

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Authorizing Permissive Use of the “Next ) GN Docket No. 16-142  
Generation” Broadcast Television )  
Standard )

**COMMENTS OF ION MEDIA NETWORKS**

ION Media Networks, Inc. (“ION”), by its attorneys, hereby files these comments in support of the FCC’s proposal to give broadcasters the option to voluntarily adopt the ATSC 3.0 broadcast television standard (also referred to herein as “Next Gen TV”).<sup>1</sup>

**I. INTRODUCTION**

As one of the nation’s largest independent, over-the-air television broadcasting networks, ION supports the FCC’s proposal to give broadcasters the option to adopt the ATSC 3.0 transmission standard if and when a market for Net Gen TV develops. ION is carefully following the development of ATSC 3.0 and the business case for adoption of the new standard. Many of the potential features of the Next Gen TV standard are of potential interest to viewers, – including its promise of improved signal reception on mobile devices and television sets, Ultra High Definition pictures, immersive sound, more localized programming content, interactive services, and enhanced emergency alerting capability. At the same time, the current ATSC transmission standard has served broadcast TV audiences well, and it continues to do so. Most

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<sup>1</sup> See Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard, *Notice of Proposed Rulemaking*, 32 FCC Rcd 1670 (2017) (the “*NPRM*”).

of ATSC 3.0's new features require substantial investment by broadcasters, device makers, and most importantly consumers, and may take many years before they are economically feasible. In this environment, the FCC's proposal strikes the right balance. Broadcasters would have the option to switch to Net Gen TV if the market demands – but no obligation to do anything other than continue providing the high quality over-the-air service using the current ATSC 1.0 standard that has benefitted viewers for decades.

ION is filing these comments to emphasize that the most important part of the FCC's ATSC 3.0 proposal is that it would make adoption of the revised standard entirely voluntary for broadcasters, driven by consumer desire and market forces rather than government mandates. The development of Next Gen TV to date has been at the initiative of broadcasters and driven by broadcasters' desire and efforts to provide better service to their viewers. The FCC's recognition of ATSC 3.0 as a permitted transmission standard should not and must not change that.

The public may benefit from broadcasters' voluntary exploration, adoption, and use of ATSC 3.0, as opposed to yet another government-mandated program. Since ATSC 3.0 is not backward compatible with the current transmission standard, any mandated transition would require every television broadcaster and every television viewer to replace their transmission and reception equipment. Only the market – not the FCC – should determine the timing and solutions for such changes to broadcast television industry.

Accordingly, the FCC should affirm that voluntary adoption of ATSC 3.0 will be a permanent feature, but that any adoption of ATSC 3.0 will be voluntary for broadcasters and our viewers.

## **II. THE FCC’S APPROVAL OF OPTIONAL ADOPTION OF ATSC 3.0 WILL BEST SERVE VIEWERS AND TELEVISION BROADCASTERS.**

The FCC’s proposal of a voluntary adoption of ATSC 3.0 is a quintessential example of how “light-touch” regulation can encourage technological progress and value creation for the media industry without disrupting relied-upon service to viewers. And, the public comments filed thus far unanimously support regulations allowing for voluntary adoption of the ATSC 3.0 standard.<sup>2</sup> This widespread support is unsurprising, because voluntary adoption will give the broadcast industry the time and some of the regulatory flexibility it needs to develop contemporary consumer technologies that TV viewers actually want.

Optional adoption of ATSC 3.0 also avoids government intervention that chooses industry winners and losers and dictates to consumers what they must watch or what equipment they must buy. Indeed, ION would encourage the FCC to go further and permit voluntary adoption of any alternative transmission standard that can be supported by the marketplace and can operate on a non-interfering basis with existing services. But permitting optional adoption of ATSC 3.0 is a good first step away from unreasonable over-regulation. In short, a flexible approach to Next Gen TV is simply better for broadcasters and better for consumers.

The recent government-mandated transition to DTV caused confusion and disruption for regulators, broadcasters, multichannel video programming distributors, and most unfortunately,

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<sup>2</sup> See Joint Petition for Rulemaking, National Association of Broadcasters, *et al.*, filed Apr. 13, 2016, [https://www.nab.org/documents/newsRoom/pdfs/041316\\_NextGenTV\\_Rulemaking\\_Petition.pdf](https://www.nab.org/documents/newsRoom/pdfs/041316_NextGenTV_Rulemaking_Petition.pdf) (last visited Apr. 28, 2017); *see also, e.g.*, Comments of Gray Television, Inc. at 2-3; Comments of Entravision Communications Corporation at 2-3; Comments of Raycom Media, Inc. at 3-4; Comments of Cox Media Group, Inc. at 3-4; Comments of American Tower, Inc. at 4-5; Comments of The Advanced Television Systems Committee, Inc. at 5; Comments of Pearl Mobile DTV Company LLC at 6-7; Comments of the Public Broadcasting Service and the Corporation for Public Broadcasting at 2-3.

local television viewers. That transition also required an unfunded mandate for broadcasters to build new transmission systems and to support simultaneous analog and digital operations for a significant number of years. And, the DTV transition ended on a date selected by the government (and then selected again when consumers and the industry could not meet the original government deadline).

The FCC's proposals with respect to ATSC 3.0 show that the agency learned valuable lessons from the DTV transition, and the most valuable lesson of all was to get out of the way and let the market decide these issues. Allowing broadcasters to adopt Next Gen TV voluntarily when consumers signal that they want it while maintaining an ATSC 1.0 simulcast is by far the most consumer-friendly approach. The FCC's proposed plan appropriately would preserve full-service television to the viewing public at all times.<sup>3</sup> Broadcasters that choose to adopt the new standard will be required to continue broadcasting in the current ATSC 1.0 standard, continuing to reach viewers that own equipment that is not yet compatible with the ATSC 3.0 standard. Viewers that rely on ATSC 1.0-compatible equipment should be required to replace that equipment only if the market determines that it is obsolete. Broadcasters that reach those viewers should not be forced to transition to ATSC 3.0 as long as there are ATSC 1.0 viewers to be served.

The FCC's proposed market-based approach also would allow viewers to upgrade their equipment only if they decide that benefits conferred by Next Gen TV outweigh the associated

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<sup>3</sup> ION strongly supports the elements of the current plan that would prevent harmful interference and ensure continued service by requiring each station's transmissions to protect fully all ATSC 3.0 and ATSC 1.0 licensed service areas and replicate the station's current ATSC 1.0 service area.

costs. Additionally, adopting a market-driven approach will promote further broadcaster investment in research and development, which will allow consumer-focused technological advancements to develop organically, not pursuant to government fiat.

### **III. VOLUNTARY ADOPTION OF ATSC 3.0 SHOULD BE THE FCC'S PERMANENT POLICY.**

In adopting its proposals in the *NPRM*, the FCC should confirm that voluntary adoption of ATSC 3.0 will be the FCC's permanent policy.<sup>4</sup> No consumers or broadcasters should be required to buy ATSC 3.0 equipment as long as they continue to rely on ATSC 1.0. ION is concerned that the current proposal for a voluntary, market-driven adoption at some future date could be converted into a government mandate that forces ATSC 3.0 on broadcasters and viewers before the market has spoken. The FCC should guard against that kind of regulatory creep by adopting rules governing ATSC 3.0 that confirm the new standard will be permanently voluntary and market-driven. While the FCC may not be able to fully guard against the regulatory bent of future Commissions, it should make an emphatic statement that the agency intends to approve permissive, but not mandatory, use of ATSC 3.0. The FCC should reject any requests, now or in the future, to mandate broadcaster adoption of the ATSC 3.0 standard.

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<sup>4</sup> Given the great number of unanswered questions about how the ATSC 3.0 standard will work and what services the Next Gen TV standard will deliver, even considering mandating adoption of the standard today would make no sense for consumers or the TV industry. ION urges the FCC to maintain its commitment to a voluntary transition even after the answers to these questions become apparent.

### **III. CONCLUSION**

For the foregoing reasons, ION supports the FCC's efforts to authorize permissive use of the ATSC 3.0 transmission standard and endorses the FCC proposal to avoid any kind of mandate that would require broadcasters to deploy Next Gen TV facilities.

Respectfully submitted,

**ION MEDIA NETWORKS**

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