

# THE DAILY RECORD

LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

## Telecom Law:

# Analog television is dead

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A recent letter to the editor of a local paper concerned a complaint about the impending switch from analog (aka "traditional broadcast") to digital television.

Rules for the conversion, which require full-power television stations to cease broadcasting in analog format by Feb. 17, 2009, have received a great deal of publicity because of what the changes mean to those who continue to rely on broadcast television.

What does it mean to the thousands who own television sets that may or may not be equipped for the conversion? Here is a brief summary of the issue:

- ♦ By no later than Feb. 17, 2009, standard analog over-the-air broadcast television will disappear. Simply put, rabbit ears no longer will work, except on real rabbits.

- ♦ Over-the-air programming still will be available, but a converter box will be required to convert the station's broadcasts (digital) into analog format, which the television can process. Boxes will be available at a cost of about \$60, but consumers can request up to two \$40 coupons per household by visiting [www.dtv2009.gov](http://www.dtv2009.gov).

- ♦ Any television shipped in interstate commerce after March 1, 2007, must be digital-ready.

- ♦ Those who purchased any television after May 25, 2007 that isn't digital-ready should have been told this fact at the point of purchase. Set language describing the change must have been provided.

- ♦ Finally, it's interesting to note the cut-off date for analog television falls midway between the 2009 Super Bowl and the 2009 NCAA Basketball Tournament (March Madness). This was not an accident.

While these issues address consumers' immediate concerns, a very brief description of why the transition is necessary seems useful.

Not only has the transition been in the works since 2000 but, more importantly, the spectrum that has supported analog television since its earliest days, and which truly is



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the beachfront property of the spectrum world, will be used in large part to support the activities of public safety officials — think enhanced 911 — and those who respond most immediately in times of crisis.

Multiple massive communications failures and incompatibilities proved deadly during hurricanes Katrina and Rita as well as other events, and the need for communications support for first responders absolutely is essential to basic public safety. Therefore, the auction of this valuable and limited spectrum was long

considered a prime opportunity to put the resource to work in a way that would benefit many people in a highly efficient manner.

The auction, scheduled to begin on Jan. 16, also is anticipated to contribute no less than a whopping \$15 billion into the federal treasury. Specifically, the space analog television is surrendering for auction is known as the "C Block." Part of the value of this particular piece of the spectrum pie lies in the fact that it could be used to provide a national wireless broadband service that could compete with DSL and cable Internet without the bother of the leash (aka the wired connection) that ties other high-speed, high-capacity Internet access to non-portable physical devices such as desktop computers.

Because of the flexibility and power in this segment of the spectrum, this particular auction has captivated the interest of the largest — and most solvent — providers of wireless service, including Verizon and AT&T.

It is important to note that Sprint/Nextel, which has had disappointing quarters as a direct result of the strain on its wireless business(es) will not participate. Nor will Frontline Wireless LLC, a high profile, high-speed wireless company led by former FCC Chairman Reed Hundt and supported by some very high-profile venture capital guys, including John Doerr of Silicon Valley paragon Kleiner Perkins. That company intended to acquire some of the spectrum to create a high-speed network to support first responders. Although Frontline was able to raise the \$128 million required as downpayment for the auction, it

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was unable to secure additional funding (about \$1.3 billion) to meet the FCC's reserve price. As such, within the past few days the company ceased operations.

Google also indicated an intent to participate, although some skeptics believe Google's real goal is not to own wireless spectrum, but instead to force bigger carriers to be more accommodating to other technologies and allow consumers to use compatible devices on different networks, as is currently the case in Europe.

In any event, the auction is scheduled to begin on Jan. 16 and is expected to last as long as a couple of months until

this particular slice of invisible, but uber-valuable, real estate is put to use to benefit all of us, either in the form of enhanced capabilities for public safety officials or sexy new wireless devices that can do everything but brush our teeth for us.

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