

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:	)	
	)	
Authorization of Next Generation TV	)	GN Docket No. 16-142
For Permissive Use as a Television Standard	)	
	)	
	)	

**REPLY COMMENTS OF SINCLAIR BROADCAST GROUP, INC.**

**I. Introduction**

Sinclair Broadcast Group, Inc. (“Sinclair”) is encouraged by the support demonstrated in the growing record for the adoption of ATSC 3.0 (“Next Generation TV”) as an optional television broadcast transmission standard (the “Petition”).<sup>1</sup> By the end of 2016, Sinclair will have invested over \$30 million in the development of Next Generation TV, related technology and deployment plans. The FCC has supported this effort over the past years by granting us multiple experimental licenses for both research and demonstration purposes. The broadcast, public safety, and consumer electronics industries are now united in their desire to implement Next Generation TV, and new stakeholders are becoming increasingly engaged in the effort. Now that the incentive auction is underway, it is finally possible to synchronize the deployment of Next Generation TV with the repacking of the television band next year. We encourage the FCC to maintain the momentum of our collective effort by releasing an appropriately technology-focused NPRM on Next Generation TV no later than October 1 of this year.

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<sup>1</sup> See Joint Petition for Rulemaking, April 13, 2016, GN Docket No. 16-142 (released April 26, 2016).

**II. The FCC should not expand the scope of the NRPM beyond technical evaluation of the Next Generation TV transmission standard.**

The Petition is very specific and limited in scope, requesting the FCC to evaluate the RF characteristics of Next Generation TV, to ensure that it respects the constraints of the post-auction Table of Allotments and FCC Planning Factors, including OET-69. The core of this analysis lies in confirming that Next Generation TV interference characteristics are equivalent to those of the current DTV standard (“ATSC 1.0”), and that Next Generation TV and ATSC 1.0 signals will not interfere with each other during the deployment period.

Many commenters seek to expand unnecessarily the scope of the Next Generation TV NPRM by introducing issues unrelated to the core technological evaluation at hand. The bulk of these come from corporations seeking to “renew and enhance broadcasters’ public interest mission”, claiming that the evolution to Next Generation TV “warrants a comprehensive examination of how broadcasters will satisfy their public interest obligations” under the new standard.<sup>2</sup> But nothing in the Petition suggests that any broadcaster advancing to Next Generation TV would be absolved of its current public interest obligations. Indeed, the Petition itself acknowledges that “No changes are needed to the Commission’s rules concerning emergency alerts, closed captioning, or video description,” (i.e., the technology-dependent public interest obligations) and that Next Generation TV stakeholders “have ensured that essential requirements for closed captioning, video description and emergency alerts have been built in to the new standard.”<sup>3</sup> Broadcasters agree that we should continue to fulfill all of our current public interest obligations using Next Generation TV. Therefore, the FCC should not spend valuable time or resources on these inquiries in this proceeding.

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<sup>2</sup> See Comments of Public Knowledge, Common Cause, and Open Technology Institute at New America, GN Docket No. 16-142 (filed May 26, 2016), pages 2 and 4.

<sup>3</sup> Petition, page 19.

The same commenters raise numerous issues based on a misunderstanding that Next Generation TV broadcasting includes or otherwise depends on broadband content delivery. Because Next Generation TV is a broadcast technology, questions relating to over-the-top or other broadband delivery methods are irrelevant to this proceeding, and the FCC should not include them in the Next Generation TV NPRM.

Similarly, we believe the FCC should not spend time or resources on DISH's suggestion that a license to broadcast Next Generation TV should be conditioned on a station's over-the-air signal reaching the station's entire DMA.<sup>4</sup> The FCC will face numerous repacking challenges after the incentive auction, driven by spectrum constraints in the new broadcast band. Acknowledging this, the FCC has already built into its repacking rules the right to increase any station's interference received up to an additional 0.5 percent.<sup>5</sup> This coverage shrinkage would make expansion of new services areas to entire DMAs improbable, if not impossible. Consequently, the FCC should not further this line of inquiry in the NPRM.

### **III. MVPD carriage concerns are unfounded.**

The Petition states, "Because broadcasters voluntarily electing to move to the new standard will continue to deliver programming streams to MVPDs in the current standard, or under alternative arrangements such as fiber optic feeds, there should be no new operational burdens imposed on MVPDs." Broadcasters implementing Next Generation TV will continue to deliver ATSC 1.0 signals to their respective MVPDs well into the foreseeable future. This is why the Petition does not request the FCC to require MVPDs to carry any Next Generation TV signals.

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<sup>4</sup> See Comments of DISH Network, LLC, GN Docket No. 16-142 (filed on May 26, 2016), pages 2 – 6.

<sup>5</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, GN Docket No. 12-268, para. 119.

Neither does the Petition contemplate any changes to the current must carry or retransmission consent regimes. In fact, we agree with the National Cable and Telecommunications Association's comment that retransmission consent agreements for an ATSC 1.0 signal should not be affected if that signal is moved to another station as part of a Next Generation TV migration.<sup>6</sup>

Despite the Petition's clarity on this point, MVPDs spent pages and pages of comments expressing concerns about mandatory carriage of Next Generation TV signals,<sup>7</sup> some going so far as to invoke First and Fifth Amendment rights.<sup>8</sup> Because we agree with the common theme that the FCC should not require any MVPD to carry any Next Generation TV signal, the FCC should not prolong the NPRM process to address these misconceptions. And it certainly should not substitute an NPRM with an NOI to address them, as was suggested by the American Cable Association,<sup>9</sup> which would delay implementation of Next Generation TV to the detriment of the public interest.

Some MVPDs are seeking to require broadcasters who deliver ATSC 1.0 signals from a shared tower during their Next Generation TV deployment to deliver those ATSC 1.0 signals in high definition.<sup>10</sup> They also seek to require that such tower sharers maintain the same coverage area as before its move to the shared tower.<sup>11</sup> In either case, we remain committed to delivering our signal to our MVPD partners consistent with the requirements we adhere to today. We also believe it is in the public interest, as well as our own interest as broadcasters, to deliver the highest

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<sup>6</sup> See Comments of the National Cable & Telecommunications Association, GN Docket No. 16-142 (filed on May 26, 2016), page 3.

<sup>7</sup> See Comments of the National Cable & Telecommunications Association, DISH Network, LLC, American Cable Association, and AT&T, each filed separately under GN Docket No. 16-142 (each filed on May 26, 2016).

<sup>8</sup> See Comments of American Cable Association, page iv.

<sup>9</sup> *Id.*, pages v, 5, 6 and 9.

<sup>10</sup> See Comments of the National Cable & Telecommunications Association, GN Docket No. 16-142 (filed on May 26, 2016), page 6.

<sup>11</sup> *Id.*

quality signal to our viewers, most of whom will likely remain ATSC 1.0 viewers in the early years of the Next Generation TV deployment. From a regulatory perspective, we believe that any tower sharing or related broadcasts resulting from the Next Generation TV deployment should not be treated differently from stations that are channel sharing as a result of the incentive auction. Imposing more onerous restrictions on stations that are seeking to innovate and advance broadcast technology would be discriminatory and not serve the public interest.

The FCC should also be aware that there is a working group within the ATSC standards body that includes MVPD technical executives (and ATSC members from other industries) that is tasked with exploring interconnection methods for Next Generation TV content and MVPDs, including how, as a technical matter, MVPDs might redistribute Next Generation TV content to their subscribers. Not only are some broadcasters involved in this group, but Sinclair is also committed to work with any MVPD that expresses an interest in exploring the opportunities that Next Generation TV may offer to it, if and whenever it may be ready to do so.

#### **IV. The FCC should not try to manage Next Generation TV deployment.**

The FCC's and broadcasters' interests are aligned in minimizing viewer disruption during the post-auction repack and Next Generation TV deployment. The FCC will clearly be involved in managing the repack, which many believe will need to be planned on a national basis. The deployment of Next Generation TV, however, will not require the same level of FCC involvement. Given the voluntary nature of the implementation, we foresee the timing and extent of Next Generation TV services to vary on a market-by-market basis. What markets begin implementation first, and when that implementation will begin, will depend on a variety of factors, including voluntary private arrangements among broadcasters in each such market, the competitive

landscape for video services in that market, the interest of potential new business partners in offering innovative services, the timing of stations' moves to new frequencies, the needs of viewers particular to that market, and other factors that are not necessarily areas of FCC expertise. Flexibility and creativity will be key to Next Generation TV deployment, and these risk being stifled by centralized administration, however well-intentioned that may be. Because Next Generation TV implementation is voluntary, and not driven by any government mandate or hard deadline, broadcasters should be given the opportunity to implement Next Generation TV in accordance with market-based principles and consumer demand.

**V. It is premature for the FCC to address the sunset of ATSC 1.0 at this time.**

Given the voluntary nature of Next Generation TV adoption, and the uncertainties of the repacking of the television band, we believe it would not be productive for the FCC to consider the sunset of ATSC 1.0 broadcast transmissions at this time. Not only are there simply too many unknowns to make such an exercise meaningful, we also predict that adoption of Next Generation TV will occur over a sufficiently ample amount of time that this inquiry can be addressed many years from now and still serve the public interest at that time. There are too many lessons yet to be learned that could inform such a process. Given how rapidly the video marketplace has transformed over the past years, the FCC should acknowledge that they can't know today what an appropriate sunset plan should look like many years from now and defer this inquiry to a later date.

**VI. Conclusion**

The FCC has before it the opportunity to continue the momentum for Next Generation TV to become a reality. With the appropriate focus, the FCC can issue an NPRM by October 1, 2016 that not only advances broadcast technology into the 21<sup>st</sup> century, but that also takes advantage of

the post-auction repack. In fact, since announcing the incentive auction, one goal that the FCC has consistently stated to be central to a successful auction is a healthier and more robust broadcast industry afterward. The FCC can now demonstrate its commitment to that goal by pacing the Next Generation TV NPRM appropriately with the repack, and by not allowing extraneous issues to slow down, and distract from, this long-awaited innovation for television broadcasting.

Respectfully submitted,

**Sinclair Broadcast Group, Inc.**

/s/ Rebecca Hanson  
Rebecca Hanson  
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June 27, 2016