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January 5, 2009

Ms. Meredith Attwell Baker
Acting Assistant Secretary of the National Telecommunications and Information Administration
Herbert C. Hoover Building (HCHB)
U.S. Department of Commerce / NTIA
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Assistant Secretary Baker:

I am writing in regard to the January 5, 2009 announcement by your agency, the National Telecommunications and Information Administration (NTIA), stating that starting Sunday, January 4, consumers requesting coupons from the agency's TV Converter Box Coupon Program will, 1. Be placed on a waiting list and, 2. Receive coupons that will be mailed on a first-come-first-served basis, as funds from expired, unused coupons become available.

It appears that when Congress passed the Digital Television Transition and Public Safety Act of 2005, requiring full-power television stations to cease analog broadcasts and switch to digital after February 17, 2009, it underestimated the amount of funding necessary for all those who depend on over-the-air broadcast television for news and media. This lack of foresight, which the NTIA will now have to remedy, is of grave concern to me and to my constituents who are contacting me in droves about this issue. Of additional concern is the lack of transparency, consistency, and public outreach that have characterized the management of the coupon program by NTIA, as well as its sudden, publicly unanticipated, and therefore surprising closure.

Ironically, I was telephoning the 1-888-DTV-2009 hotline on January 5, 2009, to inquire about coupons for a constituent, just as you issued your press release. I was told by automated response that this person would be put on a "wait list" for coupons, and we were given a reference number. I assumed that this response must be a mistake. While I understand that that the previously unanticipated high demand for coupons has caused the program to reach its \$1.34 billion ceiling, to force thousands of New Yorkers and millions more nationwide to absorb all the cost of this mandated transition without government assistance violates both the spirit and letter of the voucher program as mandated by Congress.

In particular, for citizens living on fixed incomes and who currently find themselves unable to pay for cable / satellite television service, the full cost of a converter box and in many cases a new and

costly antenna, represents a particularly unjust burden. At a broader scale, what sort of social policy disenfranchises millions of Americans with TV service by first, taking away their reception of the public airwaves, and then imposing a significant tax on their right to access those same public airwaves which they in fact own?

Additionally, I am concerned with the lack of transparency in NTIA's decision making, and with the contradictions in NTIA's own public information program. The NTIA, with no apparent prior warning, released a statement on January 5, 2009 stating that applicants to the coupon program would henceforth be placed on a waitlist. But this stated policy contradicts information found on the DTV2009.gov website, administered by the NTIA, which states that the last date for coupon application was December 31st, 2008. This date of December 31, 2008 also contradicts printed information previously disseminated by the NTIA, which states that March 31st, 2009 is the deadline for coupon application. It is this date, with its plain implication of access to the coupons, that has informed a year of public policy discussion and public information sessions throughout the country.

Despite these vexing contradictions and changes in policy, and the opacity of the process which led to them, a number of basic questions remain unanswered:

1. Should citizens seeking to obtain a coupon by applying for a place on the waiting list, ignore the changed deadline of December 31, 2008?
2. Are those applying after December 31, 2008, and relying on NTIA's closure date of March 31, 2009, to be rejected because NTIA changed the closure date of the application period without apparent or adequate public notice?
3. What is the policy basis for changing the deadline for coupon application from the previously announced and published date of March 31, 2009, to the newly announced (and already transpired) date of December 31, 2008?
4. What public notice was published about the change in the application period, when was the date of publication of this notice, and where is this public notice to be found?
5. When can public officials and the general public expect written clarification of NTIA policy, and a full and satisfactory explanation of the process and timing by which it was implemented?
6. What actions will NTIA undertake to remedy the confusion and concern created by the exhaustion of funds allocated for coupons, and when and where will a full explanation of current and future NTIA refund policy be made?

Thank you for your attention to these matters, and I look forward to your response.

Sincerely,



Gale A. Brewer