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## FCC Issues Order Extending February 17, 2009 Expiration Dates and Allowing Certain Stations to Withdraw February 9, 2009 Notices of Intent to Terminate Analog Operation

by Scott R. Flick, Christine A. Reilly and Emily J. H. Daniels

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*On February 13, 2009, the FCC released a Report and Order implementing the DTV Delay Act. Pursuant to the Report and Order, the following authorizations are modified as noted:*

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- Analog Television Licenses: expiration date extended from February 17, 2009, to June 12, 2009, (11:59:59 PM local time);
- Post-Transition DTV Construction Permits: expiration date extended from February 17, 2009, to June 12, 2009, (11:59:59 PM local time);
- Special Temporary Authority grants for analog reduction related to the DTV transition: expiration date extended from February 17, 2009 to June 12, 2009 (11:59:59 PM local time);
- Special Temporary Authority grants for operation of pre-transition digital facilities at variance to pre-transition license or construction permit: expiration date extended from February 17, 2009 to June 12, 2009, (11:59:59 PM local time);
- Authority to commence post-transition digital operation: moved from February 18, 2009 to June 13, 2009, (12:00 AM local time).

In the Report and Order, the FCC also stated that certain stations that notified it on February 9, 2009, of their intent to terminate analog operation on February 17, 2009 could withdraw their notifications by notifying the FCC no later than 6:00 PM EST on Sunday, February 15, 2009.<sup>1</sup> The Commission will consider those withdrawals, so long as they are e-mailed to [Barbara.Kreisman@fcc.gov](mailto:Barbara.Kreisman@fcc.gov) by the 6:00 PM EST deadline on February 15, 2009. The e-mail must contain "Withdrawal of Termination Notification" in the subject line. Stations withdrawing their notifications must also immediately revise their on-air viewer notifications to reflect their change in plans.

Finally, for the 123 stations that previously notified the FCC of their intent to terminate analog operation on February 17, 2009, but which were notified that the impact of that decision on the public necessitated additional public interest conditions, the FCC revised one portion of those additional conditions.

Specifically, stations complying with these conditions will not be required to air emergency information in Spanish. One of the conditions, as originally set forth, was that these stations air DTV educational information or emergency information in both English and Spanish. Some stations have notified the FCC that they do not have the ability to translate emergency information into Spanish. The Commission stated that these stations must provide DTV transition information in English and Spanish, but that they are not required to provide emergency information in Spanish if they do not otherwise provide programming in Spanish.


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 <sup>1</sup> This permission is not applicable to the 123 stations which were advised by Public Notice that, due to the circumstances in their markets, the stations would have to pursue one of three options: (a) comply with a variety of additional public interest conditions prior to February 17, 2009; (b) reverse their decision to terminate analog operation on that date; or (c) demonstrate the exigent circumstances requiring termination of analog operation without complying with these requirements. Those stations were required to confirm for the FCC by 6:00 PM EST on February 13, 2009 which of the three options presented they would pursue. These stations are not eligible to withdraw their notices of intention to terminate analog operation pursuant to this Report and Order.