



September 8, 2017

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 September 6, the undersigned of the National Association of Broadcasters (NAB) met with Commission staff regarding the Commission's proposal to allow voluntary use of the Next Generation TV transmission standard by broadcast television stations. A complete list of Commission staff attending the meeting is attached. During this meeting, I discussed several issues associated with the deployment of Next Gen TV.

A/322

In considering which elements of the Next Gen standard it should adopt in its rules, the Commission's primary consideration should be adopting only those elements necessary to ensure a stable and predictable interference environment. Doing only what is necessary in this regard will encourage innovation and minimize the need for broadcasters to come back to the Commission for subsequent approvals as technology evolves.

To that end, NAB has consistently urged the Commission adopt only the System Discovery and Signaling architecture (ATSC Standard A/321) into its rules. Adopting additional components of the ATSC standard into the FCC's rules could risk stifling innovation and forcing broadcasters to return to the Commission repeatedly for permission to make changes as the standard and associated technology evolves. The Commission can do all it needs to regulate the interference environment, and provide broadcasters with as much flexibility as possible, by using the existing interference parameters set forth in its current rules and by adopting only A/321.

Nevertheless, NAB understands that some commenters believe that there may be some value in adopting the full physical layer of the Next Gen standard, including A/322, to ensure

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that consumer electronics manufacturers can build television receivers with confidence. NAB respectfully submits that the Commission can provide the certainty the consumer electronics industry desires with the flexibility broadcasters seek while minimizing regulatory burdens.

Under the NPRM's proposal, broadcasters electing to deploy Next Gen will continue to be required to transmit at least one free, over the air transmission in standard definition or higher quality. For that transmission, NAB proposes that broadcasters rely on both components of the physical layer, that is, A/321 and A/322.

With respect to any other service broadcasters may choose to deploy using Next Gen, including for example, transmissions intended primarily or exclusively for mobile receivers, the Commission should not specify a requirement to use A/322. Instead, the Commission should seek to minimize regulatory burdens by requiring only that any digital transmissions are randomized and noise like and do not cause harmful interference by staying within the constraints of Section 73.622(h) of the Commission's rules. NAB also proposes that this requirement to incorporate A/322 sunset automatically after a period of three years unless extended by the Commission following a rulemaking proceeding.

Permitting broadcasters to use one iteration of ATSC 3.0 for all purposes would needlessly constrain innovation and limit the benefits the new standard can bring to the marketplace. Other industries in the communications sector routinely introduce innovations while avoiding disruption of their customer base, and they do so without regulatory oversight. Applying a higher standard to the broadcast industry will throttle innovation and risk marginalizing broadcast services.

Simulcasting

Because broadcasters seek a voluntary, market-driven deployment, and because broadcasters are likely to not have additional channels available, it is important that the Commission provide as much flexibility as possible. Broadcasters have strong economic incentives to maintain service to existing viewers. The Commission should rely on these incentives as broadcasters begin to deploy Next Gen TV and allow stations to make choices that best serve their viewers.

One of the key features of Next Gen TV is its flexibility. A station deploying the Next Gen standard could, for example, provide different versions of local newscasts to different areas in its market. The station could provide coverage of different local high school sports teams, or different public affairs programs to different segments of its market. Because Next Gen sets the stage for broadcasters to offer innovative services and interactivity, it could also allow viewers to select among dynamic programming options – for example whether to

continue to watch scheduled programming or to switch to breaking news. Certain features Next Gen may allow, such as the ability to view different camera angles of an event, cannot be replicated using ATSC 1.0.

Accordingly, it is simply infeasible to require broadcasters deploying Next Gen to transmit *identical* content on a partner station's ATSC 1.0 facilities. Instead, the Commission should adopt a flexible requirement that allows stations to demonstrate the capabilities and advantages of Next Gen TV. NAB proposed the following framework for a simulcasting requirement.

A television station licensee choosing to deploy the Next Gen transmission standard should arrange for the simultaneous transmission of television programming comprising its primary video feed on a television station in the same market using the ATSC 1.0 transmission standard.

- For purposes of this requirement, “television programming” should not include advertisements, promotions or content transmitted by means other than a real-time ATSC 3.0 broadcast transmission.
- When a television station licensee using the Next Gen standard elects to transmit multiple versions of programming personalized or targeted to specific geographic or other viewing segments, the licensee may use its discretion in determining which version of the alternative programming constitutes its primary video feed for simulcasting over ATSC 1.0.
- The television programming transmitted using the ATSC 1.0 transmission standard should be substantially similar to the programming transmitted using the Next Gen standard.
 - The Commission should not require television programming to be substantially similar to the extent that the licensee: airs localized emergency warnings or alerts; allows viewer options to switch to alternative content to address, for example, breaking news, features or content that cannot be transmitted using ATSC 1.0; or does not have the right to transmit programming using a particular transmission standard.
 - The Commission should permit licensees transmitting using Next Gen to, from time to time, transmit programming intended to highlight features and capabilities not available using ATSC 1.0 without transmitting substantially similar content on another station.
 - Stations should continue to transmit television programming using the ATSC 1.0 standard until the Commission determines, in a separate proceeding, that it is appropriate to sunset the requirement for simultaneous ATSC 1.0

transmission. The requirement that television programming transmitted using ATSC 1.0 be substantially similar should apply for a period of three years.

The Commission should also consider waivers of this simulcasting requirement in the event broadcasters are unable, after reasonable efforts, to enter into arrangements for simultaneous transmission in their markets, particularly in markets with three or fewer full power stations. Rural markets should not be shut out of innovation solely because they do not have enough broadcast stations to participate in partnership arrangements. Any licensee receiving such a waiver should retain the same carriage rights it would have at its location if it were transmitting using ATSC 1.0, but must arrange for the delivery of its signal to any MVPDs required to carry the station's signal in a format the MVPD is capable of receiving.

Consumer Education

NAB continues to urge the Commission not to adopt specific consumer education requirements associated with the voluntary deployment of this new technology. The Commission does not take this approach with other industries (e.g., moving from 3G to 4G) and there is no reason to impose it here. Broadcasters have every incentive to ensure that viewers are able to continue to receive their signals as they partner with other stations to maintain service. Further, broadcasters subject to repacking as part of the broadcast spectrum incentive auction will be well-versed in what messages and approaches are most effective for educating viewers in the market regarding channel changes.

Low Power Deployment

During the meeting, staff asked if NAB objected to a proposal to allow low power stations to deploy Next Gen TV without arranging for simultaneous transmission of ATSC 1.0 signals on another facility serving the same market. NAB does not object to such a proposal, and believes that low power stations can serve an important role in the deployment of Next Gen TV.

Next Gen TV offers compelling public interest benefits, including stunning video and more immersive audio, as well as the opportunity for revolutionary features that will significantly enhance the viewing experience. It also offers the potential to enhance public safety, improve mobile reception of broadcast over-the-air signals, provide new datacasting opportunities and expand programming opportunities for underserved communities. Because it builds on the Internet Protocol format, Next Gen TV will allow for ubiquitous content availability and will allow broadcasters to adapt to changing viewer demands. In short, Next Generation TV lays out a path for maintaining American leadership in the broadcast industry. NAB appreciates the Commission's ongoing willingness to consider flexible rules for the implementation of the next generation of television programming. We

look forward to working with the Commission and staff on these issues as the Commission continues to move forward expeditiously in this innovative proceeding.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden
Associate General Counsel,
National Association of Broadcasters

cc: Meeting Attendees

Meeting Attendees

Michelle Carey
Martha Heller
Evan Baranoff
Kathy Berthot
Steven Broeckaert
Walter Johnston
Antonio Lavarello
Mark Colombo
Barbara Pavon
Martin Doczkat
Nancy Murphy
Kim Matthews
Evan Morris
David Konczal