

NICHOLS & PEÑA, LLP

ATTORNEYS AT LAW
2060 BROADWAY, SUITE 200
BOULDER, COLORADO 80302

ROBERT W. NICHOLS
ROGELIO E. PEÑA
PHILLISA S. SHOEMAKER

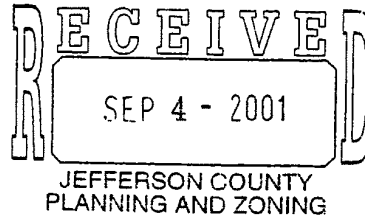
TELEPHONE (303) 442-4300
FACSIMILE (303) 443-6764

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OF COUNSEL
JULIA A. WAYSORF*
*ADMITTED IN DISTRICT OF COLUMBIA

VIA HAND DELIVERY

Susan Wood
Jefferson County Planning &
Zoning Department
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419-3550



Re: Pinnacle Towers, Inc. ("PTI")
Case No. 00015485RZP1/EXP1 (rezoning and exemption from platting)

Dear Susan:

Enclosed are documents concerning the transition to Digital Television. Unfortunately, there is no one document that summarizes all of the information regarding the federal law, the status of the transition to DTV, and what will happen with the broadcast spectrum that is returned to the federal government when analog stations are no longer broadcasting. Therefore, I am providing a brief summary of the documents and have highlighted the relevant sections of the documents.

Background. Pursuant to federal law, everyone in the United States is scheduled to have access to digital television by end of 2002. Between 2002 and 2006, broadcasters will continue to broadcast their current analog signal in addition to the digital signal. The transition to digital television is scheduled to end in 2006. At that time, broadcasters will be required to surrender their analog channel. 47 U.S.C.A. § 309(j)(14)(A). However, federal law provides that the transition period will extend beyond 2006 if certain conditions are met. 47 U.S.C.A. § 309(j)(14)(B). These conditions are: (1) if one or more stations in a market that are licensed or affiliated with one of the four largest national television networks are not broadcasting a digital signal even though such station has exercised due diligence in attempting to broadcast a digital signal; or (2) digital to analog converter technology is not generally available in such market; or (3) at least fifteen percent of the households in such market do not have either a digital television or an analog set equipped with a converter box and do not subscribe to a cable service carrying digital television stations. Id. The FCC will periodically review the status of the transition to determine if the transition date needs to be extended.

The goal in having broadcasters surrender their analog channel is to free up parts of the broadcast spectrum to be used for public safety and other communication uses. 47 USCA § 309(j)(14)(C). The reclaimed broadcast spectrum will be auctioned off to qualified bidders for a variety of communication uses.

Current Status. According to the FCC and industry commentary, the transition to digital television is not progressing as quickly as the federal government had expected. In fact, the FCC Chairman, Michael Powell, has recently stated that he believes that the transition date will be extended beyond 2006. See Transcript of Conversation Between FCC Chairman Michael K. Powell and Sam Donaldson, dated April 24, 2001, pp. 2-3. Chairman Powell said that he did not believe the 2006 date would be met because it takes a long time to transition consumers to new technology, especially technology that is so expensive. *Id.* at 3. The transition to digital television will require consumers to purchase new televisions that cost upward of \$1,500. In addition, according to the FCC, 85% of households in the United States get their television from cable, direct broadcast satellite or other multi-channel video programming distribution services. Chairman Powell noted this fact in his interview with Sam Donaldson and expressed doubts about the future role and importance of traditional over-the-air broadcasting that would be provided by digital television. See Transcript, p 2.

Commentators in the television industry have also expressed doubts about the success of the transition to digital television. See e.g., Articles, "Why the DTV Transition Will Fail," "Digital TV Switch Draws Static," and "Digital Deadline Delay." The reasons that commentators believe the transition will not be successful range from the state of digital television technology, the high cost of digital television sets, the fact that most of the public pays for television (either cable or satellite programming), and the lack of good programming on free over-the-air television stations.

Conclusion. It is now likely that the date of the digital television transition will be extended beyond 2006. In fact, it is quite possible that the country may never transition to digital television due to the fact that the viewing public is not clamoring for digital television because it already has access to a wide variety of television programs through reasonably priced options such as cable or satellite TV. Thus, there is good reason to believe that the towers proposed by Pinnacle are simply not necessary because digital television is not being widely used by the public and those in the communications industry do not foresee a demand for digital television. The visual impacts and other negative effects of the proposed towers far outweigh any debatable public benefit that may be gained by approving Pinnacle's application. Therefore, the Alliance requests that Jefferson County deny Pinnacle's application.