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## Supplement to February 5th Advisory Entitled “FCC Issues Procedures Relating to Delay of DTV Transition to June 12, 2009”

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

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*Members of our Communications Group sought and received clarification from the FCC staff regarding ambiguities in the FCC’s February 5<sup>th</sup> Public Notice on Procedures Regarding Termination of Analog Television Service On or After February 17, 2009.*

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These clarifications include:

- Stations terminating their analog operation are required, if technically feasible, to broadcast a crawl on their analog channel announcing the station’s termination of analog service. The FCC originally stated that these crawls must air for five minutes of each hour, including in primetime, from February 10<sup>th</sup> through February 14<sup>th</sup> and 10 minutes of every hour on February 16<sup>th</sup> and 17<sup>th</sup>. No reference was originally made to the requirements in place for Sunday, February 15<sup>th</sup>. Today, the FCC clarified that stations must air the required crawls for five minutes of every hour from February 10<sup>th</sup> through and including February 15<sup>th</sup> and ten minutes of every hour on February 16<sup>th</sup> and 17<sup>th</sup>.
- These crawls do not need to be aired as either a five or 10-minute block. FCC staff clarified today that they anticipate that each crawl will be 60 seconds in duration and will be repeated throughout the course of the hour to meet the applicable five or 10 minute per hour requirement. Staff also clarified that each crawl must take place **during programming**, not during commercial breaks.
- Contrary to Footnote 26 of the FCC’s Public Notice, we are told that stations opting to provide the analogous analog nightlight service after terminating analog operation on February 17<sup>th</sup> will be subject to the pre-existing programming restrictions on analog nightlight operation. Accordingly, stations opting to participate in this service should air only the analog nightlight video produced by NAB or programming (i.e. a slate) which otherwise complies with the Analog Nightlight Order.

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