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**DTV Transition To Hit NC Coast
Five Months Before Rest Of Country**
“First in Flight, First in Digital”

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The FCC has announced that television stations in the Wilmington, North Carolina market have agreed to act as guinea pigs in the DTV transition by shutting down analog operations early. Moving ahead under the slogan “First in Flight, First in Digital”, all of the full-power, commercial television stations and two low power TV stations in the Wilmington market have agreed to go all-digital on September 8, 2008, more than five months ahead of the national deadline of February 17, 2009. The noncommercial station in the market declined to participate because it simply rebroadcasts programming from the state-wide network and had technical issues with local origination.

The early transition for the Wilmington market was announced at a press conference held at the FCC on May 8. Representatives of the stations involved, the mayor of Wilmington, and electronics retailers Best Buy and Circuit City were on hand for the big announcement. The press conference was preceded by a private meeting with FCC Chairman Kevin Martin and some members of the staff who will be working on this project. At that meeting, Chairman Martin and the staff solicited ideas from the local stations and mayor on how the FCC can help with the transition, and particularly how it can help get the word out to residents of Wilmington and the surrounding counties.

Chairman Martin indicated that the FCC’s efforts will include having an FCC office located in Wilmington, which will be staffed by various FCC personnel in the months leading up to the transition. In addition, FCC staff members will be attending various local events, such as blueberry festivals, fairs, and the like, where they will set up booths to help spread the word. The Commission also will be seeking help from diverse local groups, including various community services groups and those that deliver meals to the elderly and shut-ins in an effort to inform those hardest to reach with information about the transition. It is clear that the FCC plans to do everything in its power to make the Wilmington transition work.

At the press conference, Chairman Martin gave credit to Democratic Commissioner Michael Copps for promoting the idea of having a test market or markets to help both in preparing for

the overall DTV transition and in spotting potential problems. Chairman Martin stated that Wilmington had been chosen as one of a few possible test markets because all of the stations are already set to go with full-power DTV operations. Sources indicate that there also was considerable behind-the-scenes pressure placed on Wilmington stations, including personal telephone calls from Chairman Martin, to agree to serve as the test market. Many theorize that Chairman Martin's North Carolina ties may have contributed to the desire to use Wilmington, while other, cynical observers wonder if its proximity to the beach may not have been another consideration. Whatever may be the case, the waterfront location will be an added benefit for those FCC staffers spending parts of the summer months on location prior to the September transition.

Practical considerations which had led some stations to hesitate about going forward early included the need to make sure that there would be continued cable and satellite carriage after the switch to all-digital. Apparently, pressure from the Chairman was brought to bear on those issues as well, and he stated that he had received indications from both cable companies and satellite companies that they would be ready to go with continued carriage as of September 8. The question of whether that carriage would be in high definition remained open, but the overall tone was quite positive.

The only sour note came from Commissioner Jonathan Adelstein, who took a verbal swipe at both Chairman Martin and fellow Democratic Commissioner Copps. While he praised the Wilmington stations for being willing to step out and make the early transition, he questioned whether the Commission would be willing and able to make similar efforts (including the anticipated attendance at local blueberry festivals and the like) to make the transition work in other markets. If the expression on his face is any indication, Commissioner Copps was clearly offended by these remarks.

In any event, the FCC is moving forward with establishing its "Team Wilmington" and taking the first steps toward transition. Part of that process includes continuing, close communication with the stations. Should you have any questions or want more information about this process, please contact the attorney at the firm with whom you normally deal or Anne Goodwin Crump at 703-812-0400, e-mail crump@fhhlaw.com. As it turns out, FHH represents two of the stations in the market.