required to air programming responsive to community needs and interests. They are required to air programming designed to "serv[e] the educational and informational needs of children." They must provide "reasonable access" to candidates for federal elective office, and must afford "equal opportunities" to candidates for any public office. Broadcasters are also obliged to refrain from airing certain programming, such as indecent programming outside the "safe harbor" period. Finally, in order to promote diversity of viewpoint, broadcasters must refrain from discriminating in employment and must establish and maintain an equal employment opportunity ("EEO") program designed to provide equal employment opportunities for minorities and women. Our previous orders reflect the assumption that public interest obligations would attach to ATV broadcasting. Indeed, that broadcasters "have an obligation to serve the public interest" is one of our reasons for limiting initial eligibility for ATV channels to existing broadcasters.

16. We remain committed to enforcing our statutory mandate to ensure that broadcasters serve the public interest. Our current public interest rules, including those implementing specific statutory requirements, were developed for broadcasters essentially limited by technology to a single, analog video programming service. The potential for more flexible and dynamic use of the advanced television channel than what broadcasters currently enjoy gives rise to important questions about the nature of public interest obligations in the digital broadcasting world. We request comment on how the conversion to digital broadcasting should affect broadcasters' obligation to serve the public interest.

17. Our future rules may allow broadcasters to use their advanced television channels to provide a high definition television service, multiple standard definition television services and perhaps other services, some of which may be on a subscription basis. Should a licensee's public interest obligations depend on the nature of the services it chooses to provide and, if that is the case, how so? For example, if a broadcaster chooses to provide multiple standard definition services. should public interest obligations attach to each one? What if one or more of those services are provided on a subscription basis? Alternatively, should public interest obligations be seen as attaching not to services but to licensees, each of whom would be required to operate the facilities associated with its 6 MHz ATV channel

in the public interest? We note that attaching a public interest requirement on one type of "service" could skew broadcaster investment away from providing that service—a situation that could potentially result in a net public interest loss. Commenters are requested to discuss whether, if Congress grants the Commission the requisite authority, we should consider imposing spectrum fees for that portion of the spectrum used by broadcasters to provide subscription services. We note that the use of spectrum fees may allow the Commission to establish a regulatory framework that does not discourage broadcasters from providing free overthe-air channels or other services to which public interest obligations might attach. We also invite comment on whether the conversion to digital broadcasting justifies other changes in our public interest framework.

18. Finally, we express our intention to continue to apply EEO requirements on broadcasters. We ask, however, whether there are additional means available to further our objective of promoting diversity of viewpoints in a digital world.

E. Transition

1. Simulcast Requirement

19. Previously, we determined that ATV licensees should simulcast on their NTSC stations the programming offered on their ATV stations. We preliminarily decided that, beginning one year after the six year application and construction period, ATV licensees would have to simulcast 50 percent of their ATV programming, increasing to 100 percent two years later. Additionally, we indicated that we would review this schedule at the time of our initial review of the pace of conversion at the end of the application/ construction period and immediately prior to the imposition of 100 percent simulcasting.

20. Our concern was, and remains, that consumers not be prematurely deprived of the benefits of existing television equipment. We also stated that requiring simulcasting would assist us in reclaiming the analog channel as soon as possible by minimizing broadcaster and consumer reliance on the ATV and NTSC channels carrying separately programmed services. Additionally, we believed that a simulcast requirement would "give added impetus to ATV receiver penetration by eliminating the need for dual mode receivers capable of receiving both NTSC and ATV," thereby helping to lower the cost of ATV

receivers, spurring increased penetration.

21. These decisions were appropriate and practical when it appeared that ATV would primarily consist of the broadcast of a single HDTV program service. However, it is apparent that a digital TV system can be used to transmit multiple simultaneous SDTV program services. Obviously, a licensee would be unable to simulcast multiple program services on its NTSC channel. Under such circumstances, it is clear that our simulcasting requirement must be revisited and we must consider alternatives.

22. The simulcasting requirement was in large measure intended to allow consumers to avoid being prematurely deprived of the benefits of their NTSC video equipment. We hoped to avoid having broadcasters move their best programs to HDTV, with the result that large numbers of viewers that do not have HDTV equipment would lose much of the value of broadcast television service. At the present time, this no longer appears to be a likely prospect. We do not foresee broadcasters taking their best programming off of their NTSC stations and putting it on HDTV where potential audiences will, at first, be small. Similarly, we do not see broadcasters moving their best programming off of NTSC and on to ATV early in the conversion process. We believe that, instead, the market will continue to serve consumer demand by assuring the continued presence of good programming on NTSC channels. However, we still perceive a need for a simulcast requirement, albeit different from that first envisioned.

23. Some number of consumers, unaware of the transition to digital television or unable to afford replacement equipment, may continue viewing analog television throughout the transition period. At the end of the transition period, we may be confronted with the choice of either terminating analog service, causing such viewers to lose their only source of free broadcast service, or, alternatively, allowing analog broadcasting to continue, thereby depriving the broad general public of the benefits that we believe are to be found from the recovery of one of the channels. We wish to avoid either alternative and believe that a simulcasting requirement may be useful in speeding the migration of these consumers from analog to digital broadcasting. Accordingly, we propose to require the simulcast of all material being broadcast on the licensee's NTSC station (with the exception of commercials and promotions) on a