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United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

July 23, 2007

David K. Rehr
President and CEO
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036

Dear Mr. Rehr:

As Chairman of the Special Committee on Aging, I am particularly concerned about the February 17, 2009 scheduled transition from free over-the-air analog television to digital television (DTV) and its potential impacts on our nation's seniors. Accordingly, I am examining industry and government initiatives intended to educate the elderly and assist them with the transition. To date I have contacted the pertinent federal agencies, trade associations and private sector firms.

The DTV transition must occur seamlessly without any disruption in service for the millions of seniors who will be affected. However, I am troubled that a majority of older Americans are not sufficiently aware of the upcoming transition and its implications. A recent survey of over-the-air viewers conducted by your association revealed that over half of the respondents had "seen, read, or heard nothing" about the transition to digital television, and only 10 percent were able to guess that the transition would occur in 2009.

Over the past several months, I have sought data from members of your staff that would illustrate state-by-state dependence on analog television service in order to develop potential outreach plans for highly impacted states, such as my own state of Wisconsin, where 23 percent of the population relies on free over-the-air analog service. My requests were left unmet and my staff was assured that such data were unavailable. More unfortunate still, I was recently made aware that the National Association of Broadcasters (NAB) presented this type of data during a Congressional staff briefing earlier this month. Since that briefing, requests for the available data have been ignored. Therefore, I renew my request that the NAB make available all existing state-by-state data to the Committee, illustrating the current nationwide dependence on analog television service.

Publicly available statistics from your association indicate that approximately 19.6 million households rely exclusively on free over-the-air broadcasts. In over 40 percent of these households, there is at least one person over the age of 50. Older Americans, particularly those that are homebound, disabled, live in rural areas, have limited English proficiency and/or are low-income, will be extremely vulnerable to the DTV transition and related fraudulent schemes. It is imperative that local broadcasters provide consistent, clear and concise information to seniors and the general public about various aspects of the transition, including the digital-to-analog (DTA) converter box coupon program. As the trade association that advocates on behalf of more than 8,300 free, local radio stations, television stations, and broadcast networks, the NAB could play a critical role in ensuring that local broadcasters properly educate the general public about the DTV transition and the coupon program.

As you are aware, the DTV transition will benefit broadcasters nationwide by allowing them to "multicast" or simultaneously air as many as six different digital channels over one signal. Airing

multiple channels will generate more opportunities for broadcasters to run commercials and resultantly reap the profits of paid advertising. The average half-hour of television contains 22 minutes of programming and eight minutes of commercials, six minutes for national advertising and two minutes for local. In the top 100 markets, \$48.4 billion was spent on total broadcast TV advertising in 2006, with \$16.7 billion in profits going directly to local broadcasters.

While I understand that the NAB has made a commitment to educate consumers about the DTV transition through a three-phase DTV Transition Campaign, I am concerned that the current proposal is inadequate. My understanding is that the crux of your media campaign will rely on PSAs aired by your local television broadcasting affiliates, independent stations and broadcast networks. Most disconcerting is that the distribution of PSAs to local broadcasters from your organization is currently slated for June 2008. Given that both the coupon program will have begun and the DTA converter boxes should be available in retail stores nationwide by January 2008, waiting an additional five months to air PSAs is insufficient. Additionally, these PSAs must compete with paid media, providing a disincentive for broadcasters to air PSAs during prime-time viewing hours when coverage can run in excess of \$100,000 per 30-seconds. Without guidelines and oversight for the airing of PSAs, I am worried that many PSAs may run at times when television viewing is not optimum and therefore may not reach their target audience, such as the 40 percent of older Americans who rely on analog TV.

Since the public is essentially providing broadcasters with free spectrum, they deserve a commitment from broadcasters to implement a far reaching consumer education campaign about the impending transition. As a result, I am considering legislation that would address the disincentive faced by broadcasters by requiring that they dedicate sufficient air time to PSAs intended to raise awareness of the DTV transition and the coupon program. To that end, please provide me with answers to the following questions:

- As a Steering Committee member of the DTV Transition Coalition, what is the NAB's action plan for educating older Americans and the general public about the impending DTV transition and the DTA converter box coupon program?
- How will NAB address that seniors need consistent, clear and concise messages significantly in advance of a major overhaul of a longstanding and familiar system like analog television?
- Does the NAB still intend to hire a creative ad agency to begin production of PSAs? If so, has NAB given thought to working with the National Ad Council, which has been the leading producer of PSAs since 1942 and has a proven track record in producing effective PSAs that resonate with the general public?
- How will the NAB work with entities in the Aging Network, such as the Administration on Aging, and groups devoted to the 50-plus population, such as AARP, to develop targeted PSAs that address the unique needs of older Americans?
- How will the NAB encourage local broadcasters to work with entities in the Aging Network, such as the Area Agencies on Aging and State Units on Aging, to address the unique needs of older Americans at a local level?
- What will the NAB do to ensure that the DTV transition remains a priority for local broadcasters?
- What state-by-state data does NAB currently have related to analog-only households, such as data that illustrate the age range, ethnicity and/or geographic location?
- How will the NAB utilize existing data on analog-only households to target those areas with the greatest need for consumer education and outreach?

Older Americans represent a significant percentage of the households that will be affected by the February 17, 2009 DTV transition. As the NAB continues to embark on its DTV Transition Campaign, I hope you will consider the unique vulnerabilities of older Americans. Thank you for your attention to this important issue facing our nation's seniors. I would appreciate a written response along with copies of the requested data on analog-only households by August 13, 2007. Should you have any questions, please feel free to contact Cherie Wilson of my Committee staff at (202) 224-5364.

Sincerely,

A handwritten signature in black ink that reads "Herb Kohl". The signature is written in a cursive, slightly slanted style.

Herb Kohl
Chairman

CC:

Jonathan Collegio
Vice President, Digital Television Transition
National Association of Broadcasters