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October 25, 2019

**VIA ECFS**

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

**Re: *Notice of Ex Parte*, Authorizing Permissive Use of the “Next Generation”  
Broadcast Television Standard, GN Docket No. 16-142**

Dear Ms. Dortch:

On October 23, 2019, Rick Chessen and Radhika Bhat of NCTA – The Internet & Television Association met with Sarah Whitesell, Barbara Kreisman, Brendan Murray (by phone), Kevin Harding, Evan Morris, Evan Baranoff, Mark Colombo, and Andrew Manley of the Media Bureau and Martin Doczkat and Gulmira Mustapaeva of the Office of Engineering and Technology to discuss the above-referenced proceeding.

NCTA reiterated that ATSC 3.0 should remain a voluntary, market-based standard and that while broadcasters should be able to explore new transmission technologies, the Commission should continue to monitor the impact that the ATSC 3.0 transition could have on cable operators and the viewing public, especially given the limited marketplace developments since the adoption of the *Report and Order*.<sup>1</sup>

Consistent with its prior filings, NCTA urged the Commission to resolve the issues raised in the *Further Notice* and in NCTA’s Petition for Reconsideration in ways that limit disruption and costs to consumers and MVPDs.<sup>2</sup> In particular, NCTA reiterated that the Commission should revisit the arbitrary five-year nationwide sunset of the “substantially similar” requirement for simulcast ATSC 1.0 signals, as well as the required use of the A/322 standard, and maintain these requirements until the ATSC 3.0 marketplace is sufficiently developed. We also urged the

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<sup>1</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Red. 9930 (2017).

<sup>2</sup> See NCTA – The Internet & Television Association Petition for Reconsideration, GN Docket No. 16-142 (filed Mar. 5, 2018); Reply of NCTA – The Internet & Television Association to Oppositions to Petition for Reconsideration, GN Docket No. 16-142 (filed Apr. 23, 2018); Comments of NCTA – The Internet & Television Association, GN Docket No. 16-142 (filed Feb. 20, 2018) (“NCTA Comments”); Reply Comments of NCTA – The Internet & Television Association, GN Docket No. 16-142 (filed Mar. 20, 2018).

Ms. Marlene H. Dortch

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Commission to address concerns raised in the record regarding potential flash-cuts to 3.0 signals and use of vacant channels. As previously noted in our comments,<sup>3</sup> allowing temporary vacant channel use instead of sharing currently used broadcast channels could impose new and unreimbursed costs on cable operators, such as costs for acquiring new receiving equipment. NCTA also urged the Commission to continue monitoring the retransmission consent process and patent licensing as the transition progresses.

This letter is being filed electronically pursuant to Sections 1.1203(a)(1), 1.1204(a)(10)(iv), and 1.1206(b)(2)(v) of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

**/s/ Rick Chessen**

Rick Chessen

CC: Sarah Whitesell  
Barbara Kreisman  
Brendan Murray  
Kevin Harding  
Evan Morris  
Evan Baranoff  
Mark Colombo  
Andrew Manley  
Martin Doczkat  
Gulmira Mustapaeva

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<sup>3</sup> See NCTA Comments at 6-7.