

Communications

April 16, 2009

FCC Clarifies Requirement to Publicize Local DTV Walk-In Centers

by Scott R. Flick and Emily J.H. Daniels

The FCC issued a Public Notice late today providing guidance to broadcasters regarding the DTV walk-in center consumer education requirement it created last month. On March 13th, the FCC imposed a number of additional DTV consumer education requirements upon stations still operating in analog format or which are operating in digital format, but not with final post-transition facilities. One of those requirements is that such stations publicize the location and hours of any walk-in DTV help centers located in their market by including that information in a daily PSA or crawl.

Today, the FCC issued the attached Public Notice, which provides very specific requirements for what qualifies as a walk-in DTV help center. The FCC indicates that “walk-in centers that have the [listed] characteristics and are located in a station’s designated market area (DMA) must be identified in that station’s consumer education campaign.” It therefore appears that stations will not be required to publicize any walk-in centers that do not meet the FCC’s stringent standards, and the principal impact of today’s clarification will be to reduce the number of consumer assistance facilities that broadcast stations are required to publicize under the new consumer education requirements.

While stations are not required to publicize the availability of a consumer assistance facility that fails to meet the definition of a DTV walk-in center, the FCC’s Public Notice still encourages stations to publicize the availability of all consumer assistance resources. However, stations may not publicize such resources as “walk-in centers” or “walk-in DTV help centers” unless they possess all of the attributes announced in today’s Public Notice.

For further information, please contact:

Scott R. Flick [\(bio\)](#)
Washington, DC
+1.202.663.8167
scott.flick@pillsburylaw.com

Emily J.H. Daniels [\(bio\)](#)
Washington, DC
+1.202.663.9378
emily.daniels@pillsburylaw.com

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.

© 2009 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-807

Released: April 10, 2009

**COMMISSION PROVIDES GUIDANCE TO BROADCASTERS
ON OBLIGATION TO PUBLICIZE WALK-IN DTV HELP CENTERS
PURSUANT TO THE DTV DELAY ACT THIRD REPORT AND ORDER
MB DOCKET NO. 09-17**

On March 13, 2009, the Commission adopted the Third Report and Order in the Commission's DTV Delay Act proceeding ("*Order*").¹ The *Order* took action to implement the DTV Delay Act,² including requiring most analog broadcasters³ to publicize the locations and hours of walk-in DTV help centers located in their market.⁴ The purpose of this Notice is to clarify that requirement by explaining the term "walk-in DTV help center" for purposes of the Commission's consumer education requirements.

For the purposes of Section 73.674(b)(8) of the Commission's rules, a "walk-in DTV help center" has the following characteristics:⁵

- Open and staffed (at a minimum) between the hours of 4 and 8 p.m. on Fridays, and 10 a.m. to 4 p.m. on Saturdays and Sundays. In the 14 calendar days prior to June 12 and for 7 calendar days on and after June 12, each center must be open every day at least from 12 to 8 p.m.
- Contains (for hands-on demonstration purposes) the following functioning devices: at least one analog television, one digital-to-analog converter box, one VCR or other recording device (to demonstrate how to hook-up such devices in conjunction with a digital-to-analog converter box), and one antenna able to receive local broadcast stations at the site. A display area for printed literature regarding the digital-to-analog converter box coupon program, connection guides for digital-to-analog converter boxes, guides for antenna and reception issues, DTV publications for those with disabilities, and local broadcast station coverage maps is also required.
- Has a DVD player with a separate viewing device so consumers can watch educational videos regarding converter box installations, antennas, reception, and coverage issues. Also required is

¹ *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, FCC 09-19 (March 13, 2009).

² DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009) ("*DTV Delay Act*").

³ Broadcasters not subject to the consumer education requirements of Section 73.674 of the Commission's Rules are not required to publicize walk-in center locations. These include low-power stations and stations that have terminated their analog broadcast signal and are operating their full, authorized post-transition facility.

⁴ *Order*, MB Docket No. 09-17 at ¶ 54; 47 C.F.R. § 73.674(b)(8).

⁵ See RFQ09000052- RFQ09000057 at <http://www.fcc.gov/omd/contracts/pre-award/dtv-support.html> (Statement Of Work (SOW) For Digital Television (DTV) Transition DTV Walk-In Help Centers or Mobile Clinics).

at least one computer with a high speed Internet connection so that consumers can apply online for converter box coupons and access other DTV transition information. Centers must also provide a local or toll-free phone number so that consumers can call to inquire about location(s) and days and hours of operation.

- During the hours that the center is open to the public, there must be a least one individual on site who has been trained and who can demonstrate how to install a digital-to-analog converter box with an analog TV, a VCR or other recording device, and a broadcast antenna, and how to adjust the antenna for maximum reception. The individual must also be able to demonstrate how to operate the converter box, including scanning and rescanning for digital channels and the use of closed captioning features.

Pursuant to the Commission's consumer education requirements, walk-in centers that have the above characteristics and are located in a station's designated market area (DMA) must be identified in that station's consumer education campaign.⁶ In order to fully comply with this requirement, stations must update their "help center PSA" within 10 business days of becoming aware of any new walk-in DTV help centers, or change in the operation of any existing centers, in their DMA.⁷

As discussed in the *Third Report and Order*, formal walk-in centers are only one of several ways to provide face-to-face DTV transition assistance, and "locally-focused efforts are among the best ways to help consumers who remain unprepared."⁸ For instance, one-time educational sessions or periodic DTV clinics can be an effective way to reach some citizens, and like full walk-in centers these may be operated by a range of organizations, such as community outreach organizations, broadcasters, and contractors. We encourage broadcasters to publicize such "DTV clinics," "DTV information sessions," or other DTV outreach events that do not have the characteristics of a "walk-in DTV help center," but they should not be described as "walk-in centers." While the Commission's rules do not require stations to publicize these other outreach efforts, we hope that they will do so in the manner best suited to reach their viewers. Stations may include such information in their required help center notices,⁹ as long as any full "walk-in DTV help centers" are properly identified and distinguished.

We recognize that individual broadcast stations may encounter some difficulty in ascertaining the existence and location of all of the walk-in DTV help centers that they must publicize, and of other DTV educational opportunities in their area that they may choose to publicize.¹⁰ To assist stations in this endeavor, and to assist the Commission in providing helpful information to consumers who seek DTV transition assistance, we encourage broadcasters to provide detailed information about all of the opportunities for face-to-face DTV education of which they are aware. The Commission has established

⁶ *Order* at ¶ 54; 47 C.F.R. § 73.674(b)(8). Stations must also publicize any walk-in DTV help centers in their market that are being operated pursuant to the conditional waiver granted to certain major network affiliates that terminated analog service on February 17. See the list of affected stations at *FCC Releases Lists of TV Stations' Responses to Requirements for Analog Termination on February 17, 2009*, Public Notice, DA 09-245, Appendix A (MB Feb. 13, 2009).

⁷ Stations are expected to periodically review the information available at <https://dtvsupport.fcc.gov/dtvtools> and to monitor other sources of information in their market to ensure that their viewers are provided with the most accurate possible information about walk-in DTV help centers.

⁸ *Order* at ¶ 54.

⁹ 47 C.F.R. § 73.674(b)(8).

¹⁰ We remind stations that even if there are no walk-in DTV help centers in their market, they must still air a daily "help center notice," providing at least the FCC Call Center telephone number and TTY number, and the station's telephone number for consumer referrals and calls from local viewers. *Order* at ¶ 54; 47 C.F.R. § 73.674(b)(8).

a website for the voluntary reporting of information for that purpose,¹¹ and will make the information collected available online through local referral links in our DTV.gov site and through our national Call Center.¹²

For additional information, contact Lyle Elder, Lyle.Elder@fcc.gov, of the Media Bureau, Policy Division, 202-418-2120, or Eloise Gore, Eloise.Gore@fcc.gov, of the Media Bureau, 202-418-7200. Press inquiries should be directed to Mark Wigfield at 202-418-0253 or Edie Herman at 202-418-2035. TTY: (888) 835-5322.

--FCC--

¹¹ The website is located at <https://dtvsupport.fcc.gov/broadcaster-s/>. The voluntary outreach reporting process adds a new DTV transition-related information collection. The Commission has received OMB approval for expedited review under OMB's emergency processing rules for this collection. For additional information concerning this information collection, contact the Office of Managing Director (OMD), Performance Evaluation & Records Management (PERM): Cathy Williams, Cathy.Williams@fcc.gov, at 202-418-2918.

¹² The information will be available at <https://dtvsupport.fcc.gov/dtvtools> and 1-888-CALL-FCC (telephone), 1-888-TELL-FCC (TTY).