Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In the Matter of	)	
	)	
Amendment of Section 73.626 of the	)	GN Docket No. 16-142
Commission's Rules to Facilitate the	)	
Deployment Of Single Frequency Networks	)	
	)	
Joint Petition for Rulemaking	)	

COMMENTS OF NEXSTAR BROADCASTING, INC.

Nexstar Broadcasting, Inc. ("Nexstar") submits these comments in support of the joint petition for rulemaking filed by America's Public Television Stations and the National Association of Broadcasters (together, "Petitioners") proposing a minor change to the FCC's Distributed Transmission System ("DTS") rules that will greatly improve the utility and efficiency of television spectrum.[1]

As the nation's largest television station operator, Nexstar owns, operates, programs, or provides sales and other services to 197 television stations and their related low-power and digital multicast signals reaching 115 television markets in 39 states and the District of Columbia. Nexstar has a long history of providing exceptional local news, sports, and entertainment programming, and is at the forefront of advances in television technology that will allow broadcasters to better serve their local communities.

[1] *See* Joint Petition for Rulemaking submitted by America's Public Television Stations and the National Association of Broadcasters, GN Docket No. 16-142 (filed Oct. 3, 2019), https://www.fcc.gov/ecfs/filing/1003981814754 ("Joint Petition").

I. INTRODUCTION

The Joint Petition recognizes the need for further FCC action to provide broadcasters with the ability to capitalize upon the unique attributes of over-the-air broadcasting to deliver important local news and information and compete in the rapidly evolving video distribution marketplace. The Commission initially demonstrated its commitment to facilitating innovation by broadcasters when it authorized the voluntary deployment of the next generation television broadcast standard known as ATSC 3.0 ("Next Gen TV").[2] However, the Next Gen TV rules adopted by the FCC build upon an existing licensing framework that, while perhaps reasonable for ATSC 1.0 transmissions, needlessly limits the ability of broadcasters to take full advantage of the next generation standard. The Commission should take this opportunity to remove that limitation and provide broadcasters with the flexibility to fully embrace single frequency networks ("SFNs") to expand the delivery of local content and maximize the efficiency of their assigned spectrum.

Nexstar has been a strong supporter and advocate of Next Gen TV. Nexstar is a member of Pearl TV, an organization of U.S. broadcasters committed to innovating in the local television space. Nexstar has also partnered with Sinclair Broadcast Group to create Spectrum Co., a consortium whose goal is to promote innovation and develop new products and services utilizing the ATSC 3.0 standard. Nexstar is a participant in the ATSC 3.0 pilot program in Phoenix, Arizona ("Phoenix Model Market"), which is already demonstrating the promise of Next Gen TV and SFNs. Nexstar fully supports the minor changes proposed in the Joint Petition, which

[2] *See* Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 9930 (2017) ("Next Gen TV Order").

will allow Nexstar and other broadcasters to provide better local service, wider coverage, and more efficient use of spectrum.

II. THE COMMISSION SHOULD AMEND ITS DTS RULES TO PROMOTE LOCALISM AND ALLOW MORE EFFICIENT USE OF SPECTRUM

Although the FCC's DTS rules have served an important role in allowing television stations to improve their digital coverage, the Commission must modernize those rules so broadcasters can achieve the full promise of the next generation television standard. Many television stations use DTS with their ATSC 1.0 transmissions to "serve more of their viewers within their service areas," particularly in areas that suffer from geographic barriers, as the FCC envisioned when it adopted the DTS rules.[3] But the existing DTS rules impose stringent geographic-based restrictions on broadcasters, limiting both the location of DTS transmitters and the aggregate reach of a station's DTS signals, all in the interest of promoting localism.[4] When applied to Next Gen TV, however, these restrictions have the very opposite effect, limiting the ability of television stations to take full advantage of ATSC 3.0's capabilities throughout a station's service area. The restrictions of the past are counter-intuitive in a world with ATSC 3.0. By loosening those restrictions, the Commission can both promote localism and allow broadcasters to make the most efficient use of their assigned spectrum.

A. Amending the DTS rules will promote localism by allowing local TV stations to reach more viewers with ATSC 3.0.

The minor technical changes proposed in the Joint Petition will allow broadcasters like Nexstar to better serve viewers in their markets by strengthening over-the-air signals and ensuring that all viewers in a station's service area have equal access to local news and

[3] Digital Television Distributed Transmission System Technologies, Report and Order, 23 FCC Rcd. 16731, ¶ 1 (2008) ("DTS Order").

[4] *See id.* ¶ 18.

information. Nexstar's extraordinary growth over the past 23 years is grounded in its commitment to providing quality local content and meeting the needs of each individual market. Nexstar is especially focused on producing outstanding local news. Nexstar's stations, which collectively have more journalists than any other news organization in America, produce more than 254,000 hours of locally focused news and content each year. In May of 2019, Nexstar local news operations won twenty-seven regional Edward R. Murrow Awards, including four for overall excellence, two for best newscast, three for breaking news coverage, and two for hard news. Nexstar is optimistic and excited about the promise of ATSC 3.0 to strengthen its ability to serve local viewers.

The Petitioners' proposal to amend the DTS rules will provide greater flexibility for broadcasters to utilize ATSC 3.0 to expand access to important local content. The existing DTS rules that serve as the foundation for ATSC 3.0 SFNs frustrate the ability of broadcasters to fully realize the benefits of localism by discouraging broadcasters from delivering consistent signal quality throughout their service area. This is because the existing rules are based on a "Comparable Area Approach" that only allows stations to build a DTS facility where its noise-limited contour ("NLC") will not exceed the NLC of the main transmitter.[5] When it adopted the existing rules in 2008, the Commission explained in part that it was limiting the reach of stations using DTS to foster localism.[6] But the effect of this approach has been to prevent stations from building DTS operations where they are most needed—where the signal from the primary transmitter begins to diminish. As the Joint Petition points out, the practice of limiting DTS facilities to "unnecessarily weak signals throughout large portions of [stations'] service areas to

[5] *See* DTS Order ¶¶ 17–18.

[6] *See id.* at ¶18.

match the correspondingly weak signals of single-transmitter facilities in the outer portions of their service areas" is a "lowest-common denominator approach,"[7] which works to the detriment of viewers located in those outer areas. As such, it does not allow stations to serve those viewers to the same extent they serve the viewers located in more central parts of their service areas.

Under the amended rules that Petitioners propose, stations could improve their signal coverage throughout their coverage area. Far from detracting from localism, this would strengthen the ability of broadcasters to provide high-quality service, including vital local news, weather and information, to all of the communities they serve, which would better serve the public interest. This proposal would ensure that the innovations and improved services resulting from the implementation of ATSC 3.0 can benefit all viewers. And the benefits of this approach extend beyond just video services. For example, participants in the Phoenix Model Market plan to experiment with the use of ATSC 3.0 technology for connected transportation, not only delivering entertainment content to the backseats of cars, but allowing the wireless downloading of vital software updates and the transmission of critical traffic information.[8] ATSC 3.0 has the potential to be an integral part of the increasingly connected Internet of Things ("IoT"), which makes it crucial that coverage be as comprehensive as possible. Nexstar looks forward to leveraging this technology in combination with the improved coverage SFNs will offer to further improve upon its award-winning critical local news coverage and services.

B. Amending the DTS rules will allow stations to better use their spectrum.

[7] Joint Petition at 10.

[8] *See* Phil Kurz, *Avis Budget Group, Pearl TV To Launch In-Car 3.0 Phoenix Trial in Early 2019*, TV TECHNOLOGY (Oct. 16, 2018), https://www.tvtechnology.com/atsc3/avis-budget-group-pearl-tv-to-launch-in-car-3-0-phoenix-trial-in-early-2019.

In addition to the localism benefits that more flexible SFN rules offer, the Petitioners' proposal will also allow for the most efficient use of increasingly scarce broadcast spectrum. Due to the restrictions of the existing DTS rules, Nexstar and other broadcasters are currently forced to resort to the use of translators, which occupy an entirely different RF channel, to reach viewers on the outskirts of their service area. This is not an efficient use of spectrum. As the Commission acknowledged when it first authorized use of DTS technology in 2008, a major benefit of DTS is freeing up spectrum that would otherwise be used by translators.[9] This benefit is particularly relevant today, as the television station repack nears completion and existing stations are confined to a substantially reduced band of spectrum.

ATSC 3.0 removes one of the barriers to DTS deployment by allowing for a simpler and more cost-effective design for SFNs. This, however, may not be enough to justify a transition from translators to DTS/SFN given the geographic restrictions of the existing DTS rules. By expanding potential DTS contours and allowing the placement of DTS transmitters near the edge of those contours, as the Joint Petition suggests, broadcasters will have more incentive to use spectrum-efficient SFNs rather than potentially unwieldy translator networks.

Importantly, the Joint Petition would improve the ability of broadcasters to expand their signal strength without imposing any new interference on other stations. Under the Joint Petition, "a DTS transmitter's NLC may exceed the reference facility's NLC but, for UHF [ultra high frequency] stations, the DTS transmitter's 36 dBu F(50,10) 'interference' contour may not exceed the reference facility's 36 dBu F(50,10) contour."[10] Accordingly, the proposed rules would allow the more efficient and effective deployment of SFNs closer to where a station's

[9] *See* DTS Order at ¶ 6.

[10] Joint Petition at 8.

signal is currently weakest or where translators are preventing efficient use of spectrum without creating any danger of interference with stations in adjacent markets.[11] Such an amendment to the DTS rules would allow Nexstar and others like it to have significantly more flexibility in how they deploy their networks to best serve viewers, maximizing localism and efficiency of spectrum use.

III. CONCLUSION

For the foregoing reasons, Nexstar supports the proposal in the Joint Petition. The Commission should promptly issue a Notice of Proposed Rulemaking on the Joint Petition to amend its DTS rules and allow for broadcasters and local markets to take advantage of efficient spectrum usage and innovative local service.

Respectfully submitted,

By: /s/ Elizabeth Ryder /s/
Elizabeth Ryder
Executive Vice President & General Counsel
Christine Reilly
Associate Counsel

Nexstar Broadcasting, Inc.
545 E. John Carpenter Freeway
Suite 700
Irving, TX 75062

November 12, 2019

[11] *See id.* at 9; *see also* 47 CFR § 73.626(f)(5).