

**Before the  
NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION  
Washington, D.C. 20230**

The Household Eligibility and )  
Application Process of the Coupon )  
Program for Individuals Residing in ) Docket No. 080324461-8462-01  
Nursing Homes and Households that )  
Utilize Post Office Boxes; Waivers )

**COMMENTS OF THE NATIONAL ASSOCIATION  
OF TELECOMMUNICATIONS OFFICERS AND ADVISORS  
IN RESPONSE TO THE NOTICE OF PROPOSED RULEMAKING**

**I. INTRODUCTION**

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.

NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of services for the nation’s local governments.

NATOA has long advocated for customer service protections and consumer education efforts. As an official Partner in NTIA’s Coupon Program<sup>1</sup> and as a member of

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<sup>1</sup> NTIA established the Partnership Program in its effort to extend its educational reach. NATOA signed a Partnership Agreement with NTIA in February 2008 in furtherance of our mutual goals of educating our members, their communities and constituents in the DTV transition.  
<http://www.natoa.org/Documents/NTIA%20Partnership%20Letter.pdf>

the Digital Television Transition Coalition,<sup>2</sup> we believe that communications service providers and manufacturers must give the American public complete and accurate information about the upcoming DTV transition and what steps consumers must take to ensure that they will continue to receive over-the-air programming after February 17, 2009. For its part, NATOA is aggressively informing its members of the need to educate their constituents about the upcoming transition. For example, the DTV transition has been the subject of a general session at NATOA's 2007 Annual Conference in Portland, OR and its 2008 Policy & Legal Seminar in Arlington, VA. And both FCC Chairman Kevin Martin and Commissioner Jonathan Adelstein have authored articles on the importance of the DTV transition for NATOA's *Journal*.

Furthermore, NATOA filed comments in response to the FCC's Notice of Proposed Rulemaking concerning the DTV Consumer Education Initiative (WB Docket No. 07-148) in which we echoed the Commission's assertion that collaboration and coordination with local governments is "crucial" in achieving universal consumer awareness of the transition.

It is with this background in mind that we file these comments.

## **II. THE NOTICE OF PROPOSED RULEMAKING**

February 17, 2009 is the deadline for the transition of analog television to digital television. At that time, all analog broadcasting will stop and television sets without digital-to-analog converter boxes will be unable to show over-the-air programming. It is estimated that approximately "20 to 21 million households . . . rely exclusively upon

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<sup>2</sup> The DTV Transition Coalition's core mission is to "ensure no consumer is left without broadcast television due to a lack of information about the transition." *See* [http://www.dtvtransition.org/index.php?option=com\\_content&task=view&id=12&Itemid=26](http://www.dtvtransition.org/index.php?option=com_content&task=view&id=12&Itemid=26).

over-the-air television to get their signals.”<sup>3</sup> To help “ensure that millions of American television sets do not go dark,”<sup>4</sup> Congress directed the National Telecommunications and Information Agency (“NTIA”) to “administer a \$990 million program to distribute up to two \$40 coupons per household toward the purchase of an analog-to-digital converter box.”<sup>5</sup> NTIA issued its regulations implementing the program on March 15, 2007.

When NTIA began accepting coupon applications on January 1, 2008, a number of them were “submitted by, or on behalf of, individuals residing in nursing homes and from applicants who utilize a post office box for mail receipt.” Because the applicants did not meet current eligibility requirements, the applications were denied. Subsequently, NTIA released this NPRM to solicit comments on whether the eligibility criteria should be modified to permit the approval of such applications.

A. Nursing Home Residents

While NTIA asserts that its coupon program was “implemented . . . in a manner that strives to assure that no Americans lose television service as a result of the digital transition,” the program’s eligibility requirements “do not permit seniors living in nursing homes to avail themselves of the Coupon Program.” This is particularly troubling due to the fact that “NTIA recognizes that our Nation’s seniors, including those residing in nursing homes and other senior care facilities, constitute a vulnerable community that

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<sup>3</sup> Greg Tarr, *CEA Panel Sees Need For DTV Education*, TWICE, March 27, 2007, available online at <http://www.twice.com/index.asp?layout=articlePrint&articleID=CA6428375>.

<sup>4</sup> Letter from the Honorable John D. Dingell, Chairman of the Committee on Energy and Commerce, and the Honorable Edward J. Markey, Chairman of the Subcommittee on Telecommunications and the Internet, U.S. House of Representatives, to the Honorable Kevin J. Martin, Chairman, the Honorable Michael J. Copps, Commissioner, the Honorable Jonathan S. Adelstein, Commissioner, the Honorable Deborah Taylor Tate, Commissioner, and the Honorable Robert M. McDowell, Commissioner, Federal Communications Commission, May 24, 2007 (“Letter”) at 1.

<sup>5</sup> Press Release of Senator Claire McCaskill, August 9, 2007, available online at: <http://mccaskill.senate.gov/record.cfm?id=280837>

may rely on free, over-the-air television to a greater degree than other members of the public.”

To remedy this situation, NTIA proposes to “permit these individuals to apply for and receive one coupon under certain circumstances.” For instance, NTIA suggests that a nursing home resident may apply for one coupon by submitting an application that would include: “(i) his or her name, date of birth, and Social Security Number (SSN); (ii) the name and address of the Eligible Nursing Home; and (iii) a certification from the Nursing Home Resident as to whether he or she receives television exclusively over the air or through cable, satellite or other pay television service.”

The requirement that the nursing home applicant provide his or her date of birth and social security number is not imposed on other applicants and exposes those in this “vulnerable community” to potential identity theft. While NTIA asserts that such information is necessary to “protect[] against the potential increased risk of waste, fraud, or abuse,” there is simply no evidence to support the proposition that waste, fraud, or abuse is more likely to occur in the nursing home setting as opposed to the population in general.

Furthermore, while NTIA states that “[s]imilar information is routinely collected from families and legal designees conducting business for individuals in senior care facilities,” this is not a situation where the resident is seeking on-going government benefits, such as Medicaid or Medicare. This situation involves a one-time application for a single \$40 coupon<sup>6</sup> that may be used only towards the purchase of a certified digital converter box.

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<sup>6</sup> NATOA is concerned that NTIA proposes to limit nursing home residents to one coupon. Nursing home facilities often provide multi-room living quarters for their residents. As a result, many such residents may

In addition, we are also concerned about the conditions placed on third-parties who submit applications on behalf of nursing home residents, including the submission of social security numbers, birth certificates, and operating licenses. Rather than facilitating the distribution of converter box coupons to this vulnerable population, these requirements will have a chilling effect on the willingness of such parties to assist nursing home residents in submitting these applications.

B. Applicants Utilizing Post Office Boxes for Mail Receipt

In an effort to accommodate those individuals who “have sound reasons for utilizing a post office box for mail receipt,” NTIA proposes that such applicants “provide one or more of the following documents to satisfy the requirements for proof of physical residence: a valid driver’s license containing the driver’s physical residence; a utility bill (water, gas, electric, oil, cable, or landline telephone (i.e., not wireless or pager) bearing the applicant’s name and physical address and issued within the sixty (60) days immediately preceding the date the coupon application is submitted; a government-issued property tax bill for the applicant’s residence; an unexpired homeowner’s or renter’s insurance policy for the applicant’s residence; an unexpired residential lease or rental agreement with the applicant’s name and physical address.”

NTIA has already adopted regulations that permit post office box use by those who live on Indian reservations, Alaskan Native Villages, and “other rural areas to which the U.S. Postal Service does not deliver to residential addresses.” Similar regulations should be adopted that would permit others who make use of post office box delivery to obtain converter box coupons. The goal of the coupon process was to make it as easy as

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have more than one television set and will be in need of more than one digital converter box. Nursing home residents should not be treated as second-class citizens.

possible for the American consumer to obtain the coupons necessary to avoid being without over-the-air broadcast services after February 17, 2009. The suggested proof of residence requirement is an unnecessary hurdle that consumers who opt to make use of post office box delivery should not be subjected to. Other applicants are not required to provide such proof and neither should these consumers.

### **III. CONCLUSION**

The February 17, 2009 deadline is fast approaching. It is imperative that NTIA act quickly to adopt new regulations that will permit nursing home residents to apply for digital converter box coupons. Indeed, considering the fact that older Americans may be more likely to rely on over-the-air broadcasting, changes to the coupon program eligibility requirements for nursing home residents cannot come soon enough.

We also believe that those individuals who voluntarily use post office box delivery should have the ability to apply for coupons without the need to provide proof of residence.

Respectfully submitted,

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