

**Separate Statement of
Commissioner Michael J. Copps**

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital, MB Docket No. 02-RM9832

I am happy to support this effort to review the progress of and facilitate the country's transition to digital television. There is no question that DTV is the wave of the future: Congress has mandated the return of analog spectrum and the transition to digital broadcasting; this Commission and its Chairman are committed to moving the transition forward; and there are already some 400 stations across the country broadcasting digital signals.

While the transition still has a significant distance to travel, I am pleased that we have been making some real progress in recent months, with broadcaster and cable commitments to digital programming, Commission action looking to phase-in requirements for digital television tuners, and the industry's recent agreement on action to address cable compatibility issues. My sense is that we are moving faster now than we were a year ago.

In spite of all this progress, there has been a tremendous void – a glaring gap – covering the DTV transition. It is answering the question: What are the obligations of broadcasters in making sure that digital television, when it comes, will serve the public interest?

Today, we begin to fill that void with this proceeding. I am particularly pleased that we were able to reach consensus to refresh the record in the Commission's long-dormant proceedings on the public interest obligations of broadcasters in the DTV environment.

In March 1997, President Clinton ordered the creation of an Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters, a group comprised of commercial and non-commercial broadcasters, producers, academics, representative of public interest organizations and the advertising community. In December 1998, the Advisory Committee submitted its report. That report contained ten separate recommendations on public interest obligations that digital television broadcasters could assume.

The Commission issued a formal Notice of Inquiry in December 1999, followed by two Notices of Proposed Rulemaking the next year. The NOI was guided by proposals and recommendations of the Advisory Committee, and sought comment on several issues related to how broadcasters might best serve the public interest during and after the transition from analog to digital television. The NPRMs sought more specific comment on two of the Advisory Committee's ideas. One was putting broadcasters' public files on the Internet, and the other concerned broadcaster obligations under the Children's Television Act.

Here, we take a stride towards calling the public interest issues forward and according them the high priority they deserve, and must have, if DTV is to serve the interests of the American people. I firmly believe that these issues deserve priority attention at the Commission. In the final analysis, these outstanding DTV public interest proceedings are many times more important than digital tuners and set-top boxes.

There are many questions that cry out for discussion and decision. I will reference only a few here. If a station carries programming that serves the needs of the community on one of its multicast channels, has it met its obligation to serve the needs of its local community even if other multicast channels carry no such programming? Can a station carry its weekly three hours of children's programming exclusively on one multicast channel? How do statutory political broadcasting rules apply in a multicast environment? How, indeed, do we use this promising technology for the greater benefit of our people – *all* of our people?

In addition to ensuring that the public interest is served through digital television, clarifying DTV public interest obligations is also a matter of providing certainty to broadcasters so they can be about the job of planning how they will use this additional programming opportunity. The Commission has an obligation to the industry, as well as to the public, to complete action on these pending proceedings and to consider what other initiatives might be taken, given that more than two years have passed since much of anything has happened on this issue.

The opportunities of this digital medium are nothing short of spectacular in terms of innovation, encouraging localism and diversity, enhancing education, encouraging public discourse and strengthening our democracy. I thank my colleagues for joining me in bringing this discussion back to the fore, and I look forward to continuing to work with industry, consumer groups, my colleagues and others to bring them to conclusion. I strongly urge all stakeholders – that is, *all Americans* – to take part in this important discussion. These are hugely important months for broadcasting in America, particularly in the context of our ongoing broadcast ownership proceedings. The item before us today can help us set a course for television to truly serve the public interest as it deploys this promising new digital technology.