



Low-Power Television and Translator Upgrade Program

# **Public Meeting**

# **NTIA Low-Power**

# **Television & Translator**

# **Digital Upgrade Program**

**William Cooperman, Broadcast Division Director**

**Washington, DC October 24, 2008**

**Las Vegas, NV October 28, 2008**



## Background: Low-Power TV

- @ 7,000 Low-Power Television Facilities (LPTVF) licensed (analog, as of 2/07/08)
  - 4,235 Translators (61%)
  - 2,150 LPTV (31%)
  - 528 Class A stations (8%)
- Can operate in analog after 2/17/09
- No FCC digital deadline
  - Can “flash cut” or construct digital “companion channels”



## Background: NTIA Low-Power TV & Translator Programs

- Conversion Program (Now Operating)
  - \$1,000 grants for equipment to pick up digital full-power TV station for analog rebroadcast
  - \$3.5 million available until 11/17/08
  - \$1 million available 11/18/08 – 2/18/09
    - Apply at: [www.ntia.doc.gov/lptv](http://www.ntia.doc.gov/lptv)
- Upgrade Program (This is a New Program)
  - Help stations upgrade from analog to digital



# Purpose of Meeting

- Review Low-Power Television & Translator Upgrade Program legislation
- Identify 6 major issues
- Review and discuss issues and their implications in developing the Program
- NTIA will accept written comments until November 14, 2008
  - [lptv@ntia.doc.gov](mailto:lptv@ntia.doc.gov)



# Low-Power Television and Translator Upgrade Program

**Pub. L. 109-171 Section 3009**

**(February 6, 2006)**

**(amended by Pub. L. 110-295, July 30, 2008)**



# Upgrade Program (Section 3009)

as amended by Pub. L. 110-295

“(a) ESTABLISHMENT.—The Assistant Secretary shall make payments of not to exceed \$65,000,000, in the aggregate, during fiscal years 2009 through 2012, from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each licensee of an eligible low-power television station may receive reimbursement for equipment to upgrade low-power television stations from analog to digital in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)).”



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# Legislation Baseline

1. Up to \$65 million available
2. Fiscal years 2009, 2010, 2011, 2012
3. Eligible low-power television station
4. Reimbursement
5. Upgrade analog stations to digital
6. Eligible rural communities



# Overview of Issues

1. Eligibility of Stations
2. Eligibility of Communities
3. Eligible Costs
4. Eligibility for Priority Reimbursement
5. Eligible Dates
6. How to Select Recipients

A large, stylized computer monitor is centered on the page. The screen is blue and displays the text "1. Eligibility of Station" in yellow. The monitor has a silver frame and a stand.

## 1. Eligibility of Station



# 1. Eligible Stations (LPTVF)

“(a) ESTABLISHMENT.—The Assistant Secretary shall make payments of not to exceed \$65,000,000, in the aggregate, during fiscal years 2009 through 2012, from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and **administer a program through which each licensee of an eligible low-power television station** may receive reimbursement for equipment to upgrade low-power television stations from analog to digital in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)).”





## Section 3009 (continued)

- “(b) ELIGIBLE STATIONS.—For purposes of this section, the term “eligible low-power television station” means a low-power television broadcast station, Class A television station, television translator station, or television booster station—
  - (1) that is itself broadcasting exclusively in analog format; and
  - (2) that has not converted from analog to digital operations prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.”



# 1. Eligible Stations (LPTVF)

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- (2) that has not converted from analog to digital operations prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.”  
(February 8, 2006)



# 1. Eligible Stations (LPTVF)

- “(1) that is **itself broadcasting** exclusively in analog format”
  - Hold FCC analog license?
  - Broadcasting in analog under program test authority?
  - Hold Construction Permit for analog facility?



# 1. Eligible Stations (LPTVF)

- “(1) that is itself broadcasting **exclusively in analog format**”
  - What date?
    - February 8, 2006 (date of legislation)?
    - Date NTIA announces the Upgrade Program?
    - Program application closing date?
    - Another date?
  - Uniform date for all applicants?
  - What if operating digital companion channel?



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## 2. Eligibility of Community





## 2. Eligible Rural Communities

“(a) ESTABLISHMENT.—The Assistant Secretary shall make payments of not to exceed \$65,000,000, in the aggregate, during fiscal years 2009 through 2012, from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement and administer a program through which each licensee of an eligible low-power television station may receive reimbursement for equipment to upgrade **low-power television stations** from analog to digital **in eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)).**”



## 2. Eligible Rural Communities

“Eligible rural communities, as that term is defined in section 610(b)(2) of the Rural Electrification Act of 1937 (7 U.S.C. 950bb(b)(2)).”

- *“any area of the United States that is not contained in an incorporated city or town with a population in excess of 20,000 inhabitants.” 7 U.S.C. 950bb(b)(2).*



## 2. Eligible Rural Communities

- Possible Interpretations
  - Community of license <20,000

Approx: 5019 Facilities Eligible  
(based upon 2000 census)



## 2. Eligible Rural Communities

- Possible Interpretations
  - Community of license <20,000
  - FCC service contour <20,000



## 2. Eligible Rural Communities

### FCC Analog Coverage Contours

<b>Channels</b>	<b>Grade A</b>	<b>Grade B</b>	<b>Low-Power Protected Contour</b>
<b>2-6</b>	<b>68 dBu</b>	<b>47 dBu</b>	<b>62 dBu</b>
<b>7-13</b>	<b>71 dBu</b>	<b>56 dBu</b>	<b>68 dBu</b>
<b>14-69</b>	<b>74 dBu</b>	<b>64 dBu</b>	<b>74 dBu</b>



## 2. Eligible Rural Communities

- Possible Interpretations
  - Community of license <20,000
  - FCC service contour <20,000
  - FCC service contour: No metro area >20,000



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- Possible Interpretations
  - Community of license <20,000
  - FCC contour <20,000
  - FCC service contour: No metro area >20,000
  - Department of Agriculture implementation of this language in its programs
    - (e.g., Rural Utilities Service, 7 CFR1740 – Rural Public TV Digital Transition Grant Program)



## 2. Eligible Rural Communities

- When an area is primarily rural but includes an Urban Area or Urban Cluster of more than 20,000, what are options?
  - Subtract out areas of more than 20,000?
  - How to calculate and document population?





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## 3. Eligible Costs



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## 3. Eligible Costs

- “Equipment to upgrade low-power television stations from analog to digital”
- What costs or equipment should be eligible?
- How should Upgrade Program determine when to retrofit, modify or replace existing equipment?
- Should NTIA fund digital companion channels as “upgrades”?



## 3. Eligible Costs

- “Equipment to upgrade”
- Receive Antenna/Pre-Amp/Receive Line?
- Translator Heterodyne Processor?
- Transmitter? Encoder?
- Power Amp – Tube or Solid State?
- Mask Filter – Simple or Stringent Filter ?
- Transmit Antenna/Transmission Line?
- Planning or Installation Costs?



## 3. Eligible Costs

- Should there be a limit (cap) on the amount of funds awarded to a single station or licensee?
  - If so, what should the cap be based on?
    - Power level? Age or Type of Translator?
  - How much should the cap be?
- When may applicants start spending their funds that would be eligible for reimbursement by the Upgrade Program?



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## 4. Priority Reimbursement





## Section 3009 (a) [continued] amended

- “.... Such reimbursements shall be issued to eligible stations on or after February 18, 2009. Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.”



## 4. Priority Reimbursement

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## 4. Priority Reimbursement

- “Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit *corporation...*”
- How to define non-profit **corporation**?— does not say “non-profit **association**”
- Could governmental bodies qualify as non-profit corporations?



## 4. Priority Reimbursement

- “Priority reimbursements shall be given to ...stations that serve rural areas of fewer than 10,000 viewers.”
- Use what benchmark (Grade A, protected contour, etc.) to determine population?
- Should NTIA use the same benchmark it uses to determine eligibility?



## 4. Priority Reimbursement

- “Priority reimbursements shall be given to eligible low-power television stations in which the license is held by a non-profit corporation and eligible low-power television stations that serve rural areas of fewer than 10,000 viewers.”



## 4. Priority Reimbursement

- Must station meet both criteria for Priority?
- Does station get extra credit if it meets both?
- How should Priority be awarded?
  - Special grant round for stations with Priority?
  - Extra points or fund Priority stations first?



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## 5. Effective Dates





## 5. Effective Dates

- “Make payments....during fiscal years 2009 through 2012”
- “Reimbursements shall be issued to eligible stations on or after February 18, 2009”
- “The term eligible...station means a...station that...has not converted from analog to digital operations prior” to February 8, 2006



## 5. Effective Dates

- Legislation passed February 8, 2006
- “Stations...broadcasting...in analog”
- “a...station that...has not converted from analog to digital operations prior” to February 8, 2006
- 2 ½ year gap between February 2006 passage and authorized start date of October 1, 2008



## 5. Effective Dates

- Does the Program need to establish
  - Date of Station Eligibility (DOE)?
    - **Date on which station must qualify for program**
  - Expenditures Start Date (ESD)?
    - **Date after which applicant expenses would be eligible for reimbursement**
- What dates? Should they be the same?



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## **6. How to Conduct the Program**



## 6. How to Conduct the Program Overview

- Many stations would qualify
- Should be efficient for stations to apply
  - Is Web based application best?
- Must be efficient for NTIA to process



## 6. How to Conduct the Program

- Option: Uniform Grants?
  - If 7,000 awards, result @ \$8,000-9,000 each
- Option: First Come-First Served?
  - How to provide Priority Reimbursement?
- Option: Competitive Grant Program?
  - What evaluation criteria?



## 6. How to Conduct the Program

- Reimbursement
  - Should station expend funds before application?
  - Can station expend funds after an award is made and then receive reimbursement funds?
- How to space grant cycles over FY 09-12?
  - One or more grant cycle each year?
  - Divide funds over four years or front load in early years?





## 6. How to Conduct the Program

- Digital conversion status?
  - Must station have FCC digital authorization prior to submitting application?
  - Must translator document it can pick up full power TV it is rebroadcasting?
- How long should stations have to complete an Upgrade project?
  - One year? 18 months? 2 years?
  - Renewal or non-renewal of project period?



## 6. How to Conduct the Program

- Administrative Procedures?
  - Preparation of Applications?
  - Submission of Applications?
- Payment of Funds?
- Grantee Post-Award Obligations?



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# Review



# Partial Summary of Program

1. Up to \$65 million available
  - Includes administrative costs
  - FY 09 Continuing Resolution (Pub. L. 110-329, Sec. 121, Sept. 30, 2008) permits NTIA to use funds from the Upgrade Program (and other NTIA programs) to administer the DTV Converter Box Coupon Program
  - Impact of this legislation unknown at present; may be known in early 2009



# Partial Summary of Program

2. Fiscal years 2009, 2010, 2011, 2012
3. Reimbursement of expenditures
4. Upgrade existing analog stations to digital
5. Low-Power TV stations, Class A stations, Translators, and Boosters are eligible



# Issue 1. Eligible Stations

- How to define “broadcasting exclusively in analog”?
- What is applicable date that station must be “broadcasting exclusively in analog” to qualify for the Program?



## Issue 2. Eligible Community

- How to determine whether a station serves a rural community?
  - “any area of the United States that is not contained in an incorporated city or town with a population in excess of 20,000 inhabitants”
- What is the benchmark that NTIA should use in determining whether a station meets the rural community service requirement?





## Issue 3. Eligible Costs

- What equipment/costs should be eligible?
- Should there be a limit (cap) on a grant to a single station or licensee?
  - If so, how should it be determined?
- When may applicants start spending their funds that would be eligible for reimbursement by the Upgrade Program?



## Issue 4. Priority Reimburse

- How to define non-profit corporation?
  - Do governments qualify as non-profit corporations?
- How should NTIA determine whether a station serves less than 10,000 viewers?
- Should NTIA use the same benchmark to determine population for eligibility as for Priority Reimbursement?



## Issue 4. Priority Reimburse (continued)

- Must a station meet both criteria in order to receive Priority?
- Should a station receive extra credit if it meets both criteria?
- How should the Priority be implemented?



## Issue 5. Dates

- Should NTIA establish a Date of Station Eligibility?
  - If so, what should the date be?
- Should NTIA establish an Expenditure Start Date?
  - If so, what should the date be?
- Should the two dates be the same?



## Issue 6. How to Conduct the Program

- Uniform Grants?
- First Come-First Served?
- Competitive Grant Program?
  - If so, what are the evaluation/selection Criteria?
- How to provide Priority Reimbursement?
- How to space grant cycles over FY 09-12?



## Contact NTIA for more information

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# Thank You!

**William Cooperman**

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# Updates and Information

[www.ntia.doc.gov/lptv](http://www.ntia.doc.gov/lptv)

Written Comments to

[lptv@ntia.doc.gov](mailto:lptv@ntia.doc.gov)

by November 14, 2008