

# **PROMISES UNFULFILLED: THE DTV POLICY CONTRADICTIONS FROM A PUBLIC MEDIA PERSPECTIVE, OR WHY 6 MHZ APPARENTLY DOESN'T ALWAYS EQUAL 19.4 MBPS**

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“Colorado Public Television (KBDI-TV/12) is announcing today that it has had to delay its plans for further build out of its digital multicast services. In the wake of the FCC’s 2008 “Viewability Order” and due to the provisions of an agreement between public television and cable, several dozen public television stations, including KBDI, will continue to be denied carriage on both the analog and digital tiers of the cable systems across the country after the broadcast digital conversion on February 17, 2009. Commercial stations and the larger PBS stations will continue to have dual tier carriage rights, but the alternative “Beta Group” PBS stations are being forced to choose one or the other tier.

Because digital customers constitute only about 75 percent of cable’s total subscriber base in Colorado, and the gap is not quickly closing, KBDI has had to choose to remain on the analog tier after the conversion date. If it moved immediately to the digital tier, as it had been planning to do, it would disenfranchise about 250,000 Colorado households. This means that KBDI is being forced to continue to provide only a single “primary” schedule and delay implementation of its plans to provide cable and DBS subscribers with the four multiple services otherwise provided for in the NCTA-APTS agreement. It is unclear when the digital subscriber percentages will get close enough to 100 percent to permit KBDI to make the switch.

Colorado Public Television sincerely regrets this decision. It is the result of poor public policy planning for the digital conversion by Congress and the FCC, and of a failure by the local cable and DBS carriers to make carriage decisions in the public interest. It constitutes a delay in realization of one of the greatest benefits of the digital conversion by public television. If our viewers are unhappy about the situation we will be happy to provide them with the contact information for members of the FCC, the Colorado congressional representatives and the cable and DBS carrier managements.”

*From a draft press release to be issued by Colorado Public Television, December 15, 2008*

## Summary

The difficulty revealed by this statement may seem to be nothing more than the isolated problem of just a handful of public television stations and therefore is of limited public policy concern. Further, since it is not about restricting implementation of High Definition Television (HDTV), it is not widely understood as a serious issue. The digital capacity for multicasting has been an afterthought in the federal policy thinking about DTV; it has not captured the industrial, regulatory or public imagination. It is, however, perhaps the most significant long-term social implication of the conversion.

Therefore the FCC’s failure to better support the development of multicasting and its decision instead to focus so exclusively on the HD aspects, reflects a serious policy failure in the DTV conversion process. That failure at the dawn of the digital age is yet another in the long list of examples over the decades of the way in which government accommodations with certain private industrial interests have contributed to undermining major public interest benefits.

This paper traces the steps in the federal policy process during the conversion that have led to this failure and the exacting of an important social cost that is as yet little acknowledged. The story revolves around the parallel “must carry” and “primary video” doctrines and how the interweaving of the two and the FCC’s handling of them have constituted an undermining of the multicasting promise. The story of the difficulties faced by a handful of alternative public television stations is a metaphor for the larger public policy problem.