

1                   **COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM**

2                                   **CONCURRENT RESOLUTION**

3   2011 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Ralph Okerlund**

6                                   House Sponsor: Kay L. McIff

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8   **LONG TITLE**

9   **General Description:**

10           This concurrent resolution of the Legislature and the Governor urges the federal  
11 government to protect the communications spectrum that allows Utah's translator  
12 system to provide free television access across the state.

13   **Highlighted Provisions:**

14           This resolution:

15           ▶ strongly urges the President of the United States and the Federal Communications  
16 Commission (FCC) to not remove channels 32 to 51 from the current existing FCC  
17 channels 14 to 51 Television Broadcast Authorization because of the significant  
18 negative impact that action would have on off-air television reception in urban areas  
19 and to off-air viewers nationwide, including rural viewers, who would be forced to  
20 either pay for subscription television or go without television service.

21   **Special Clauses:**

22           None

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24   *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

25           WHEREAS, the President of the United States has directed the Chairman of the Federal  
26 Communications Commission (FCC) to consider removing channels 32 to 51 from the current  
27 FCC channels 14 to 51 Television Broadcast Authorization;



28 WHEREAS, this action would devastate off-air television reception to urban areas and  
29 also cause disruption to off-air viewers nationwide;

30 WHEREAS, according to FCC records as listed in FCC MD Docket No. 03-185 (FCC  
31 10-172), page 26, dated September 17, 2010, 4,518 television translator stations, 567 Class A  
32 LPTV stations, 2,227 LPTV stations, and 11 TV Booster stations are now on file;

33 WHEREAS, according to FCC records, over 4,500 television translator stations  
34 presently provide free over-the-air television to rural communities throughout the nation;

35 WHEREAS, if this channel repacking were to become a reality, many of these  
36 translator stations would no longer remain in operation, requiring viewers to subscribe to either  
37 cable or satellite programming;

38 WHEREAS, Utah has 649 of these television translator stations, and the state's rural  
39 viewers would be forced to either pay for subscription television or have no television  
40 reception;

41 WHEREAS, after 40 years of analog broadcasting, the United States Congress  
42 mandated the broadcasting industry to make a conversion from analog to digital operation;

43 WHEREAS, supplying the general public with free over-the-air digital television  
44 broadcast signals has been encouraged by elected officials and the FCC;

45 WHEREAS, since the mandate, all TV Translator and LPTV licensees in the state of  
46 Utah have planned, acquired necessary funding, provided engineering, labor, construction,  
47 travel, new and upgraded buildings, air-conditioning, new towers, crane services, and extensive  
48 FCC licensing to help make the DTV transition possible;

49 WHEREAS, through cooperation of the state's counties, the University of Utah, the  
50 State of Utah, and the Federal Communications Commission, the DTV transition has been  
51 made possible;

52 WHEREAS, the state of Utah has supported the DTV transition through four CIB  
53 grants since 2005 in the amount of nearly \$9,000,000;

54 WHEREAS, the University of Utah has supported the DTV transition with a recent  
55 federal grant of approximately \$2,000,000;

56 WHEREAS, Congress developed and funded the coupon program at \$1,500,000,000  
57 for a digital to analog converter box program;

58 WHEREAS, the NTIA, a division of the federal government, currently offers all TV

59 translator and LPTV licensees a reimbursement program for the digital to analog conversion;

60 WHEREAS, small rural cable companies are beginning to use digital TV translator  
61 signals for their systems free of charge instead of paying for satellite feeds;

62 WHEREAS, repacking would cause eight Salt Lake City primary television stations to  
63 find new channels, causing unaffordable consequences to both urban and rural communities in  
64 the state of Utah;

65 WHEREAS, it would be impossible to continue the "Utah Daisy Chain" rural digital  
66 television translator services if the proposed block of television channels were reclaimed by the  
67 FCC, and this action would have a negative local economic impact to the affected counties;

68 WHEREAS, broadcasters are required by the FCC to participate in the National  
69 Emergency Alert System and are also required to make regular tests to assure their systems are  
70 always ready to broadcast any local warnings, including flood conditions, high wind warnings,  
71 and bad road conditions, and these warnings are automatically retransmitted through television  
72 translator stations to also alert rural viewers;

73 WHEREAS, closed captioning for the deaf is also a mandatory requirement of primary  
74 broadcast stations and automatically passes through television translators to rural viewers;

75 WHEREAS, if these viewers do not have access to any local free over-the-air broadcast  
76 signals, they proceed without local warnings or closed captioning for the deaf;

77 WHEREAS, counties in Utah are presently licensed with the FCC for 649 digital  
78 television translators, or 35%, of the nation's digital television translator licenses;

79 WHEREAS, an additional 173 applications are waiting for final approval at the FCC,  
80 and when they are awarded, additional digital channels will be available to the remaining few  
81 underserved rural Utah communities;

82 WHEREAS, the FCC recently passed a rule to allow anyone to operate unlicensed  
83 signals on unused channels within the present television bands, while the FCC still requires  
84 television translator stations to be licensed in these same bands;

85 WHEREAS, these unlicensed devices will cause interference to existing digital  
86 television services nationwide, and many television translator viewers will possibly be  
87 vulnerable with unacceptable interference because they receive their home signals far beyond  
88 the FCC protected contours; and

89 WHEREAS, the federal government should ensure that rural communities in Utah and

90 throughout the nation are not forced to either pay for subscription television service or go  
91 without television:

92       NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
93 Governor concurring therein, strongly urge the President of the United States and the Federal  
94 Communications Commission (FCC) to not remove channels 32 to 51 from the current existing  
95 FCC channels 14 to 51 Television Broadcast Authorization because of its negative impact on  
96 off-air television reception in urban areas and to off-air viewers nationwide, including rural  
97 viewers, who would be forced to either pay for subscription television or go without television  
98 service.

99       BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
100 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
101 States House of Representatives, the Chairman of the Federal Communications Commission  
102 and each commission member, and to the members of Utah's congressional delegation.

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**Legislative Review Note**  
**as of 1-19-11 10:43 AM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.C.R. 4, 2011 General Session

SHORT TITLE: Communications Spectrum Translator System Concurrent Resolution

SPONSOR: Okerlund, R.

STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this resolution likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this resolution likely will not result in direct, measurable costs and/or benefits for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this resolution likely will not result in direct, measurable expenditures by Utah residents or businesses.