

SEPARATE STATEMENT OF COMMISSIONER KEVIN J. MARTIN

Re: Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order, MB Docket No. 03-15 (August 4, 2004)

Today we take another step in our effort to further advance the digital transition. I think the item strikes a fair balance between several competing interests: the desire to get more digital programming out to consumers, the need to reclaim the 700 MHz spectrum, the need for certainty regarding applicable rules, and the concern of broadcasters that they not be required to make excessive investments in temporary facilities. On this last point, I am concerned about the effect our replication and maximization deadlines will have on the smallest broadcasters, and I emphasize that I hope our waiver process will allow for flexibility where warranted.

I look forward to taking what appears now to be last critical step: resolving the pending petitions for reconsideration regarding the extent of broadcasters' "must carry" rights in the digital world. I hope we address this issue soon.