

ALERT

FCC Seeks Comment on ATSC 3.0 Petition for Rulemaking

April 26, 2016

On April 26, 2016, the Federal Communications Commission (FCC or Commission) issued a Public Notice seeking comment on the recently filed multi-industry request asking the Commission to allow television stations to begin broadcast transmissions utilizing the rapidly evolving new DTV standard known as ATSC 3.0. A coalition of broadcast and equipment manufacturing groups, including America's Public Television Stations, AWARN Alliance, Consumer Technology Association, and National Association of Broadcasters (NAB), filed the Petition less than two weeks ago, and FCC Chairman Tom Wheeler promised at the NAB Show to "move with dispatch to get that into the public debate." Comments on the Petition are due by May 26, 2016 and Reply Comments are due by June 27, 2016.

According to the Petition, ATSC 3.0 (or, as the Petitioners call it, "Next Generation TV") will "support video resolutions far beyond HD to home and mobile screens" along with other improvements, such as viewer customization and control.

Once adopted, the ATSC 3.0 standard will include three components: (1) a "physical layer" that defines the core transmission system, including the RF characteristics of the standard, (2) a "management and protocols layer" that specifies how information will be delivered within the signal, and (3) an "applications and presentation layer" that defines the elements that the viewer experiences, including video and audio coding. Members of the Advanced Television Systems Committee (ATSC) recently approved a key portion of the physical layer, the System Discovery and Signaling portion (the so-called "bootstrap" mechanism). Just as the DTV standard was not backwards compatible with analog television, ATSC 3.0 is not backwards compatible with the current DTV standard, meaning

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consumers will need new or modified equipment to receive ATSC 3.0 transmissions.

Importantly, although the Petitioners ask the FCC to modify its rules to permit broadcasting with the Next Generation TV standard, they expressly request that the Commission not mandate use of the new standard. Instead, the Petitioners propose a voluntary, market-based transition. According to the Petition, “[t]he core of the voluntary, market-driven implementation of ATSC 3.0 will be local simulcasting.” Unlike the DTV transition, broadcasters would not receive companion channels to broadcast using the new standard. Rather, stations would “enter into market-by-market deployment plans that will rely on local simulcasting agreements” whereby: (1) a “host” broadcaster would agree to carry on its DTV subchannels the programming of those stations broadcasting with the Next Generation TV format; and (2) the “host” station’s programming would be carried reciprocally as a programming stream on one of the station’s deploying the Next Generation TV standard.

The Petition emphasizes that ATSC 3.0 transmissions will deliver emergency alert messages, closed captioning, and video description consistent with existing requirements.

Procedurally, this is the first of two likely comment periods on the Next Generation TV proposal. After examining the public record, the FCC can either: (1) decide not to take further action at this time or (2) issue its recommendations in a Notice of Proposed Rulemaking, which will be subject to further comment. In any event, the record established in response to the instant Public Notice will be important for informing the scope and substance of the Commission’s future actions.

If you have any questions about ATSC 3.0 or are interested in filing comments in this proceeding, you should contact the Wiley Rein attorney who regularly handles your FCC matters or the authors of this client alert.