



January 27, 2020

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, GN Docket No. 16-142

Dear Ms. Dortch:

On January 23, 2020, Alison Neplokh and the undersigned, both of the National Association of Broadcasters (NAB) together with Kurt Wimmer and Hannah Lepow of Covington & Burling LLP, representing Pearl TV, and Joshua Pila of Meredith Corporation (who participated by telephone) met with Media Bureau staff to discuss implementation of the transition to NextGen TV. A complete list of FCC attendees is set forth below.

During the meeting, the parties discussed the pace of NextGen deployments and the prospects for further progress in 2020. By the end of the current year, broadcasters expect to be transmitting ATSC 3.0 signals in 61 markets and for 20 different television models, from three manufacturers, to be available with built-in ATSC 3.0 tuners.¹ We expect this remarkable progress to accelerate by the end of the year and beyond, as the market-driven, voluntary transition the Commission authorized unfolds.

Importantly, broadcasters are embarking on this voluntary transition without asking the Commission for vast new swaths of spectrum, as other industries are. This approach certainly has its challenges. One such issue concerns the Commission's application form for ATSC 3.0 licenses that permits applicants to specify a single channel to host the programming of a station launching ATSC 3.0 service. We discussed the potential concern that, while broadcasters seek to maintain as much of their current programming as possible,

¹ See, e.g., Geoffrey Morrison, "Next Gen TV is free 4K TV with an antenna, and it's coming to TVs this year" CNET (Jan. 15, 2020), <https://www.cnet.com/news/next-gen-tv-is-free-4k-tv-with-an-antenna-and-its-coming-this-year/>; Phil Kurz, "Twenty 3.0 Consumer Receivers Coming in 2020, Says ATSC President" TVTechnology (Jan. 7, 2020), <https://www.tvtechnology.com/atsc3/twenty-3-0-consumer-receivers-coming-in-2020-says-atsc-president>.

including multicast streams, the Commission might not retain enforcement authority over a station that originated programming if that station was transmitting additional multicast streams over a facility not reflected on the ATSC 3.0 license of the originating station. This could create complex contractual indemnification concerns that could complicate deployment. These challenges could prove particularly acute for noncommercial educational stations, some of which are restricted or prohibited entirely from agreeing to indemnification.

To avoid this uncertainty, we recommended that parties include, in an attachment to their ATSC 3.0 license applications, information regarding additional channels they intend to use to preserve programming during the transition, and that the Commission include a notation regarding these additional channels on the face of a station's ATSC 3.0 license.² This will preserve clear lines of Commission enforcement authority without requiring changes to the existing application forms.

We look forward to continuing to work with the Commission and other stakeholders to ensure a transition that is as smooth as possible for consumers as broadcasters usher in the next generation of television.

Respectfully Submitted,



Patrick McFadden
Associate General Counsel,
National Association of Broadcasters

cc (Meeting Attendees):

Barbara Kreisman
Sarah Whitesell
Evan Morris
Mark Colombo
Maria Mullarkey
Kevin Harding
Brendan Murray
Andrew Manley

² Programming distributed over these additional channels would, of course, comply with all existing and future Commission rules and requirements applicable to hosted signals, including the requirement to serve the same community of license, and would create no new carriage rights or obligations.