

110TH CONGRESS  
1ST SESSION

# S. 2507

To address the digital television transition in border states.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Mrs. HUTCHISON (for herself and Mrs. BOXER) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

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## A BILL

To address the digital television transition in border states.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “DTV Border Fix Act  
5       of 2007”.

6       **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG**  
7                               **COMMON BORDER WITH MEXICO.**

8       Section 309(j)(14) of the Communications Act of  
9       1934 (47 U.S.C. 309(j)(14)) is amended by adding at the  
10      end the following:

1           “(D) CONTINUATION OF ANALOG BROAD-  
2           CASTING ALONG COMMON BORDER WITH MEX-  
3           ICO.—

4           “(i) IN GENERAL.—Notwithstanding  
5           any other provision of this section, any tel-  
6           evision station that has been granted a  
7           full-power television broadcast license that  
8           authorizes analog television service prior to  
9           February 17, 2009, that is licensed by the  
10          Commission to serve communities located  
11          within 50 miles of the United States com-  
12          mon border with Mexico, and that can es-  
13          tablish to the satisfaction of the Commis-  
14          sion that such station’s continued broad-  
15          casting of television service in analog is in  
16          the public interest, shall during the period  
17          beginning on the date of enactment of the  
18          DTV Border Fix Act of 2007, and ending  
19          February 17, 2014—

20                  “(I) be entitled to the renewal of  
21                  such station’s television broadcast li-  
22                  cense authorizing analog television  
23                  service; and

24                  “(II) operate such television serv-  
25                  ice on a channel between 2 and 51.

1           “(ii) CONDITIONS.—The rights, privi-  
2 leges, and obligations described under  
3 clause (i) shall only be extended if the fol-  
4 lowing requirements are satisfied:

5           “(I) Any channel used for the  
6 distribution of analog television serv-  
7 ice shall not—

8           “(aa) prevent the auction of  
9 recovered spectrum pursuant to  
10 paragraph (15);

11           “(bb) prevent the use of re-  
12 covered spectrum for any public  
13 safety service pursuant to section  
14 337(a)(1); and

15           “(cc) encumber or interfere  
16 with any channel reserved for  
17 public safety use, as such chan-  
18 nels are designated in ET Docket  
19 No. 97–157.

20           “(II) Each station described in  
21 clause (i) operates on its assigned  
22 analog channel, as of February 16,  
23 2009, if such channel—

24           “(aa) is between 2 and 51;

1           “(bb) has not previously  
2           been assigned to such station or  
3           any another station for digital  
4           operation after the digital transi-  
5           tion required under subparagraph  
6           (A); and

7           “(cc) could be used by such  
8           station for broadcasting analog  
9           television service after the digital  
10          transition required under sub-  
11          paragraph (A) without causing  
12          interference to any previously au-  
13          thorized digital television sta-  
14          tions.

15          “(III) If such station does not  
16          meet the requirements under sub-  
17          clause (II) for operation on its as-  
18          signed analog channel, as of February  
19          16, 2009, such station may request,  
20          and the Commission shall promptly  
21          act upon such request, to be assigned  
22          a new channel for broadcasting analog  
23          television service, provided that such  
24          newly requested channel shall—

1                   “(aa) be between channels 2  
2                   and 51; and

3                   “(bb) allow such station to  
4                   operate on a primary basis with-  
5                   out causing interference to—

6                   “(AA) any other analog  
7                   or digital television station;  
8                   or

9                   “(BB) any station li-  
10                  censed to operate in any  
11                  other radio service that also  
12                  operates on channels be-  
13                  tween 2 and 51.

14                  “(iii) MUTUALLY EXCLUSIVE APPLICA-  
15                  TIONS.—If mutually exclusive applications  
16                  are submitted for the right to use a chan-  
17                  nel in order to broadcast analog television  
18                  service pursuant to this subparagraph, the  
19                  Commission shall—

20                  “(I) award the authority to use  
21                  such channel for such purpose  
22                  through the application of the proce-  
23                  dures established under this section;  
24                  and

1                   “(II) give due consideration to  
2                   any resolution procedures established  
3                   by the Commission.”.

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