

***Resolution Calling on the FCC to Facilitate the DTV Transition through Additional  
Consumer Education Efforts***

**WHEREAS**, Congress has established February 17, 2009, as the hard deadline for the end of full-power analog broadcasting, and the effective transition to digital broadcasting television (DTV) service;<sup>1</sup> *and*

**WHEREAS**, Congress has mandated the Federal Communications Commission (FCC) take such actions as are necessary to require the cessation of broadcasting by full-power stations in analog by February 18, 2009,<sup>2</sup> and promote the orderly transition of full-power stations from analog to DTV service;<sup>3</sup> *and*

**WHEREAS**, The least expensive and most feasible alternative for household consumers who wish to continue receiving local broadcast television programming over-the-air (OTA), using analog televisions not connected to cable or satellite service by February 18, 2009, may be to purchase and connect digital-to-analog converter boxes to their TV sets; *and*

**WHEREAS**, Congress has directed the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) to implement and administer a subsidy program through which household consumers in the United States and its territories may obtain coupons that can be applied towards the purchase price of digital-to-analog converter boxes, and NTIA has already adopted rules implementing what has been denominated as the Digital-to-Analog Converter Box Coupon Program (Coupon Program);<sup>4</sup> *and*

**WHEREAS**, The rules adopted by NTIA allow each household with a separate U.S. Postal address (not a Post Office Box), to receive up to two \$40 coupons (not to be used in combination) that may be applied towards the purchase price of Coupon-Eligible Converter Boxes (CECBs) from Certified Retailers;<sup>5</sup> *and*

**WHEREAS**, Approximately 113 CECBs have already been approved by NTIA upon consultation with the FCC, after reviewing test results **submitted** by their manufacturers and **corroborating** compliance with technical performance specifications and features, including "permitted" and "disqualifying" features, pursuant to NTIA rules;<sup>6</sup> *and*

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<sup>1</sup> See *Digital Television Transition and Public Safety Act of 2005* (February 8, 2006), § 3002 (a)(1).

<sup>2</sup> See *Digital Television Transition and Public Safety Act of 2005* (February 8, 2006), § 3002 (b)(1).

<sup>3</sup> See 47 U.S.C. § 336 (note in reference to P.L. 107-188 of June 12, 2002, Title V, Subtitle C, § 531).

<sup>4</sup> See 47 C.F.R. Part 301.

<sup>5</sup> See *supra*.

<sup>6</sup> See [https://www.ntiadtv.gov/cecb\\_list.cfm](https://www.ntiadtv.gov/cecb_list.cfm), and 47 C.F.R. § 301.5, Appendix 1 and Appendix 2.

**WHEREAS**, Among the technical performance specifications and features, CECBs must comply with close captioning information as provided by FCC rules;<sup>7</sup> that is, requiring that converter boxes pass the encoded information to the attached analog receiver in compliance with CEA-608 standard, thus appearing as white text on a black background; and, allowing as an optional capability, that converter boxes also decode captioning information delivered pursuant to CEA-708, thus, enabling caption display to be customized to suit particular viewers' needs, through enhanced features such as caption size, font style, spacing, color contrast, screen positions and distribution of caption text at different reading levels or in alternate languages simultaneously;<sup>8</sup> *and*

**WHEREAS**, The FCC has acknowledged that CEA-708 provides substantial benefits for consumers and substantial improvements over the CEA-608 captioning standard, affording access to useful and effective captioning to a larger portion of the deaf-and hard-of-hearing population, hearing and non-hearing children, and older citizens with hearing and visual disabilities;<sup>9</sup> *and*

**WHEREAS**, Only some of the 113 CECBs have the built-in capability of decoding captioning information delivered pursuant to CEA-708, thus enabling caption display to be customized to suit particular viewers' needs; *and*

**WHEREAS**, The February 17, 2009, deadline for the end of analog broadcasting by full-power stations does not apply to Class A, translator and low-power television (LPTV) stations, which generally serve small rural communities, individual communities within larger urban areas, and mountainous or remote areas of the country; *and*

**WHEREAS**, There are currently more than 2,100 licensed LPTV stations in operation, approximately 600 licensed Class A television stations, and 4,700 licensed television translator stations;<sup>10</sup> *and*

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<sup>7</sup> See 47 C.F.R. Part 301, Appendix 1, 47 C.F.R. § 15.122, and CEA 608/708 standard.

<sup>8</sup> The FCC rules refer to the EIA-708 standard, which has been replaced by the CEA-708 standard. See 47 C.F.R. Part 301, Appendix 1, and *In the Matter of Closed Captioning Requirements for Digital Television Receivers and Closed Captioning*, and *In the Matter of Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, ET Docket No. 99-254 and MB Docket No. 95-176, respectively, *Report and Order*, FCC 00-259 (July 31, 2000), ¶¶ 7 & 19.

<sup>9</sup> See *In the Matter of Closed Captioning Requirements for Digital Television Receivers and Closed Captioning*, and *In the Matter of Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, ET Docket No. 99-254 and MB Docket No. 95-176, respectively, *Report and Order*, FCC 00-259 (July 31, 2000), ¶¶ 7 & 10-12.

<sup>10</sup> See <http://www.fcc.gov/cgb/consumerfacts/DTVandLPTV.html>.

**WHEREAS**, Household consumers who wish to continue watching analog Class A, translator, and low-power broadcast television programming OTA, using their analog televisions, not connected to cable or satellite service by February 18, 2009, should purchase digital-to-analog converter boxes with “analog pass-through” capability; thus allowing analog broadcast signals to pass through the converter boxes to be tuned to their analog televisions; *and*

**WHEREAS**, Only 38 of the 113 CECBs have “analog pass-through” capability, and such capability is not a required, but a permitted feature pursuant to NTIA rules;<sup>11</sup> *and*

**WHEREAS**, DTV will provide consumers with better quality television picture and sound, and make new services available through multicasting, in addition to making valuable spectrum available for public safety uses, as well as expanded wireless competition and innovation, and the FCC has indicated that these innovations “are dependent upon widespread consumer understanding of the benefits and mechanics of the transition”;<sup>12</sup> *and*

**WHEREAS**, The FCC recently approved a broad-based consumer education mandate to create consumer awareness about the DTV transition, and stated in its rulemaking proceeding that “[t]here is a clear and compelling need for educational efforts directed toward consumers”;<sup>13</sup> *and*

**WHEREAS**, The Chairman of the FCC recently announced the creation of a DTV Task Force “to facilitate a smooth transition that minimizes the burdens on consumers while maximizing their opportunities to benefit from it”;<sup>14</sup> *and*

**WHEREAS**, NTIA’s rules provide that it is the responsibility of manufacturers to resolve any performance or product defect issues with consumers and retailers,<sup>15</sup> and also that consumers may not return a CECB to a retailer for a cash refund for the coupon amount, or make an exchange for another item unless it is another CECB;<sup>16</sup> *and*

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<sup>11</sup> See [https://www.ntiadtv.gov/cecb\\_list.cfm](https://www.ntiadtv.gov/cecb_list.cfm), and 47 C.F.R. Appendix 1 and Appendix 2.

<sup>12</sup> See *In the Matter of DTV Consumer Education Initiative*, MB Docket No. 07-148, *Report and Order*, FCC 08-56 (March 3, 2008), ¶ 1.

<sup>13</sup> See *In the Matter of DTV Consumer Education Initiative*, MB Docket No. 07-148, *Report and Order*, FCC 08-56 (March 3, 2008), ¶¶ 6-7.

<sup>14</sup> See *In the Matter of DTV Consumer Education Initiative*, MB Docket No. 07-148, *Report and Order*, FCC 08-56 (March 3, 2008), ¶¶ 3.

<sup>15</sup> See 47 C.F.R. § 301.5 (j).

<sup>16</sup> See 47 C.F.R. § 301.4 (f).

**WHEREAS**, Consumers in need of an exchange may not be able to obtain it if they have lost their purchase receipt, the purchase receipt (including the coupon reference number) has faded, or the Certified Retailer does not carry a CECB whose features meet the specific needs of such consumers, especially those of the deaf-and hard-of-hearing populations, children and older citizens with hearing and visual disabilities, and OTA Class A, translator, and low-power broadcast television programming viewers; *and*

**WHEREAS**, The FCC has offered its assistance to NTIA in policing and enforcing the requirements of the digital converter box retail program;<sup>17</sup> *and*

**WHEREAS**, Despite the FCC's acknowledgement of "the importance to consumers of information provided at the point-of-sale regarding capabilities of the equipment that they are purchasing,"<sup>18</sup> there is a clear and compelling need to provide consumers or have available for their review beforehand, a list of all CECBs with their features (already at hand to NTIA and the FCC as a result of the converter boxes approval process); *and*

**WHEREAS**, The creation and posting of a list of all CECBs' features by the FCC, for the review of consumers beforehand, would minimize the burden on consumers, maximize their opportunities to benefit from features that could meet their particular needs, and effectively contribute to consumer satisfaction and the success of the Coupon Program, and also constitute basic information, not an endorsement of any product, service or company on the part of the FCC; *and*

**WHEREAS**, There is a clear and compelling need for a detailed list of CECBs' features be made available to consumers for them to benefit the most from optional features that may suit their particular needs, such as the enhanced CEA-708 closed captioning and the "analog pass-through" capability; and also, the availability of this information may help consumers identify which Certified Retailers carry the CECBs that fit their particular needs, thus reducing to a minimum the need to exchange or return CECBs; *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2008 Summer Meetings in Portland, Oregon, calls upon the FCC to adopt additional consumer education efforts, including the creation and posting of a list of all CECBs' features, to minimize the burden on consumers, to maximize their opportunities to benefit from features that could meet their particular needs, and to achieve a successful transition to DTV; *and be it further*

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<sup>17</sup> See *In the Matter of DTV Consumer Education Initiative*, MB Docket No. 07-148, *Report and Order*, FCC 08-56 (March 3, 2008), ¶ 2.

<sup>18</sup> See *In the Matter of DTV Consumer Education Initiative*, MB Docket No. 07-148, *Report and Order*, FCC 08-56 (March 3, 2008), ¶ 63.

**RESOLVED**, That education efforts should also be focused on encouraging Certified Retailers to explain to consumers their exchange and return policies at the retailer, and also on letting consumers know the importance of retaining their CECBs' purchase receipts, containing their coupons' reference numbers, for exchange purposes.

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*Sponsored by the Committee on Consumer Affairs*  
*Adopted by the Board of Directors July 23, 2008*