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## First Phase of Digital Television Transition Relatively Smooth

The first phase of the nation's transition from analog to digital television took place last week as 641 television broadcast stations (about 36% of all full-power stations in the U.S.) turned off their analog signals on February 17, 2009. Congress recently delayed the deadline for termination of analog broadcasting to June 12<sup>th</sup>, but many broadcasters were allowed to make the transition early. The FCC received approximately 100,000 calls to its help line last week but reported that the initial results of the transition were encouraging. According to the FCC, the most common issues reported by consumers were related to converter box use.

## U.S. Court of Appeals Upholds CPNI Rules

On February 13, 2009, the United States Court of Appeals for the District of Columbia Circuit upheld the FCC's Customer Proprietary Network Information ("CPNI") rules, denying a challenge brought by the National Cable & Telecommunications Association ("NCTA"). The court held that the FCC properly enacted rules requiring phone carriers to obtain prior "opt-in" consent from customers before disclosing their personal information to certain third parties for marketing purposes. The same day as the Court's decision, the FCC's Enforcement Bureau issued a Public Notice reminding companies subject to the CPNI rules of the obligation to file CPNI Certifications no later than March 1, 2009.

## FCC Denies Cell Phone Jamming Equipment Demonstration

Last week, the FCC denied a request by the District of Columbia Department of Corrections for authority to host a demonstration of jamming equipment designed to block wireless telephone calls by prisoners. Although stating that it was aware of the threat to public safety posed by contraband mobile devices in prisons, the FCC asserted that cell phone jamming equipment was prohibited by the Communications Act of 1934, as amended, and the FCC's Rules. The ruling is notable in that the FCC approved a similar request by the District of Columbia Department of Corrections in January, just before Kevin Martin resigned as FCC Chairman. CTIA had filed suit to stop the earlier test, which the District of Columbia Department of Corrections cancelled at the last minute.

## Keller and Heckman Memorandum Regarding Broadband Stimulus

As previously reported, the recently passed \$787 billion economic stimulus package allocated \$7.2 billion in grants and loans for broadband providers to roll out service to rural and underserved areas -- \$4.7 billion to be distributed by the National Telecommunications and Information Administration ("NTIA") and \$2.5 billion to be awarded by the U.S. Department of Agriculture ("USDA") under the Rural Utilities Service ("RUS") program. Keller and Heckman has prepared a brief memorandum summarizing the two programs. A copy of the memorandum is available by clicking [here](#).

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