



**Testimony of Fran Freedman
Associate Commissioner
Department of Consumer Affairs
before the
New York City Council
Committee on Technology in Government
at its
Oversight Hearing
on
Preparing for the Digital TV Transition.**

NOVEMBER 24, 2008

Good morning, Chair Brewer, and members of the Technology in Government Committee. I am Fran Freedman, Associate Commissioner of the Department of Consumer Affairs. Commissioner Mintz asked me to thank you for the opportunity to appear before you at your very timely oversight hearing on "Preparing for the Digital TV Transition".

The run up to this digital TV transition reminds me a bit about the years long run up to the Y2K transition that left everyone holding their breaths about whether New Year 2000 would blank out all computers, but with one big difference. The hour for Y2K came and went, but hardly anyone noticed because computers just kept on working. This time, however, everyone with analog TVs who have not taken appropriate steps and measures will know the hour has arrived when, on February 18th, their sets go blank!

Much like the coming of Y2K, the run up to the digital TV transition has engendered a massive outreach effort by the federal government, the TV industry, local governments, business and community organizations to inform consumers about those steps they need to take to continue to enjoy TV after the switchover.

The Department of Consumer Affairs has not only joined the effort to inform consumers about the transition, but has taken it a step beyond by making sure that New York businesses are properly marketing TVs during the transition.

To this end, the Department, which licenses electronic stores, conducted a compliance sweep to ensure that businesses which still sell analog-only TVs post proper

notices to their customers, as federal law requires, informing them that such TVs will require additional equipment to work after the DTV transition.

DCA's month-long sweep of 130 electronic stores and second-hand electronics dealers throughout the five boroughs found that more than 80 percent of the businesses inspected were in compliance with federal regulations. Non-compliant businesses were issued warnings and we have scheduled repeat inspections.

DCA's Research and Investigation Division has also been monitoring advertising for deceptive offers regarding DTV coupon redemptions and for the required disclosure for sets that are not equipped to receive DTV signals. I am pleased to tell you that our monitoring has not uncovered deceptive advertising practices in this arena but we are continuing to monitor these ads.

In addition to its enforcement efforts, DCA mounted an extensive outreach program to inform both consumers and businesses about smart approaches to preparing for the transition, including:

- An extensive FAQ for consumers, available in English and Spanish, with detailed information about the transition and options for preparing
- An extensive FAQ for businesses, also available in English and Spanish, detailing good business practices and responsibilities.
- A feature on DCA's homepage, "Are You Ready for the DTV Transition", which includes the FAQs and links to key FTC information.

The FAQs were widely distributed to consumers through mailings by our Consumer Services Division. And DCA's Licensing Division mailed the DTV Tips for Businesses to all 2,800 NYC electronic stores at the end of October. In addition, one of our experts from our R&I Division joined others on a panel for CM Brewer's TV show.

I am hopeful that DCA's outreach and enforcement efforts, in collaboration with the efforts of our sister agencies and all the public and private agencies and organizations, will ensure a smooth transition to the DTV age that will become a reality on February 18, 2009.

Thank you for this opportunity to comment about DCA's contributions to preparing for the DTV transition. I will be happy to answer your questions.

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**Testimony of
Joshua Breitbart, Policy Director of People's Production House
before the New York City Council Committee on Technology in Government
regarding
the Digital Television Transition**

November 24, 2008

My name is Joshua Breitbart. I am the Policy Director for People's Production House. People's Production House provides young people, immigrants, and low-wage workers with a comprehensive education for the information age, combining media production, media literacy and media policy. We work in public schools and with community organizations in all five boroughs. We also support policies that increase opportunities for members of the public to participate in local journalism.

People's Production House submitted testimony on the digital television transition to a Brooklyn field hearing of the House Committee on Oversight and Government Reform in July, attended by Representatives Ed Towns and Yvette Clarke. Rather than repeat our analysis of and recommendations for the role of the federal government in this process, I have attached that testimony to my written comments. I have also attached an article I wrote for Gotham Gazette in February 2008 titled, "Counting Down to the Great Television Turnover," on the impact of the digital television transition on New York City.

I would like to focus in these comments on what this body could do to ensure a successful DTV transition here in New York. I am happy to report that many local organizations have already come together to take collective action on this important issue. So far, I have seen cooperation among the nonprofit sector, the broadcasters, and the relevant city agencies. City Council and the Mayor can support these efforts in a number of ways, including through outreach, funding, oversight, and consumer protection.

Local outreach efforts

In August, Manhattan Neighborhood Network hosted and broadcasted a panel, "Alternate Perspectives on the DTV Transition," that included Glen Ford from Black Agenda Report, Lawrence Carter-Long from the Disabilities Network of New York, Joel Kelsey from Consumers Union, and myself, moderated by MNN's Devorah Hill.

In September, the Harlem Consumer Education Council (HCEC) organized an outreach event at the Adam Clayton Powell building on 125th Street that included People's Production House, Consumers Union, the Leadership Conference on Civil Rights, the National Telecommunications & Information Administration, the FCC, Friends of Thirteen, and Radio Shack.

HCEC and Friends of Thirteen convened a meeting in October to discuss ways to cooperate in community outreach on the transition. The attendees of this meeting offer a sense of how widespread the sense of commitment to this issue is. Commissioner Paul Cosgrave of the Department of Information Technology and Telecommunications participated in the meeting;

FCC Commissioner Jonathan Adelstein called in. The New York Community Media Alliance was there; any plan to reach OTA TV viewers must include their network of dozens of ethnic newspapers. Common Cause New York and the Association For Maximum Service Television also participated.

I want to commend PBS for producing the educational video, "Getting Ready for DTV," and useful, accompanying documents. And Friends of Thirteen is taking great steps to train "DTV volunteers" to aid seniors and others in making the transition.

In New York, local government, nonprofit organizations, and the private sector need to come together to convene multiple forums around the city. These should be scheduled not at 10:00am on a Monday morning, but at 7:00pm or on the weekends, when working folks can attend. We need to be in all neighborhoods handing out information and answering questions.

The coalition formed by the Harlem Consumers Education Council is moving successfully in this direction. You can help by educating your colleagues on this issue and getting them connected to the coalition and to groups in their districts who can help.

Funding

Last week, the National Telecommunications and Information Administration (NTIA) recognized that it has a responsibility to support nonprofit efforts at education and direct assistance. The NTIA granted \$2.7 million to the National Association of Area Agencies on Aging to help seniors transition to digital television and another \$1.65 million to the Leadership Conference on Civil Rights Education Fund (LCCREF) to help vulnerable populations.

Unfortunately, it seems that none or very little of that money will be spent here in New York, despite the huge number of OTA-dependent households here. LCCREF plans to establish two Digital TV Assistance Centers in seven television markets: Atlanta; Detroit; Minneapolis-St.Paul; Portland, Oregon; San Antonio, Texas; San Francisco-San Jose-Oakland; and Seattle-Tacoma.

According to Centris, the media research firm, New York City has the highest number of households at risk for losing television channels through the DTV transition of any designated market area in the country. City Council should seek to have a portion of the NTIA grant money used to help New Yorkers, or request additional federal dollars for that purpose. Barring assistance from the state or federal government, City Council should allocate municipal dollars towards this effort.

I believe we can get a lot done through volunteer assistance and People's Production House is prepared to continue contributing to these efforts. However, we should recognize that in this situation the nonprofit sector is helping solve a problem created and mismanaged by the federal government. Our government should take responsibility for its actions rather than looking for a handout from the social service sector.

Oversight

The advertising and outreach of WABC and other local broadcasters has been extremely helpful, but it will never reach everyone. Broadcasters and the FCC conducted an all-out blitz in Wilmington, North Carolina, before that city made an early transition to digital-only broadcasting. At the meeting at Friends of Thirteen, Commissioner Adelstein estimated that we could see as many as 40,000 people in need of assistance with the transition in New York City

based on the results in Wilmington.

The good news is that 40,000 is the amount of people that call 311 in a single day, so it is an amount of people that our government can help in a direct way. The bad news is that is the amount of people that call 311 in a single day needing help of all kinds from the City. How much of a surge on this issue can 311 handle? This body should help ensure that DoITT is prepared for February, since New Yorkers who seek help from the FCC at that time will probably get a busy signal.

I am happy to report that when I initially called DoITT to ask about the DTV transition, I received useful and accurate information that helped me determine if I needed a converter box and obtain a coupon. I am confident that DoITT is taking steps to increase their readiness; they should have a wider range of prepared answers based on the publicly available data from the Wilmington test regarding which problems were most prevalent.

Broadcasters in our area have begun conducting soft tests of the transition – two minute broadcasts of an alert message over the analog signal only, so recipients know for sure they have a problem. They held the first such test on October 28. I recommend you review the data directly, but the report I saw suggested Brooklyn residents and Spanish speakers were the two groups that requested assistance at the highest rates. In reviewing the data, this Committee should consider if all of the necessary city agencies are doing their part to aid New Yorkers in this transition.

Consumer protection

Another major area where our local government can play a role is in consumer protection. The Department of Consumer Affairs and the Public Advocate should make sure that New Yorkers have the opportunity to purchase the basic \$40 converter box. The government-issued coupons for the boxes are for \$40, so a similarly priced box is a person's only hope of making this transition at no cost. Unfortunately, retailers have a financial incentive to sell the higher priced boxes, or to up-sell customers to an expensive, digital-ready television. Many have not even been carrying the lowest-priced converter boxes. We must impress upon them that we expect them to act responsibly, especially in assisting seniors and other vulnerable residents.

Similarly, cable providers have been preying on customers confused by all of this digital talk to compel them to upgrade to digital cable service, which the DTV transition does not require them to do. They have also been moving channels off of their basic packages and onto the digital-only service, cutting value from low-cost subscribers. Time Warner and Cablevision are trying to loosen provisions in their franchise agreements; they have sought extensions of their franchises in lieu of negotiations. The above activities suggest we need tighter controls on cable providers, even after the introduction of a competitive provider in some areas of the city.

Conclusion

Thank you again for holding a hearing on this important matter. Please contact me if you have any questions or if People's Production House can be of service on this matter. We are eager to do its part to ensure a smooth transition to digital television and to secure the full benefits of digital broadcasting for all New Yorkers.



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Edwin Méndez-Santiago, LCSW
Commissioner

TESTIMONY

presented by

Caryn Resnick

Deputy Commissioner

at a Hearing On

Digital Television Transition

before the

New York City Council

Committee on Technology in Government

on

Monday, November 24, 2008

10:00 A.M.

at

250 Broadway, 16th Floor

New York, New York, 10007

Good morning, Chairwoman Brewer and members of the Committee on Technology in Government. My name is Caryn Resnick, and I am the Deputy Commissioner of External Affairs for the New York City Department for the Aging. Thank you for the opportunity to testify today on the digital TV transition.

The Department for the Aging has joined its sister City Agencies, including the Department of Consumer Affairs and the Department of Information Technology and Telecommunications, community based organizations, and broadcast networks in a comprehensive citywide effort to educate all New Yorkers about the digital television transfer. As you know, beginning on February 17, 2009, many television stations will broadcast in a digital-only format. This means that analog TV sets will no longer display broadcast TV signals unless they are connected to cable, satellite TV (i.e., DISH), or to a digital-to-analog converter.

Like all the Agencies here today, DFTA is committed to educating and informing all seniors about the digital TV transfer. According to AARP, Americans aged 50 and over watch the greatest average number of hours of television a day, approximately five and a half hours. To be sure, television gives seniors access to important information and keeps them connected to the outside world.

There are three ways for a senior to prepare for the DTV transition. They can:

- purchase a new television set with a built-in digital tuner
- subscribe to cable, satellite or a telephone company service provider
- purchase a converter box to plug into their existing analog set

The least expensive option for seniors living on fixed incomes is the purchase of a converter box. These boxes can be purchased at local consumer electronics stores like Best Buy, Circuit City, and Radio Shack and typically range in price from \$50 to \$70. The Department of Commerce is offering every household two coupons worth \$40 each off the price of a converter box. This means a senior could potentially purchase a converter box with very little out pocket costs.

This summer DFTA alerted all of its community-based providers, including its senior centers, case management agencies, and home delivered meal providers to the upcoming transition. The information provided included which seniors would be affected by the change and how organizations could be helpful in preparing their clients for the transition. DFTA also added critical information to its website homepage, including documents in various languages and a link to the Federal Communication Commission's DTV website. As DoITT mentioned, seniors can call 311 and be connected to immediate assistance. If further technical assistance is needed, DoITT can transfer all callers to the FCC phone line that is available to consumers 24 hours a day, seven days a week, with live agents available at all times. The phone line can accommodate requests in more than 150 different languages.

Additionally, we helped to connect our senior centers to the National DTV Spokespersons Bureau. DTV speakers provide senior center members with current information about the transition in culturally appropriate languages. The speakers also provide materials seniors can

share with friends and family detailing what needs to be done before February. To date, more than 66 centers have taken advantage of this opportunity. We expect that many more will request a speaker as the transition date approaches.

DFTA is also reaching out to other clients in its programs including caregivers, foster grandparents, and grandparents raising grandchildren. It is our hope that by educating and informing all our constituencies that they will be able to assist seniors with their digital TV transfer needs.

We are including DTV fliers in any request for information that the Department receives. As an example, anyone who requests a Home Energy Assistance Program application will also receive information about the digital television transfer as well. Our walk-in resource center also has information ready and available for seniors and their caregivers.

Finally, we have been working closely with broadcast networks to assist them in connecting with seniors. In particular we have worked closely with Channel 13 and WABC. This Friday, WABC will host a DTV Community Forum in the Bronx at Lincoln Hospital at 11am. We are currently working with the Mayor's Community Assistance Unit and WABC to identify senior centers in the Flushing, Queens area for the next community forum.

In closing, the Department for the Aging will continue to work with its sister agencies and community partners to ensure that older New Yorkers are informed and educated about their options when it comes to the digital television transition. I believe that we have taken great first steps to educate seniors and will continue to build upon these efforts over the next 90 days.

Thank you again, Chair Brewer and the entire Committee on Technology in Government, for your ongoing commitment and dedication to older New Yorkers. We welcome your partnership and input in this citywide effort.

**DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS
TESTIMONY BEFORE THE CITY COUNCIL COMMITTEE ON TECHNOLOGY IN GOVERNMENT
OVERSIGHT – PREPARING FOR THE DIGITAL TELEVISION TRANSITION
MONDAY, NOVEMBER 24, 2008**

Good Morning Chair Brewer and members of the City Council Committee on Technology in Government. My name is Jay Damashek and I am the Senior Managing Attorney at the Department of Information Technology and Telecommunications, better known as DoITT. With me is David Berman, our Media and IT Counsel and the coordinator of DoITT's outreach program for the Digital Television (DTV) Transition. Thank you for the opportunity to testify today regarding DoITT's efforts to educate New Yorkers about the February 17, 2009 DTV Transition and its implications. Following my remarks, the Department of Consumer Affairs and Department for the Aging will also be commenting on their outreach efforts, after which we will be pleased to answer any questions you may have.

First, I would like to provide you with some background on the move toward digital television broadcasting that has led to this transition.

In 1996, the United States Congress authorized the distribution of an additional broadcast channel to each broadcast television station in order for stations to start a digital broadcast channel while simultaneously continuing its analog broadcast channel. Subsequently, Congress mandated that February 17, 2009 would be the last day for full power television stations to broadcast in analog. So today, broadcast stations in all U.S. markets are currently broadcasting in both analog and digital, but after this February date – 85 days from now – full power stations will be broadcast digitally only.

The reason for the switch is that it will free up parts of the valuable broadcast spectrum for public safety communications, such as those utilized by police and fire departments and other emergency personnel. Additionally, some of the spectrum will be auctioned to companies that will be able to provide consumers with more advanced wireless services.

Consumers will also benefit from this switch. As digital broadcasting allows television stations to offer improved picture and sound quality, as well as being much more spectrally-efficient than analog, television reception across the country will be improved. Also, through a process called "multicasting," broadcast stations will be able to offer several channels of digital programming simultaneously, using the same amount of spectrum for one analog program. For example, while a channel broadcasting in analog on Channel 4 is only able to offer one program, a station broadcasting in digital on Channel 4 can offer viewers one digital program on Channel 4-1, a second digital program on Channel 4-2, a third digital program on Channel 4-3, and so on. This means more programming choice for viewers.

Action to be taken in advance of February 17, 2009

So, what actions must a consumer take before the February 2009 date in order to continue to receive television broadcasts?

For those whose televisions are already connected to a cable or satellite company, or for those who have televisions with built-in digital tuners, nothing has to be done and the February 17 transition should be seamless. For those who may receive their programming on an analog television through a rooftop antenna, or "rabbit ears" as they are sometimes known, certain actions need to be taken in order to receive the digital broadcast.

There are three options available:

- connect the analog television to a converter box that will receive digital programming;
- connect the analog television to a paid service like cable or satellite; or
- purchase a television with a built-in digital tuner

If the converter box option is chosen, through a program run by the National Telecommunications and Information Administration, part of the U.S. Department of Commerce, every household can register to receive two coupons, each worth \$40, to help defray the cost of the converter box. Most boxes cost between \$50 and \$70.

If the new television option is chosen, consumers should make sure the labeling and packaging state that the television has a built-in digital tuner. It should be noted that consumers need *not* buy a high-definition television (HDTV) to receive this digital picture.

Recent updates

Next, I would like to inform the Committee about some important recent changes to the program.

As of October 20, 2008 a resident of a nursing home, intermediate care, or assisted living facility may apply for one conversion box coupon using his/her name and the name and address of the facility. Anyone may apply for a coupon on behalf of the resident, including a family member or employee of the facility. However, a facility cannot apply for a conversion box coupon for the common areas of the facility.

Additionally, as of October 20, 2008 persons who receive mail via PO Box may have the coupons sent to that box, but must also provide their physical residence address on the application form.

DoITT outreach

While DTV Transition is a federally-mandated program, DoITT – along with our colleagues at DCA, DFTA, and at other agencies across the City – has been very active in apprising New Yorkers of the implications of the switch and we are pleased to brief the Committee on these efforts. Specifically, DoITT is utilizing its significant public-facing technology assets to educate the public about the transition. By phone, on-line and over the air, New Yorkers are being steadily informed about the transition.

As you know, DoITT administers the City's 311 Customer Service Center, a 24x7x365 government information and services hotline. In excess of 90% of the more than 40,000 calls the center receives daily are answered in 30 seconds or less, with translation services available in 180 languages. DoITT has provided scripts for 311's Call Center Representatives to inform callers about the transition, how to keep receiving television service if callers are affected by the switch, how to obtain the converter box coupons, and links to the Federal government's websites on DTV Transition for further information. Additionally, our call center will be appropriately staffed and prepared for those calls coming in on February 18, the day after the transition, from callers wondering why they are not receiving a television signal.

The City's official website, nyc.gov, also administered by DoITT, has a prominent link to www.dtv.gov, as does the front page of the website for the City's noncommercial broadcast station, NYC TV (WNYE-TV/DT ("WNYE")) at www.nyc.gov/tv. The City also has a web page within nyc.gov dedicated to educating the public about the DTV Transition. Web users searching for "DTV" on nyc.gov's Google-licensed search function will find this dedicated page as the first page in the search result – which also links to the Federal government's websites. DoITT has also sent out two email blasts to City employees describing the transition.

NYC TV is also complying with the requirements of the Federal Communications Commission (FCC) to inform viewers of the upcoming transition. Accordingly, NYC TV is currently airing three or more Public Service Announcements (PSAs) and three or more text crawls in each of the following quarters of the day: 6:01am to 12:00pm; 12:01pm to 6:00pm; 6:01pm to 12:00am; and 12:01am to 6am – including at least one PSA and at least one crawl between 8:00pm and 11:00 pm every evening, traditional "prime time" viewing hours. Both the PSAs and crawls describe the transition, who may be affected by it, and what those affected viewers need to do to ensure they continue to receive television signals after February 17, 2009. NYC TV Channel 74 is also providing DTV text crawls.

On October 28, NYC TV and many other television stations in New York implemented a "soft shutdown" of their analog television signal from 5:58pm to 6:01pm. In this way, rather than normal programming, television sets relying on over-the-air analog signals for service showed a message that described the transition and directed them to an FCC hotline.

The City also recognizes that its seniors, lower-income residents, and persons with disabilities may be disproportionately impacted by the transition. As a result of its recent expansion to include comprehensive human services information and referral, 311 also has specially-trained call takers with expertise in dealing with matters specific to these populations. Additionally, DoITT is coordinating a number of initiatives with other City and State agencies that serve these populations, and many of these City agencies – two of whom you will be hearing from shortly – are conducting significant outreach efforts.

DoITT, through its Media and IT Counsel, David Berman, is also liaising with the Mayor's Office for People with Disabilities, the New York City Housing Authority, Department of Housing Preservation and Development, Department of Small Business Services, Department of Health and Mental Hygiene and Council Member Brewer's Office to conduct outreach to residents. DoITT is also working with the New York City Department of Education to distribute pertinent information about the transition to all families in City's public school system and with the Mayor's Community Affairs Unit to distribute information to each of the City's 59 Community Boards.

Additionally, we have reached out to the New York Public Library, Brooklyn Public Library and Queens Library systems, and over 40 non-government groups, to arrange for the distribution of materials about the DTV transition at their locations. DoITT has also participated in numerous community events about the transition including those involving visits by the U.S. House of Representatives and FCC Commissioners.

DoITT stands ready to supplement these efforts to educate as many segments of our affected population as possible. I thank you for inviting our testimony today, and you will now hear about the considerable efforts by some other City agencies in this regard.

Thank you.

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☐ in favor ☐ in opposition

Date: _____

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Address: DOITT

I represent: 75 PARK PLACE
Address: _____

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Name: Ivan Freedman (PLEASE PRINT)
Address: DCA 42 Broadway

I represent: NYC Dept. of Consumer Affairs

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Name: PATRICIA LEWIS (PLEASE PRINT)

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(PLEASE PRINT)

Name: JOSHUA BRITZBART

Address: _____

I represent: People's Production House

Address: 265 Canal St. #1410

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I intend to appear and speak on Int. No. _____ Res. No. _____
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Date: 11-24-02

(PLEASE PRINT)

Name: HITN - Magaly Rivera

Address: 63 Flushing Ave Bklyn

I represent: HITN

Address: _____

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