the extent practical—

4 (i) award not less than one grant in  
5 each State;

6 (ii) give substantial weight to whether  
7 an application is from an eligible entity to  
8 deploy infrastructure in an area that is an  
9 area—

10 (I) identified by a State in a re-  
11 port submitted under subsection (b);  
12 or

13 (II) in which the NTIA deter-  
14 mines there will be a significant  
15 amount of public safety or emergency  
16 response use of the infrastructure;

17 (iii) consider whether an application  
18 from an eligible entity to deploy infrastruc-  
19 ture in an area—

20 (I) will, if approved, increase the  
21 affordability of, or subscribership to,  
22 service to the greatest population of  
23 underserved users in the area;

24 (II) will, if approved, enhance  
25 service for health care delivery, edu-

1 cation, or children to the greatest pop-  
2 ulation of underserved users in the  
3 area;

4 (III) contains concrete plans for  
5 enhancing computer ownership or  
6 computer literacy in the area;

7 (IV) is from a recipient of more  
8 than 20 percent matching grants from  
9 State, local, or private entities for  
10 service in the area and the extent of  
11 such commitment;

12 (V) will, if approved, result in  
13 unjust enrichment because the eligible  
14 entity has applied for, or intends to  
15 apply for, support for the non-recur-  
16 ring costs through another Federal  
17 program for service in the area; and

18 (VI) will, if approved, signifi-  
19 cantly improve interoperable  
20 broadband communications systems  
21 available for use by public safety and  
22 emergency response; and

23 (iv) consider whether the eligible enti-  
24 ty is a socially and economically disadvan-  
25 taged small business concern, as defined

1                   under section 8(a) of the Small Business  
2                   Act (15 U.S.C. 637).

3           (g) COORDINATION AND CONSULTATION.—The  
4 NTIA shall coordinate with the Federal Communications  
5 Commission and shall consult with other appropriate Fed-  
6 eral agencies in implementing this section.

7           (h) REPORT REQUIRED.—The NTIA shall submit an  
8 annual report to the Committee on Energy and Commerce  
9 of the House of Representatives and the Committee on  
10 Commerce, Science, and Transportation of the Senate for  
11 5 years assessing the impact of the grants funded under  
12 this section on the basis of the objectives and criteria de-  
13 scribed in subsection (f)(2)(B)(iii).

14          (i) RULEMAKING AUTHORITY.—The NTIA shall have  
15 the authority to prescribe such rules as necessary to carry  
16 out the purposes of this section.

17          (j) DEFINITIONS.—For the purpose of this section—

18               (1) the term “advanced broadband service”  
19 means a service delivering data to the end user  
20 transmitted at a speed of at least 45 megabits per  
21 second downstream and at least 15 megabits per  
22 second upstream;

23               (2) the term “advanced wireless broadband  
24 service” means a wireless service delivering to the  
25 end user data transmitted at a speed of at least 3

1 megabits per second downstream and at least 1  
2 megabit per second upstream over an end-to-end  
3 internet protocol wireless network;

4 (3) the term “basic broadband service” means  
5 a service delivering data to the end user transmitted  
6 at a speed of at least 5 megabits per second down-  
7 stream and at least 1 megabit per second upstream;

8 (4) the term “eligible entity” means—

9 (A) a provider of wireless voice service, ad-  
10 vanced wireless broadband service, basic  
11 broadband service, or advanced broadband serv-  
12 ice, including a satellite carrier that provides  
13 any such service;

14 (B) a State or unit of local government, or  
15 agency or instrumentality thereof, that is or in-  
16 tends to be a provider of any such service; and

17 (C) any other entity, including construc-  
18 tion companies, tower companies, backhaul  
19 companies, or other service providers, that the  
20 NTIA authorizes by rule to participate in the  
21 programs under this section, if such other enti-  
22 ty is required to provide access to the supported  
23 infrastructure on a neutral, reasonable basis to  
24 maximize use;

1           (5) the term “interoperable broadband commu-  
2           nications systems” means communications systems  
3           which enable public safety agencies to share infor-  
4           mation among local, State, Federal, and tribal public  
5           safety agencies in the same area using voice or data  
6           signals via advanced wireless broadband service;

7           (6) the term “open access” shall be defined by  
8           the Federal Communications Commission not later  
9           than 45 days after the date of enactment of this sec-  
10          tion;

11          (7) the term “State” includes the District of  
12          Columbia and the territories and possessions;

13          (8) the term “underserved area” shall be de-  
14          fined by the Federal Communications Commission  
15          not later than 45 days after the date of enactment  
16          of this section;

17          (9) the term “unserved area” shall be defined  
18          by the Federal Communications Commission not  
19          later than 45 days after the date of enactment of  
20          this section;

21          (10) the term “wireless open access” shall be  
22          defined by the Federal Communications Commission  
23          not later than 45 days after the date of enactment  
24          of this section; and

1           (11) the term “wireless voice service” means  
2           the provision of two-way, real-time, voice commu-  
3           nications using a mobile service.

4           (k) REVIEW OF DEFINITIONS.—Not later than 3  
5           months after the date the NTIA makes a broadband in-  
6           ventory map of the United States accessible to the public  
7           pursuant to section 6001(b), the Federal Communications  
8           Commission shall review the definitions of “underserved  
9           area” and “unserved area”, as defined by the Commission  
10          within 45 days after the date of enactment of this Act  
11          (as required by paragraphs (8) and (9) of subsection (j)),  
12          and shall revise such definitions based on the data used  
13          by the NTIA to develop and maintain such map.

14   **SEC. 6003. NATIONAL BROADBAND PLAN.**

15          (a) REPORT REQUIRED.—Not later than 1 year after  
16          the date of enactment of this section, the Federal Commu-  
17          nications Commission shall submit to the Committee on  
18          Energy and Commerce of the House of Representatives  
19          and the Committee on Commerce, Science, and Transpor-  
20          tation of the Senate, a report containing a national  
21          broadband plan.

22          (b) CONTENTS OF PLAN.—The national broadband  
23          plan required by this section shall seek to ensure that all  
24          people of the United States have access to broadband ca-

1 pability and shall establish benchmarks for meeting that  
2 goal. The plan shall also include—

3 (1) an analysis of the most effective and effi-  
4 cient mechanisms for ensuring broadband access by  
5 all people of the United States;

6 (2) a detailed strategy for achieving afford-  
7 ability of such service and maximum utilization of  
8 broadband infrastructure and service by the public;  
9 and

10 (3) a plan for use of broadband infrastructure  
11 and services in advancing consumer welfare, civic  
12 participation, public safety and homeland security,  
13 community development, health care delivery, energy  
14 independence and efficiency, education, worker train-  
15 ing, private sector investment, entrepreneurial activ-  
16 ity, job creation and economic growth, and other na-  
17 tional purposes.

## 18 **TITLE VII—ENERGY**

### 19 **SEC. 7001. TECHNICAL CORRECTIONS TO THE ENERGY**

#### 20 **INDEPENDENCE AND SECURITY ACT OF 2007.**

21 (a) Section 543(a) of the Energy Independence and  
22 Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

23 (1) by redesignating paragraphs (2) through  
24 (4) as paragraphs (3) through (5), respectively; and

AMENDMENT NO. \_\_\_\_\_

Calendar No. 19

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.**

**H. R. 1**

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

---

Viz:

1 Strike out all after the enacting clause and insert the

2 following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Recovery

5 and Reinvestment Act of 2009”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

DIVISION A—APPROPRIATIONS PROVISIONS



## 1 RURAL UTILITIES SERVICE

## 2 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

3 For an additional amount for the cost of direct loans,  
4 loan guarantees, and grants for the rural water, waste  
5 water, waste disposal, and solid waste management pro-  
6 grams authorized by sections 306, 306A, 306C, 306D,  
7 and 310B and described in sections 306C(a)(2); 306D,  
8 and 381E(d)(2) of the Consolidated Farm and Rural De-  
9 velopment Act, \$1,375,000,000, to remain available until  
10 September 30, 2010.

## 11 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

## 12 PROGRAM ACCOUNT

13 For an additional amount for direct loans and grants  
14 for distance learning and telemedicine services in rural  
15 areas, as authorized by 7 U.S.C. 950aaa, et seq.,  
16 \$100,000,000, to remain available until September 30,  
17 2010.

## 18 FOOD AND NUTRITION SERVICE

## 19 CHILD NUTRITION PROGRAMS

20 For additional amount for the Richard B. Russell  
21 National School Lunch Act (42 U.S.C. 1751 et. seq.), ex-  
22 cept section 21, and the Child Nutrition Act of 1966 (42  
23 U.S.C. 1771 et. seq.), except sections 17 and 21,  
24 \$100,000,000, to remain available until September 30,  
25 2010, to carry out a grant program for National School

1 distribute the commodities to States for distribution in ac-  
2 cordance with section 214 of the Emergency Food Assist-  
3 ance Act of 1983 (Public Law 98-8; 7 U.S.C. 612c note):  
4 *Provided further*, That of the funds made available, the  
5 Secretary may use up to \$50,000,000 for costs associated  
6 with the distribution of commodities.

7           GENERAL PROVISIONS—THIS TITLE

8           SEC. 101. Funds appropriated by this Act and made  
9 available to the United States Department of Agriculture  
10 for broadband direct loans and loan guarantees, as author-  
11 ized under title VI of the Rural Electrification Act of 1936  
12 (7 U.S.C. 950bb) and for grants, shall be available for  
13 broadband infrastructure in any area of the United States  
14 notwithstanding title VI of the Rural Electrification Act  
15 of 1936: *Provided*, That at least 75 percent of the area  
16 served by the projects receiving funds from such grants,  
17 loans, or loan guarantees is in a rural area without suffi-  
18 cient access to high speed broadband service to facilitate  
19 rural economic development, as determined by the Sec-  
20 retary: *Provided further*, That priority for awarding funds  
21 made available under this paragraph shall be given to  
22 projects that provide service to the highest proportion of  
23 rural residents that do not have sufficient access to  
24 broadband service: *Provided further*, That priority for  
25 awarding such funds shall be given to project applications

1 that demonstrate that, if the application is approved, all  
2 project elements will be fully funded: *Provided further*,  
3 That priority for awarding such funds shall be given to  
4 activities that can commence promptly following approval:  
5 *Provided further*, That the Department shall submit a re-  
6 port on planned spending and actual obligations describ-  
7 ing the use of these funds not later than 90 days after  
8 the date of enactment of this Act, and quarterly thereafter  
9 until all funds are obligated, to the Committees on Appro-  
10 priations of the House of Representatives and the Senate.

11 SEC. 102. NUTRITION FOR ECONOMIC RECOVERY.

12 (a) MAXIMUM BENEFIT INCREASES.—

13 (1) ECONOMIC RECOVERY 1-MONTH BEGINNING  
14 STIMULUS PAYMENT.—For the first month that be-  
15 gins not less than 25 days after the date of enact-  
16 ment of this Act, the Secretary of Agriculture (re-  
17 ferred to in this section as the “Secretary”) shall in-  
18 crease the cost of the thrifty food plan for purposes  
19 of section 8(a) of the Food and Nutrition Act of  
20 2008 (7 U.S.C. 2017(a)) by 85 percent.

21 (2) REMAINDER OF FISCAL YEAR 2009.—Begin-  
22 ning with the second month that begins not less  
23 than 25 days after the date of enactment of this  
24 Act, and for each subsequent month through the  
25 month ending September 30, 2009, the Secretary

## 1 ECONOMIC DEVELOPMENT ADMINISTRATION

## 2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For an additional amount for "Economic Develop-  
4 ment Assistance Programs", \$150,000,000, to remain  
5 available until September 30, 2010: *Provided*, That  
6 \$50,000,000 shall be for economic adjustment assistance  
7 as authorized by section 209 of the Public Works and Eco-  
8 nomic Development Act of 1965, as amended (42 U.S.C.  
9 3149): *Provided further*, That in allocating the funds pro-  
10 vided in the previous proviso, the Secretary of Commerce  
11 shall give priority consideration to areas of the Nation  
12 that have experienced sudden and severe economic disloca-  
13 tion and job loss due to corporate restructuring.

## 14 BUREAU OF THE CENSUS

## 15 PERIODIC CENSUSES AND PROGRAMS

16 For an additional amount for "Periodic Censuses and  
17 Programs", \$1,000,000,000, to remain available until  
18 September 30, 2010.

## 19 NATIONAL TELECOMMUNICATIONS AND INFORMATION

## 20 ADMINISTRATION

## 21 BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

22 For an amount for "Broadband Technology Opportu-  
23 nities Program", \$7,000,000,000, to remain available  
24 until September 30, 2010: *Provided*, That of the funds  
25 provided under this heading, \$6,650,000,000 shall be ex-

1 pended pursuant to section 201 of this Act, of which: not  
2 less than \$200,000,000 shall be available for competitive  
3 grants for expanding public computer center capacity, in-  
4 cluding at community colleges and public libraries; not less  
5 than \$250,000,000 shall be available for competitive  
6 grants for innovative programs to encourage sustainable  
7 adoption of broadband service; and \$10,000,000 shall be  
8 transferred to "Department of Commerce, Office of In-  
9 spector General" for the purposes of audits and oversight  
10 of funds provided under this heading and such funds shall  
11 remain available until expended: *Provided further*, That 50  
12 percent of the funds provided in the previous proviso shall  
13 be used to support projects in rural communities, which  
14 in part may be transferred to the Department of Agri-  
15 culture for administration through the Rural Utilities  
16 Service if deemed necessary and appropriate by the Sec-  
17 retary of Commerce, in consultation with the Secretary of  
18 Agriculture, and only if the Committees on Appropriations  
19 of the House and the Senate are notified not less than  
20 15 days in advance of the transfer of such funds: *Provided*  
21 *further*, That of the funds provided under this heading,  
22 up to \$350,000,000 may be expended pursuant to Public  
23 Law 110-385 (47 U.S.C. 1301 note) and for the purposes  
24 of developing and maintaining a broadband inventory map  
25 pursuant to section 201 of this Act: *Provided further*, That

1 of the funds provided under this heading, amounts deemed  
2 necessary and appropriate by the Secretary of Commerce,  
3 in consultation with the Federal Communications Com-  
4 mission (FCC), may be transferred to the FCC for the  
5 purposes of developing a national broadband plan or for  
6 carrying out any other FCC responsibilities pursuant to  
7 section 201 of this Act, and only if the Committees on  
8 Appropriations of the House and the Senate are notified  
9 not less than 15 days in advance of the transfer of such  
10 funds: *Provided further*, That not more than 3 percent of  
11 funds provided under this heading may be used for admin-  
12 istrative costs, and this limitation shall apply to funds  
13 which may be transferred to the Department of Agri-  
14 culture and the FCC.

15 DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

16 For an amount for "Digital-to-Analog Converter Box  
17 Program", \$650,000,000, for additional coupons and re-  
18 lated activities under the program implemented under sec-  
19 tion 3005 of the Digital Television Transition and Public  
20 Safety Act of 2005, to remain available until September  
21 30, 2010: *Provided*, That of the amounts provided under  
22 this heading, \$90,000,000 may be for education and out-  
23 reach, including grants to organizations for programs to  
24 educate vulnerable populations, including senior citizens,  
25 minority communities, people with disabilities, low-income

1 individuals, and people living in rural areas, about the  
2 transition and to provide one-on-one assistance to vulner-  
3 able populations, including help with converter box instal-  
4 lation: *Provided further*, That the amounts provided in the  
5 previous proviso may be transferred to the Federal Com-  
6 munications Commission (Commission) if deemed nec-  
7 essary and appropriate by the Secretary of Commerce in  
8 consultation with the Commission, and only if the Com-  
9 mittees on Appropriations of the House and the Senate  
10 are notified not less than 5 days in advance of transfer  
11 of such funds: *Provided further*, That \$2,000,000 of funds  
12 provided under this heading shall be transferred to “De-  
13 partment of Commerce, Office of Inspector General” for  
14 audits and oversight of funds provided under this heading.

15 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
16 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

17 For an additional amount for “Scientific and Tech-  
18 nical Research and Services”, \$168,000,000, to remain  
19 available until September 30, 2010.

20 CONSTRUCTION OF RESEARCH FACILITIES

21 For an additional amount for “Construction of Re-  
22 search Facilities”, \$307,000,000, to remain available until  
23 September 30, 2010.

## 1 NATIONAL SCIENCE FOUNDATION

## 2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related  
4 Activities", \$1,000,000,000, to remain available until Sep-  
5 tember 30, 2010.

## 6 MAJOR RESEARCH EQUIPMENT AND FACILITIES

## 7 CONSTRUCTION

8 For an additional amount for "Major Research  
9 Equipment and Facilities Construction", \$150,000,000,  
10 to remain available until September 30, 2010.

## 11 EDUCATION AND HUMAN RESOURCES

12 For an additional amount for "Education and  
13 Human Resources", \$50,000,000, to remain available  
14 until September 30, 2010.

## 15 OFFICE OF INSPECTOR GENERAL

16 For an additional amount for "Office of Inspector  
17 General", \$2,000,000, to remain available until September  
18 30, 2011.

## 19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 201. The Assistant Secretary of Commerce for  
21 Communications and Information (Assistant Secretary),  
22 in consultation with the Federal Communications Com-  
23 mission (Commission) (and, with respect to rural areas,  
24 the Secretary of Agriculture), shall establish a national  
25 broadband service development and expansion program in

1 conjunction with the technology opportunities program,  
2 which shall be referred to the Broadband Technology Op-  
3 portunities Program. The Assistant Secretary shall ensure  
4 that the program complements and enhances and does not  
5 conflict with other Federal broadband initiatives and pro-  
6 grams.

7 (1) The purposes of the program are to—

8 (A) provide access to broadband service to  
9 citizens residing in unserved areas of the  
10 United States;

11 (B) provide improved access to broadband  
12 service to citizens residing in underserved areas  
13 of the United States;

14 (C) provide broadband education, aware-  
15 ness, training, access, equipment, and support  
16 to—

17 (i) schools, libraries, medical and  
18 healthcare providers, community colleges  
19 and other institutions of higher education,  
20 and other community support organiza-  
21 tions and entities to facilitate greater use  
22 of broadband service by or through these  
23 organizations;

24 (ii) organizations and agencies that  
25 provide outreach, access, equipment, and

1 support services to facilitate greater use of  
2 broadband service by low-income, unem-  
3 ployed, aged, and otherwise vulnerable pop-  
4 ulations; and

5 (iii) job-creating strategic facilities lo-  
6 cated within a State-designated economic  
7 zone, Economic Development District des-  
8 igned by the Department of Commerce,  
9 Renewal Community or Empowerment  
10 Zone designated by the Department of  
11 Housing and Urban Development, or En-  
12 terprise Community designated by the De-  
13 partment of Agriculture.

14 (D) improve access to, and use of,  
15 broadband service by public safety agencies;  
16 and

17 (E) stimulate the demand for broadband,  
18 economic growth, and job creation.

19 (2) The Assistant Secretary may consult with  
20 the chief executive officer of any State with respect  
21 to—

22 (A) the identification of areas described in  
23 subsection (1)(A) or (B) located in that State;  
24 and

1 (B) the allocation of grant funds within  
2 that State for projects in or affecting the State.

3 (3) The Assistant Secretary shall—

4 (A) establish and implement the grant pro-  
5 gram as expeditiously as practicable;

6 (B) ensure that all awards are made before  
7 the end of fiscal year 2010;

8 (C) seek such assurances as may be nec-  
9 essary or appropriate from grantees under the  
10 program that they will substantially complete  
11 projects supported by the program in accord-  
12 ance with project timelines, not to exceed 2  
13 years following an award; and

14 (D) report on the status of the program to  
15 the Committees on Appropriations of the House  
16 and the Senate, the Committee on Energy and  
17 Commerce of the House, and the Committee on  
18 Commerce, Science, and Transportation of the  
19 Senate, every 90 days.

20 (4) To be eligible for a grant under the pro-  
21 gram an applicant shall—

22 (A) be a State or political subdivision  
23 thereof, a nonprofit foundation, corporation, in-  
24 stitution or association, Indian tribe, Native  
25 Hawaiian organization, or other non-govern-

1           mental entity in partnership with a State or po-  
2           litical subdivision thereof, Indian tribe, or Na-  
3           tive Hawaiian organization if the Assistant Sec-  
4           retary determines the partnership consistent  
5           with the purposes this section;

6                   (B) submit an application, at such time, in  
7           such form, and containing such information as  
8           the Assistant Secretary may require;

9                   (C) provide a detailed explanation of how  
10          any amount received under the program will be  
11          used to carry out the purposes of this section  
12          in an efficient and expeditious manner, includ-  
13          ing a demonstration that the project would not  
14          have been implemented during the grant period  
15          without Federal grant assistance;

16                   (D) demonstrate, to the satisfaction of the  
17          Assistant Secretary, that it is capable of car-  
18          rying out the project or function to which the  
19          application relates in a competent manner in  
20          compliance with all applicable Federal, State,  
21          and local laws;

22                   (E) demonstrate, to the satisfaction of the  
23          Assistant Secretary, that it will appropriate (if  
24          the applicant is a State or local government  
25          agency) or otherwise unconditionally obligate,

1 from non-Federal sources, funds required to  
2 meet the requirements of paragraph (5);

3 (F) disclose to the Assistant Secretary the  
4 source and amount of other Federal or State  
5 funding sources from which the applicant re-  
6 ceives, or has applied for, funding for activities  
7 or projects to which the application relates; and

8 (G) provide such assurances and proce-  
9 dures as the Assistant Secretary may require to  
10 ensure that grant funds are used and accounted  
11 for in an appropriate manner.

12 (5) The Federal share of any project may not  
13 exceed 80 percent, except that the Assistant Sec-  
14 retary may increase the Federal share of a project  
15 above 80 percent if—

16 (A) the applicant petitions the Assistant  
17 Secretary for a waiver; and

18 (B) the Assistant Secretary determines  
19 that the petition demonstrates financial need.

20 (6) The Assistant Secretary may make competi-  
21 tive grants under the program to—

22 (A) acquire equipment, instrumentation,  
23 networking capability, hardware and software,  
24 digital network technology, and infrastructure  
25 for broadband services;

1 (B) construct and deploy broadband serv-  
2 ice related infrastructure;

3 (C) ensure access to broadband service by  
4 community anchor institutions;

5 (D) facilitate access to broadband service  
6 by low-income, unemployed, aged, and otherwise  
7 vulnerable populations in order to provide edu-  
8 cational and employment opportunities to mem-  
9 bers of such populations;

10 (E) construct and deploy broadband facili-  
11 ties that improve public safety broadband com-  
12 munications services; and

13 (F) undertake such other projects and ac-  
14 tivities as the Assistant Secretary finds to be  
15 consistent with the purposes for which the pro-  
16 gram is established.

17 (7) The Assistant Secretary—

18 (A) shall require any entity receiving a  
19 grant pursuant to this section to report quar-  
20 terly, in a format specified by the Assistant  
21 Secretary, on such entity's use of the assistance  
22 and progress fulfilling the objectives for which  
23 such funds were granted, and the Assistant  
24 Secretary shall make these reports available to  
25 the public;

1 (B) may establish additional reporting and  
2 information requirements for any recipient of  
3 any assistance made available pursuant to this  
4 section;

5 (C) shall establish appropriate mechanisms  
6 to ensure appropriate use and compliance with  
7 all terms of any use of funds made available  
8 pursuant to this section;

9 (D) may, in addition to other authority  
10 under applicable law, deobligate awards to  
11 grantees that demonstrate an insufficient level  
12 of performance, or wasteful or fraudulent  
13 spending, as defined in advance by the Assist-  
14 ant Secretary, and award these funds competi-  
15 tively to new or existing applicants consistent  
16 with this section; and

17 (E) shall create and maintain a fully  
18 searchable database, accessible on the Internet  
19 at no cost to the public, that contains at least  
20 the name of each entity receiving funds made  
21 available pursuant to this section, the purpose  
22 for which such entity is receiving such funds,  
23 each quarterly report submitted by the entity  
24 pursuant to this section, and such other infor-  
25 mation sufficient to allow the public to under-

1 stand and monitor grants awarded under the  
2 program.

3 (8) Concurrent with the issuance of the Request  
4 for Proposal for grant applications pursuant to this  
5 section, the Assistant Secretary shall, in coordina-  
6 tion with the Federal Communications Commission,  
7 publish the non-discrimination and network inter-  
8 connection obligations that shall be contractual con-  
9 ditions of grants awarded under this section.

10 (9) Within 1 year after the date of enactment  
11 of this Act, the Commission shall complete a rule-  
12 making to develop a national broadband plan. In de-  
13 veloping the plan, the Commission shall—

14 (A) consider the most effective and effi-  
15 cient national strategy for ensuring that all  
16 Americans have access to, and take advantage  
17 of, advanced broadband services;

18 (B) have access to data provided to other  
19 Government agencies under the Broadband  
20 Data Improvement Act (47 U.S.C. 1301 note);

21 (C) evaluate the status of deployments of  
22 broadband service, including the progress of  
23 projects supported by the grants made pursuant  
24 to this section; and

1 (D) develop recommendations for achieving  
2 the goal of nationally available broadband serv-  
3 ice for the United States and for promoting  
4 broadband adoption nationwide.

5 (10) The Assistant Secretary shall develop and  
6 maintain a comprehensive nationwide inventory map  
7 of existing broadband service capability and avail-  
8 ability in the United States that entities and depicts  
9 the geographic extent to which broadband service ca-  
10 pability is deployed and available from a commercial  
11 provider or public provider throughout each State:  
12 *Provided*, That not later than 2 years after the date  
13 of the enactment of the Act, the Assistant Secretary  
14 shall make the broadband inventory map developed  
15 and maintained pursuant to this section accessible to  
16 the public.

17 SEC. 202. The Assistant Secretary of Commerce for  
18 Communications and Information may reissue any coupon  
19 issued under section 3005(a) of the Digital Television  
20 Transition and Public Safety Act of 2005 that has expired  
21 before use, and shall cancel any unredeemed coupon re-  
22 ported as lost and may issue a replacement coupon for  
23 the lost coupon.

## PART III—ENERGY CONSERVATION INCENTIVES

- Sec. 1121. Extension and modification of credit for nonbusiness energy property.
- Sec. 1122. Modification of credit for residential energy efficient property.
- Sec. 1123. Temporary increase in credit for alternative fuel vehicle refueling property.

## PART IV—ENERGY RESEARCH INCENTIVES

- Sec. 1131. Increased research credit for energy research.

## PART V—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

- Sec. 1141. Application of monitoring requirements to carbon dioxide used as a tertiary injectant.

## PART VI—PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES

- Sec. 1151. Modification of credit for qualified plug-in electric motor vehicles.

## Subtitle C—Tax Incentives for Business

## PART I—TEMPORARY INVESTMENT INCENTIVES

- Sec. 1201. Special allowance for certain property acquired during 2009.
- Sec. 1202. Temporary increase in limitations on expensing of certain depreciable business assets.

## PART II—5-YEAR CARRYBACK OF OPERATING LOSSES

- Sec. 1211. 5-year carryback of operating losses.
- Sec. 1212. Exception for TARP recipients.

## PART III—INCENTIVES FOR NEW JOBS

- Sec. 1221. Incentives to hire unemployed veterans and disconnected youth.

## PART IV—CANCELLATION OF INDEBTEDNESS

- Sec. 1231. Deferral and ratable inclusion of income arising from indebtedness discharged by the repurchase of a debt instrument.

## PART V—QUALIFIED SMALL BUSINESS STOCK

- Sec. 1241. Special rules applicable to qualified small business stock for 2009 and 2010.

## PART VI—PARITY FOR TRANSPORTATION FRINGE BENEFITS

- Sec. 1251. Increased exclusion amount for commuter transit benefits and transit passes.

## PART VII—S CORPORATIONS

- Sec. 1261. Temporary reduction in recognition period for built-in gains tax.

## PART VIII—BROADBAND INCENTIVES

- Sec. 1271. Broadband Internet access tax credit.

1                   “(i) subparagraph (A) shall be applied  
2                   without regard to the phrase ‘10-year’, and

3                   “(ii) subparagraph (B) shall not  
4                   apply.”.

5           (b) EFFECTIVE DATE.—The amendment made by  
6 this section shall apply to taxable years beginning after  
7 December 31, 2008.

8                   **PART VIII—BROADBAND INCENTIVES**

9           **SEC. 1271. BROADBAND INTERNET ACCESS TAX CREDIT.**

10           (a) IN GENERAL.—Subpart E of part IV of chapter  
11 1 of the Internal Revenue Code of 1986 (relating to rules  
12 for computing investment credit), as amended by this Act,  
13 is amended by inserting after section 48C the following  
14 new section:

15           **“SEC. 48D. BROADBAND INTERNET ACCESS CREDIT.**

16           “(a) GENERAL RULE.—For purposes of section 46,  
17 the broadband credit for any taxable year is the sum of—

18                   “(1) the current generation broadband credit,  
19           plus

20                   “(2) the next generation broadband credit.

21           “(b) CURRENT GENERATION BROADBAND CREDIT;  
22 NEXT GENERATION BROADBAND CREDIT.—For purposes  
23 of this section—

24                   “(1) CURRENT GENERATION BROADBAND  
25 CREDIT.—The current generation broadband credit

1 for any taxable year is equal to 10 percent (20 per-  
2 cent in the case of qualified subscribers which are  
3 unserved subscribers) of the qualified broadband ex-  
4 penditures incurred with respect to qualified equip-  
5 ment providing current generation broadband serv-  
6 ices to qualified subscribers and taken into account  
7 with respect to such taxable year.

8 “(2) NEXT GENERATION BROADBAND CRED-  
9 IT.—The next generation broadband credit for any  
10 taxable year is equal to 20 percent of the qualified  
11 broadband expenditures incurred with respect to  
12 qualified equipment providing next generation  
13 broadband services to qualified subscribers and  
14 taken into account with respect to such taxable year.

15 “(c) WHEN EXPENDITURES TAKEN INTO AC-  
16 COUNT.—For purposes of this section—

17 “(1) IN GENERAL.—Qualified broadband ex-  
18 penditures with respect to qualified equipment shall  
19 be taken into account with respect to the first tax-  
20 able year in which—

21 “(A) current generation broadband services  
22 are provided through such equipment to quali-  
23 fied subscribers, or

1           “(B) next generation broadband services  
2           are provided through such equipment to quali-  
3           fied subscribers.

4           “(2) LIMITATION.—

5           “(A) IN GENERAL.—Qualified broadband  
6           expenditures shall be taken into account under  
7           paragraph (1) only with respect to qualified  
8           equipment—

9                   “(i) the original use of which com-  
10                   mences with the taxpayer, and

11                   “(ii) which is placed in service, after  
12                   December 31, 2008, and before January 1,  
13                   2011.

14           “(B) SALE-LEASEBACKS.—For purposes of  
15           subparagraph (A), if property—

16                   “(i) is originally placed in service  
17                   after December 31, 2008, by any person,  
18                   and

19                   “(ii) sold and leased back by such per-  
20                   son within 3 months after the date such  
21                   property was originally placed in service,  
22           such property shall be treated as originally  
23           placed in service not earlier than the date on  
24           which such property is used under the leaseback  
25           referred to in clause (ii).

1       “(d) SPECIAL ALLOCATION RULES FOR CURRENT  
2 GENERATION BROADBAND SERVICES.—For purposes of  
3 determining the current generation broadband credit  
4 under subsection (a)(1) with respect to qualified equip-  
5 ment through which current generation broadband serv-  
6 ices are provided, if the qualified equipment is capable of  
7 serving both qualified subscribers and other subscribers,  
8 the qualified broadband expenditures shall be multiplied  
9 by a fraction—

10           “(1) the numerator of which is the sum of the  
11 number of potential qualified subscribers within the  
12 rural areas and the underserved areas and the  
13 unserved areas which the equipment is capable of  
14 serving with current generation broadband services,  
15 and

16           “(2) the denominator of which is the total po-  
17 tential subscriber population of the area which the  
18 equipment is capable of serving with current genera-  
19 tion broadband services.

20       “(e) DEFINITIONS.—For purposes of this section—

21           “(1) ANTENNA.—The term ‘antenna’ means  
22 any device used to transmit or receive signals  
23 through the electromagnetic spectrum, including sat-  
24 ellite equipment.

1           “(2) CABLE OPERATOR.—The term ‘cable oper-  
2 ator’ has the meaning given such term by section  
3 602(5) of the Communications Act of 1934 (47  
4 U.S.C. 522(5)).

5           “(3) COMMERCIAL MOBILE SERVICE CAR-  
6 RIER.—The term ‘commercial mobile service carrier’  
7 means any person authorized to provide commercial  
8 mobile radio service as defined in section 20.3 of  
9 title 47, Code of Federal Regulations.

10           “(4) CURRENT GENERATION BROADBAND SERV-  
11 ICE.—The term ‘current generation broadband serv-  
12 ice’ means the transmission of signals at a rate of  
13 at least 5,000,000 bits per second to the subscriber  
14 and at least 1,000,000 bits per second from the sub-  
15 scriber (at least 3,000,000 bits per second to the  
16 subscriber and at least 768,000 bits per second from  
17 the subscriber in the case of service through radio  
18 transmission of energy).

19           “(5) MULTIPLEXING OR DEMULTIPLEXING.—  
20 The term ‘multiplexing’ means the transmission of 2  
21 or more signals over a single channel, and the term  
22 ‘demultiplexing’ means the separation of 2 or more  
23 signals previously combined by compatible multi-  
24 plexing equipment.

1           “(6) NEXT GENERATION BROADBAND SERV-  
2           ICE.—The term ‘next generation broadband service’  
3           means the transmission of signals at a rate of at  
4           least 100,000,000 bits per second to the subscriber  
5           (or its equivalent when the data rate is measured be-  
6           fore being compressed for transmission) and at least  
7           20,000,000 bits per second from the subscriber (or  
8           its equivalent as so measured).

9           “(7) NONRESIDENTIAL SUBSCRIBER.—The  
10          term ‘nonresidential subscriber’ means any person  
11          who purchases broadband services which are deliv-  
12          ered to the permanent place of business of such per-  
13          son.

14          “(8) OPEN VIDEO SYSTEM OPERATOR.—The  
15          term ‘open video system operator’ means any person  
16          authorized to provide service under section 653 of  
17          the Communications Act of 1934 (47 U.S.C. 573).

18          “(9) OTHER WIRELESS CARRIER.—The term  
19          ‘other wireless carrier’ means any person (other than  
20          a telecommunications carrier, commercial mobile  
21          service carrier, cable operator, open video system op-  
22          erator, or satellite carrier) providing current genera-  
23          tion broadband services or next generation  
24          broadband service to subscribers through the radio  
25          transmission of energy.

1           “(10) PACKET SWITCHING.—The term ‘packet  
2 switching’ means controlling or routing the path of  
3 a digitized transmission signal which is assembled  
4 into packets or cells.

5           “(11) PROVIDER.—The term ‘provider’ means,  
6 with respect to any qualified equipment any—

7                   “(A) cable operator,

8                   “(B) commercial mobile service carrier,

9                   “(C) open video system operator,

10                  “(D) satellite carrier,

11                  “(E) telecommunications carrier, or

12                  “(F) other wireless carrier,

13 providing current generation broadband services or  
14 next generation broadband services to subscribers  
15 through such qualified equipment.

16           “(12) PROVISION OF SERVICES.—A provider  
17 shall be treated as providing services to 1 or more  
18 subscribers if—

19                   “(A) such a subscriber has been passed by  
20 the provider’s equipment and can be connected  
21 to such equipment for a standard connection  
22 fee,

23                   “(B) the provider is physically able to de-  
24 liver current generation broadband services or  
25 next generation broadband services, as applica-

1 ble, to such a subscriber without making more  
2 than an insignificant investment with respect to  
3 such subscriber,

4 “(C) the provider has made reasonable ef-  
5 forts to make such subscribers aware of the  
6 availability of such services,

7 “(D) such services have been purchased by  
8 1 or more such subscribers, and

9 “(E) such services are made available to  
10 such subscribers at average prices comparable  
11 to those at which the provider makes available  
12 similar services in any areas in which the pro-  
13 vider makes available such services.

14 “(13) QUALIFIED EQUIPMENT.—

15 “(A) IN GENERAL.—The term ‘qualified  
16 equipment’ means property with respect to  
17 which depreciation (or amortization in lieu of  
18 depreciation) is allowable and which provides  
19 current generation broadband services or next  
20 generation broadband services—

21 “(i) at least a majority of the time  
22 during periods of maximum demand to  
23 each subscriber who is utilizing such serv-  
24 ices, and

1           “(ii) in a manner substantially the  
2           same as such services are provided by the  
3           provider to subscribers through equipment  
4           with respect to which no credit is allowed  
5           under subsection (a)(1).

6           “(B) ONLY CERTAIN INVESTMENT TAKEN  
7           INTO ACCOUNT.—Except as provided in sub-  
8           paragraph (C) or (D), equipment shall be taken  
9           into account under subparagraph (A) only to  
10          the extent it—

11           “(i) extends from the last point of  
12           switching to the outside of the unit, build-  
13           ing, dwelling, or office owned or leased by  
14           a subscriber in the case of a telecommuni-  
15           cations carrier or broadband-over-powerline  
16           operator,

17           “(ii) extends from the customer side  
18           of the mobile telephone switching office to  
19           a transmission/receive antenna (including  
20           such antenna) owned or leased by a sub-  
21           scriber in the case of a commercial mobile  
22           service carrier,

23           “(iii) extends from the customer side  
24           of the headend to the outside of the unit,  
25           building, dwelling, or office owned or

1 leased by a subscriber in the case of a  
2 cable operator or open video system oper-  
3 ator, or

4 “(iv) extends from a transmission/re-  
5 ceive antenna (including such antenna)  
6 which transmits and receives signals to or  
7 from multiple subscribers, to a trans-  
8 mission/receive antenna (including such  
9 antenna) on the outside of the unit, build-  
10 ing, dwelling, or office owned or leased by  
11 a subscriber in the case of a satellite car-  
12 rier or other wireless carrier, unless such  
13 other wireless carrier is also a tele-  
14 communications carrier.

15 “(C) PACKET SWITCHING EQUIPMENT.—  
16 Packet switching equipment, regardless of loca-  
17 tion, shall be taken into account under subpara-  
18 graph (A) only if it is deployed in connection  
19 with equipment described in subparagraph (B)  
20 and is uniquely designed to perform the func-  
21 tion of packet switching for current generation  
22 broadband services or next generation  
23 broadband services, but only if such packet  
24 switching is the last in a series of such func-  
25 tions performed in the transmission of a signal

1 to a subscriber or the first in a series of such  
2 functions performed in the transmission of a  
3 signal from a subscriber.

4 “(D) MULTIPLEXING AND  
5 DEMULTIPLIXING EQUIPMENT.—Multiplexing  
6 and demultiplexing equipment shall be taken  
7 into account under subparagraph (A) only to  
8 the extent it is deployed in connection with  
9 equipment described in subparagraph (B) and  
10 is uniquely designed to perform the function of  
11 multiplexing and demultiplexing packets or cells  
12 of data and making associated application  
13 adaptations, but only if such multiplexing or  
14 demultiplexing equipment is located between  
15 packet switching equipment described in sub-  
16 paragraph (C) and the subscriber’s premises.

17 “(14) QUALIFIED BROADBAND EXPENDI-  
18 TURE.—

19 “(A) IN GENERAL.—The term ‘qualified  
20 broadband expenditure’ means any amount—

21 “(i) chargeable to capital account with  
22 respect to the purchase and installation of  
23 qualified equipment (including any up-  
24 grades thereto) for which depreciation is  
25 allowable under section 168, and

1                   “(ii) incurred after December 31,  
2                   2008, and before January 1, 2011.

3                   “(B) CERTAIN SATELLITE EXPENDITURES  
4                   EXCLUDED.—Such term shall not include any  
5                   expenditure with respect to the launching of  
6                   any satellite equipment.

7                   “(C) LEASED EQUIPMENT.—Such term  
8                   shall include so much of the purchase price paid  
9                   by the lessor of equipment subject to a lease de-  
10                  scribed in subsection (c)(2)(B) as is attrib-  
11                  utable to expenditures incurred by the lessee  
12                  which would otherwise be described in subpara-  
13                  graph (A).

14                  “(15) QUALIFIED SUBSCRIBER.—The term  
15                  ‘qualified subscriber’ means—

16                         “(A) with respect to the provision of cur-  
17                         rent generation broadband services—

18                                 “(i) any nonresidential subscriber  
19                                 maintaining a permanent place of business  
20                                 in a rural area, an underserved area, or an  
21                                 unserved area, or

22                                 “(ii) any residential subscriber resid-  
23                                 ing in a dwelling located in a rural area,  
24                                 an underserved area, or an unserved area  
25                                 which is not a saturated market, and

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1           “(B) with respect to the provision of next  
2 generation broadband services—

3           “(i) any nonresidential subscriber  
4 maintaining a permanent place of business  
5 in a rural area, an underserved area, or an  
6 unserved area , or

7           “(ii) any residential subscriber.

8           “(16) RESIDENTIAL SUBSCRIBER.—The term  
9 ‘residential subscriber’ means any individual who  
10 purchases broadband services which are delivered to  
11 such individual’s dwelling.

12           “(17) RURAL AREA.—The term ‘rural area’  
13 means any census tract which—

14           “(A) is not within 10 miles of any incor-  
15 porated or census designated place containing  
16 more than 25,000 people, and

17           “(B) is not within a county or county  
18 equivalent which has an overall population den-  
19 sity of more than 500 people per square mile of  
20 land.

21           “(18) RURAL SUBSCRIBER.—The term ‘rural  
22 subscriber’ means any residential subscriber residing  
23 in a dwelling located in a rural area or nonresiden-  
24 tial subscriber maintaining a permanent place of  
25 business located in a rural area.

1           “(19) SATELLITE CARRIER.—The term ‘sat-  
2           ellite carrier’ means any person using the facilities  
3           of a satellite or satellite service licensed by the Fed-  
4           eral Communications Commission and operating in  
5           the Fixed-Satellite Service under part 25 of title 47  
6           of the Code of Federal Regulations or the Direct  
7           Broadcast Satellite Service under part 100 of title  
8           47 of such Code to establish and operate a channel  
9           of communications for distribution of signals, and  
10          owning or leasing a capacity or service on a satellite  
11          in order to provide such point-to-multipoint distribu-  
12          tion.

13          “(20) SATURATED MARKET.—The term ‘satu-  
14          rated market’ means any census tract in which, as  
15          of the date of the enactment of this section—

16                 “(A) current generation broadband services  
17                 have been provided by a single provider to 85  
18                 percent or more of the total number of potential  
19                 residential subscribers residing in dwellings lo-  
20                 cated within such census tract, and

21                 “(B) such services can be utilized—

22                         “(i) at least a majority of the time  
23                         during periods of maximum demand by  
24                         each such subscriber who is utilizing such  
25                         services, and

1                   “(ii) in a manner substantially the  
2                   same as such services are provided by the  
3                   provider to subscribers through equipment  
4                   with respect to which no credit is allowed  
5                   under subsection (a)(1).

6                   “(21) SUBSCRIBER.—The term ‘subscriber’  
7                   means any person who purchases current generation  
8                   broadband services or next generation broadband  
9                   services.

10                   “(22) TELECOMMUNICATIONS CARRIER.—The  
11                   term ‘telecommunications carrier’ has the meaning  
12                   given such term by section 3(44) of the Communica-  
13                   tions Act of 1934 (47 U.S.C. 153(44)), but—

14                   “(A) includes all members of an affiliated  
15                   group of which a telecommunications carrier is  
16                   a member, and

17                   “(B) does not include any commercial mo-  
18                   bile service carrier.

19                   “(23) TOTAL POTENTIAL SUBSCRIBER POPU-  
20                   LATION.—The term ‘total potential subscriber popu-  
21                   lation’ means, with respect to any area and based on  
22                   the most recent census data, the total number of po-  
23                   tential residential subscribers residing in dwellings  
24                   located in such area and potential nonresidential

1 subscribers maintaining permanent places of busi-  
2 ness located in such area.

3 “(24) UNDERSERVED AREA.—The term ‘under-  
4 served area’ means any census tract which is located  
5 in—

6 “(A) an empowerment zone or enterprise  
7 community designated under section 1391,

8 “(B) the District of Columbia Enterprise  
9 Zone established under section 1400,

10 “(C) a renewal community designated  
11 under section 1400E, or

12 “(D) a low-income community designated  
13 under section 45D.

14 “(25) UNDERSERVED SUBSCRIBER.—The term  
15 ‘underserved subscriber’ means any residential sub-  
16 scriber residing in a dwelling located in an under-  
17 served area or nonresidential subscriber maintaining  
18 a permanent place of business located in an under-  
19 served area.

20 “(26) UNSERVED AREA.—The term ‘unserved  
21 area’ means any census tract in which no current  
22 generation broadband services are provided, as cer-  
23 tified by the State in which such tract is located not  
24 later than September 30, 2009.

1           “(27) UNSERVED SUBSCRIBER.—The term  
2           ‘unserved subscriber’ means any residential sub-  
3           scriber residing in a dwelling located in an unserved  
4           area or nonresidential subscriber maintaining a per-  
5           manent place of business located in an unserved  
6           area.”.

7           (b) CREDIT TO BE PART OF INVESTMENT CREDIT.—  
8           Section 46 (relating to the amount of investment credit),  
9           as amended by this Act, is amended by striking “and”  
10          at the end of paragraph (4), by striking the period at the  
11          end of paragraph (5) and inserting “, and”, and by adding  
12          at the end the following:

13                   “(6) the broadband Internet access credit.”

14          (c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE  
15          TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relat-  
16          ing to list of exempt organizations) is amended by striking  
17          “or” at the end of clause (iii), by striking the period at  
18          the end of clause (iv) and inserting “, or”, and by adding  
19          at the end the following new clause:

20                           “(v) from the sale of property subject  
21                           to a lease described in section  
22                           48D(c)(2)(B), but only to the extent such  
23                           income does not in any year exceed an  
24                           amount equal to the credit for qualified  
25                           broadband expenditures which would be

1           determined under section 48D for such  
2           year if the mutual or cooperative telephone  
3           company was not exempt from taxation  
4           and was treated as the owner of the prop-  
5           erty subject to such lease.”.

6           (d) CONFORMING AMENDMENTS.—

7           (1) Section 49(a)(1)(C), as amended by this  
8           Act, is amended by striking “and” at the end of  
9           clause (iv), by striking the period at the end of  
10          clause (v) and inserting “, and”, and by adding after  
11          clause (v) the following new clause:

12                         “(vi) the portion of the basis of any  
13                         qualified equipment attributable to quali-  
14                         fied broadband expenditures under section  
15                         48D.”.

16          (2) The table of sections for subpart E of part  
17          IV of subchapter A of chapter 1, as amended by this  
18          Act, is amended by inserting after the item relating  
19          to section 48C the following:

“Sec. 48D. Broadband internet access credit”.

20          (e) DESIGNATION OF CENSUS TRACTS.—

21           (1) IN GENERAL.—The Secretary of the Treas-  
22           ury shall, not later than 90 days after the date of  
23           the enactment of this Act, designate and publish  
24           those census tracts meeting the criteria described in  
25           paragraphs (17), (23), (24), and (26) of section

1 48D(e) of the Internal Revenue Code of 1986 (as  
2 added by this section). In making such designations,  
3 the Secretary of the Treasury shall consult with  
4 such other departments and agencies as the Sec-  
5 retary determines appropriate.

6 (2) SATURATED MARKET.—

7 (A) IN GENERAL.—For purposes of desig-  
8 nating and publishing those census tracts meet-  
9 ing the criteria described in subsection (e)(20)  
10 of such section 48D—

11 (i) the Secretary of the Treasury shall  
12 prescribe not later than 30 days after the  
13 date of the enactment of this Act the form  
14 upon which any provider which takes the  
15 position that it meets such criteria with re-  
16 spect to any census tract shall submit a  
17 list of such census tracts (and any other  
18 information required by the Secretary) not  
19 later than 60 days after the date of the  
20 publication of such form, and

21 (ii) the Secretary of the Treasury  
22 shall publish an aggregate list of such cen-  
23 sus tracts submitted and the applicable  
24 providers not later than 30 days after the

1 last date such submissions are allowed  
2 under clause (i).

3 (B) NO SUBSEQUENT LISTS REQUIRED.—

4 The Secretary of the Treasury shall not be re-  
5 quired to publish any list of census tracts meet-  
6 ing such criteria subsequent to the list de-  
7 scribed in subparagraph (A)(ii).

8 (C) AUTHORITY TO DISREGARD FALSE  
9 SUBMISSIONS.—In addition to imposing any  
10 other applicable penalties, the Secretary of the  
11 Treasury shall have the discretion to disregard  
12 any form described in subparagraph (A)(i) on  
13 which a provider knowingly submitted false in-  
14 formation.

15 (f) OTHER REGULATORY MATTERS.—

16 (1) PROHIBITION.—No Federal or State agency  
17 or instrumentality shall adopt regulations or rate-  
18 making procedures that would have the effect of  
19 eliminating or reducing any credit or portion thereof  
20 allowed under section 48D of the Internal Revenue  
21 Code of 1986 (as added by this section) or otherwise  
22 subverting the purpose of this section.

23 (2) TREASURY REGULATORY AUTHORITY.—It is  
24 the intent of Congress in providing the broadband  
25 Internet access credit under section 48D of the In-

1        ternal Revenue Code of 1986 (as added by this sec-  
2        tion) to provide incentives for the purchase, installa-  
3        tion, and connection of equipment and facilities of-  
4        fering expanded broadband access to the Internet for  
5        users in certain low income and rural areas of the  
6        United States, as well as to residential users nation-  
7        wide, in a manner that maintains competitive neu-  
8        trality among the various classes of providers of  
9        broadband services. Accordingly, the Secretary of  
10       the Treasury shall prescribe such regulations as may  
11       be necessary or appropriate to carry out the pur-  
12       poses of section 48D of such Code, including—

13                (A) regulations to determine how and when  
14                a taxpayer that incurs qualified broadband ex-  
15                penditures satisfies the requirements of section  
16                48D of such Code to provide broadband serv-  
17                ices, and

18                (B) regulations describing the information,  
19                records, and data taxpayers are required to pro-  
20                vide the Secretary to substantiate compliance  
21                with the requirements of section 48D of such  
22                Code.

23        (g) EFFECTIVE DATE.—The amendments made by  
24        this section shall apply to expenditures incurred after De-  
25        cember 31, 2008.