

# Calendar No. 886

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2507

[Report No. 110-424]

To address the digital television transition in border states.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Mrs. HUTCHISON (for herself, Mrs. BOXER, Mr. CORNYN, Mr. MENENDEZ, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 17, 2008

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To address the digital television transition in border states.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DTV Border Fix Act  
5 of 2007”.

1 **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG**  
 2 **COMMON BORDER WITH MEXICO.**

3 Section 309(j)(14) of the Communications Act of  
 4 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the  
 5 end the following:

6 “(D) CONTINUATION OF ANALOG BROAD-  
 7 CASTING ALONG COMMON BORDER WITH MEX-  
 8 ICO.—

9 “(i) IN GENERAL.—Notwithstanding  
 10 any other provision of this section, any tel-  
 11 evision station that has been granted a  
 12 full-power television broadcast license that  
 13 authorizes analog television service prior to  
 14 February 17, 2009, that is licensed by the  
 15 Commission to serve communities located  
 16 within 50 miles of the United States com-  
 17 mon border with Mexico, and that can es-  
 18 tablish to the satisfaction of the Commis-  
 19 sion that such station’s continued broad-  
 20 casting of television service in analog is in  
 21 the public interest, shall during the period  
 22 beginning on the date of enactment of the  
 23 DTV Border Fix Act of 2007, and ending  
 24 February 17, 2014—

25 “(I) be entitled to the renewal of  
 26 such station’s television broadcast li-

1           eense authorizing analog television  
2           service; and

3           “~~(H)~~ operate such television serv-  
4           ice on a channel between 2 and 51.

5           “~~(ii)~~ CONDITIONS.—The rights, privi-  
6           leges, and obligations described under  
7           clause (i) shall only be extended if the fol-  
8           lowing requirements are satisfied:

9           “~~(I)~~ Any channel used for the  
10          distribution of analog television serv-  
11          ice shall not—

12           “~~(aa)~~ prevent the auction of  
13           recovered spectrum pursuant to  
14           paragraph (15);

15           “~~(bb)~~ prevent the use of re-  
16           covered spectrum for any public  
17           safety service pursuant to section  
18           337(a)(1); and

19           “~~(cc)~~ encumber or interfere  
20           with any channel reserved for  
21           public safety use, as such chan-  
22           nels are designated in ET Docket  
23           No. 97–157.

24           “~~(H)~~ Each station described in  
25           clause (i) operates on its assigned

1 analog channel, as of February 16,  
2 2009, if such channel—

3 “(aa) is between 2 and 51;

4 “(bb) has not previously  
5 been assigned to such station or  
6 any another station for digital  
7 operation after the digital transi-  
8 tion required under subparagraph  
9 (A); and

10 “(cc) could be used by such  
11 station for broadcasting analog  
12 television service after the digital  
13 transition required under sub-  
14 paragraph (A) without causing  
15 interference to any previously au-  
16 thorized digital television sta-  
17 tions.

18 “(III) If such station does not  
19 meet the requirements under sub-  
20 clause (II) for operation on its as-  
21 signed analog channel, as of February  
22 16, 2009, such station may request,  
23 and the Commission shall promptly  
24 act upon such request, to be assigned  
25 a new channel for broadcasting analog

1 television service, provided that such  
2 newly requested channel shall—

3 “(aa) be between channels 2  
4 and 51; and

5 “(bb) allow such station to  
6 operate on a primary basis with-  
7 out causing interference to—

8 “(AA) any other analog  
9 or digital television station;  
10 or

11 “(BB) any station li-  
12 censed to operate in any  
13 other radio service that also  
14 operates on channels be-  
15 tween 2 and 51.

16 “(iii) MUTUALLY EXCLUSIVE APPLICA-  
17 TIONS.—If mutually exclusive applications  
18 are submitted for the right to use a chan-  
19 nel in order to broadcast analog television  
20 service pursuant to this subparagraph, the  
21 Commission shall—

22 “(I) award the authority to use  
23 such channel for such purpose  
24 through the application of the proce-

1                   dures established under this section;  
2                   and

3                   ~~“(H) give due consideration to~~  
4                   ~~any resolution procedures established~~  
5                   ~~by the Commission.”.~~

6   **SECTION 1. SHORT TITLE.**

7           *This Act may be cited as the “DTV Border Fix Act*  
8 *of 2008”.*

9   **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG**  
10                                   **COMMON BORDER WITH MEXICO.**

11           *Section 309(j)(14) of the Communications Act of 1934*  
12 *(47 U.S.C. 309(j)(14)) is amended by adding at the end*  
13 *the following:*

14                                   “(D) CONTINUATION OF ANALOG BROAD-  
15                                   CASTING ALONG COMMON BORDER WITH MEX-  
16                                   ICO.—

17                                   “(i) IN GENERAL.—*Notwithstanding*  
18                                   *any other provision of this section, any tele-*  
19                                   *vision station that has been granted a full-*  
20                                   *power television broadcast license that au-*  
21                                   *thorizes analog television service prior to*  
22                                   *February 17, 2009, that is licensed by the*  
23                                   *Commission to serve communities located*  
24                                   *within 50 miles of the United States com-*  
25                                   *mon border with Mexico, and that can es-*

1            *tablish to the satisfaction of the Commission*  
2            *that such station’s continued broadcasting*  
3            *of television service in analog is in the pub-*  
4            *lic interest, shall during the period begin-*  
5            *ning on the date of enactment of the DTV*  
6            *Border Fix Act of 2008, and ending Feb-*  
7            *ruary 17, 2014—*

8                    *“(I) be entitled to the renewal of*  
9                    *such station’s television broadcast li-*  
10                   *cence authorizing analog television*  
11                   *service; and*

12                   *“(II) operate such television serv-*  
13                   *ice on a channel between 2 and 51.*

14                   *“(ii) CONDITIONS.—The rights, privi-*  
15                   *leges, and obligations described under clause*  
16                   *(i) shall only be extended if the following re-*  
17                   *quirements are satisfied:*

18                   *“(I) Any channel used for the dis-*  
19                   *tribution of analog television service*  
20                   *shall not—*

21                   *“(aa) prevent the auction of*  
22                   *recovered spectrum pursuant to*  
23                   *paragraph (15);*

24                   *“(bb) prevent the use of re-*  
25                   *covered spectrum for any public*

1                   *safety service pursuant to section*  
2                   *337(a)(1);*

3                   “*(cc) encumber or interfere*  
4                   *with any channel reserved for*  
5                   *public safety use, as such channels*  
6                   *are designated in ET Docket No.*  
7                   *97–157; and*

8                   “*(dd) prevent the Commis-*  
9                   *sion from considering or granting*  
10                  *a request for waiver submitted for*  
11                  *public safety service prior to the*  
12                  *date of enactment of the DTV*  
13                  *Border Fix Act of 2008.*

14                  “*(II) Each station described in*  
15                  *clause (i) operates on its assigned ana-*  
16                  *log channel, as of February 16, 2009,*  
17                  *if such channel—*

18                         “*(aa) is between 2 and 51;*

19                         “*(bb) has not previously been*  
20                         *assigned to such station or any*  
21                         *another station for digital oper-*  
22                         *ation after the digital transition*  
23                         *required under subparagraph (A);*  
24                         *and*

1           “(cc) could be used by such  
2           station for broadcasting analog  
3           television service after the digital  
4           transition required under sub-  
5           paragraph (A) without causing  
6           interference to any previously au-  
7           thorized digital television stations.

8           “(III) If such station does not  
9           meet the requirements under subclause  
10          (II) for operation on its assigned ana-  
11          log channel, as of February 16, 2009,  
12          such station may request, and the  
13          Commission shall promptly act upon  
14          such request, to be assigned a new  
15          channel for broadcasting analog tele-  
16          vision service, provided that such  
17          newly requested channel shall—

18                   “(aa) be between channels 2  
19                   and 51; and

20                   “(bb) allow such station to  
21                   operate on a primary basis with-  
22                   out causing interference to—

23                           “(AA) any other analog  
24                           or digital television station;  
25                           or

1                   “(BB) any station li-  
2                   censed to operate in any  
3                   other radio service that also  
4                   operates on channels between  
5                   2 and 51.

6                   “(iii) *MUTUALLY EXCLUSIVE APPLICA-*  
7                   *TIONS.—If mutually exclusive applications*  
8                   *are submitted for the right to use a channel*  
9                   *in order to broadcast analog television serv-*  
10                   *ice pursuant to this subparagraph, the*  
11                   *Commission shall—*

12                   “(I) award the authority to use  
13                   such channel for such purpose through  
14                   the application of the procedures estab-  
15                   lished under this section; and

16                   “(II) give due consideration to  
17                   any resolution procedures established  
18                   by the Commission.”.



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