



FCC Lifts Freeze on Filing of DTV Maximization Applications and Petitions for Digital Channel Substitutions

On May 30, 2008 the FCC released a Public Notice (DA 08-1213) announcing that it will lift effective immediately, the freeze on the filing of maximization applications and petitions for rulemaking to allow requests for channel substitutions to the DTV Table of Allotments. The Commission encourages stations to file these applications promptly.

The FCC imposed a freeze in August of 2004, on requests from full power and Class A television stations to maximize facilities or change DTV channels. The freeze provided a stable database during the channel election process and the initial processing of applications for post-transition digital facilities. The Public Notice stated that the FCC had anticipated being able to lift the freeze in mid-August, 2008, but, as a result of successful expedited processing efforts, the FCC says it has completed its review of, and has granted all post-transition construction permit applications (except for those requiring international coordination or additional information from the applicant). Therefore the FCC can lift the freeze on the filing of maximization applications twelve weeks earlier than originally anticipated.

In addition to lifting the freeze, the Commission reminded stations which have filed for further reconsideration in the DTV Table of Allotments Proceeding that they may now file maximization applications, if needed to obtain authorization for the facilities they sought in their reconsideration in Docket 87-268. The Public Notice stated that stations should take this opportunity to file maximization applications, rather than rely on their pending petitions for reconsideration to preserve their ability to maximize in the future.

The Notice also stated that the FCC will not, at this time, accept petitions for allotment of DTV channels for new stations, or for changes in community of license. The Commission did however, emphasize that the mere filing and pendency of a maximization application or petition for digital channel substitution will not excuse a station's compliance with the construction deadlines for full, authorized DTV facilities established in the Third DTV Periodic Report and Order.

Finally the Public Notice clarified the exact time of that post-transition construction permits will expire. The Commission's automated filing system (CDBS) has issued post-transition DTV construction permits with an expiration of February 17, 2009 at 3:00 a.m. local time. The expiration of all of these permits is now extended to February 17, 2009, 11:59:59 p.m. local time.

The Public Notice is available on the FCC's Web at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-08-1213A1.pdf. For further information, contact the Media Bureau's Video Division: Hossein Hashemzadeh, hossein.hashemzadeh@fcc.gov, at (202) 418-1658, Kevin Harding, kevin.harding@fcc.gov, at (202) 418-7077, or Nazifa Sawez, nazifa.sawez@fcc.gov, at (202) 418-7059.

FCC clarifies the Third Report and Order on the DTV Transition

The new ATSC standards A/53:2007 (all parts) and A/65C with Amendment 1 were adopted into the FCC rules by the Third Periodic Order¹ for the DTV transition and their provisions became effective May 29, 2008.

These standards have a few technical changes from the previous versions in the rules and the original language adopting PSIP provisions was troublesome and felt to be impractical across all broadcast operations. NAB (and

¹ See *Third DTV Periodic Report and Order*, 23 FCC Rcd at 3079-81.

others) asked for clarification and a postponement of the implementation date. The postponement was not granted, but an important clarification was issued, which addressed the key operational issue.

The original Order asserted that broadcasters must accurately fill the contents of the fields and the descriptors of each event descriptor loop with the known information about each event at the time the event is created and shall update each field if more accurate information becomes available. The FCC has effectively clarified the meaning of 'known' and 'becomes available' by stating that: "While we encourage stations to update the EIT as rapidly as possible when overages or other circumstances result in changes to scheduled programs, our rules and policies do not require that updates be accomplished in real-time. The rule adopted in the Third DTV Periodic incorporates by reference the ATSC PSIP Standard A/65C which does not require real-time updates." The rule also noted that "Because real-time updates are not required, there is no need to address the alternative request in MSTV/NAB's petition for reconsideration for an extension of the effective date for compliance with the rule."

Therefore, as of May 29th, the equipment that creates the PSIP data is required to be able to send the actual event titles when the inputs to the PSIP equipment contain the titles. The time to get updated titles with the associated metadata (descriptors containing the content advisories, closed captioning information, content identifier, audio characteristics and such) to the PSIP generator is an operational matter. There are no fixed time intervals from the time a change happens until the new data is transmitted from the DTV station in the 8VSB signal. The particularly difficult operational situation to manage is overruns and emergency replacements, which can create discrepancies between what was planned (in the EITs) and what is actually happening. Depending on what degree of automation/system interconnectivity exists, the amount of time to get matched up again is not predictable, and getting the data right is generally of secondary importance compared to keeping the programming on the air. However, if this data about the program is not correct, consumers may complain to the station or the FCC that they were misled. Management of such situations to prevent the number of complaints becoming large enough to motivate FCC readdressing this regulation is the responsibility of each station.

Another change was made which alters and improves how audio characteristics are signaled. In summary:

- 1) The AC-3_audio_stream_descriptor was modified to create a new method for signaling the language of an audio track exists.
- 2) This (AC-3) descriptor is now required to be in the EIT when a program has audio. This descriptor can enable consumers to see what language the program will contain by sending codes for the language (or languages) of the audio(s), if the consumers have receivers supporting the new method (which ATSC standardized back in 2005) and may then select a program based on language.
- 3) The old method of signaling language for the current program (in the PMT) is now optional but strongly recommended. This may be of particular interest to broadcasters being carried over cable systems with 'old' digital set top boxes, which only can use this old method, otherwise being unable to select audio based on language. Some old DTV sets may also rely upon this old method.

NAB and MSTV also sought clarification that where more than one of the Commission's viewer notification obligations adopted in the Order is triggered, a station may comply with the Commission's requirements through use of a consolidated notification that includes all of the elements required in each of the viewer notification obligations. The FCC clarified that they "will permit use of such a consolidated notification in circumstances in which the Commission approves service adjustments that overlap in time. Indeed, we believe it could be confusing for viewers to hear multiple notifications that seem to conflict. Stations that prefer to have separate notifications for separate service adjustments may take that approach, as well, provided they offer clear information to viewers."

NAB'S SATELLITE UPLINK OPERATORS TRAINING SEMINAR September 29 – October 2, 2008



If you weren't able to attend this week's NAB Satellite Uplink Operators Training Seminar, you still have one more opportunity this year. The course will be offered September 29 – October 2 at NAB's headquarters in Washington DC. This four-day course is designed to instruct students in the proper technical and operational practices that will ensure safe, successful and interference free satellite transmissions. For more information call Cheryl Coleridge at (202) 429-5346 or go to [NAB Satellite Uplink Operators Seminar](#).

