

November 13, 2017

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

Re: GN Docket No. 16-142; MM Docket Nos. 14-50, 09-182, 07-294, 04-256

Dear Ms. Dortch:

On November 8, 2017, Michael Powell, President & CEO, of NCTA - The Internet & Television Association, spoke separately by telephone with Federal Communications Commission Chairman Ajit Pai and with Commissioner Michael O’Rielly.

Mr. Powell discussed the need for the Commission to ensure that the broadcasters’ voluntary roll-out of ATSC 3.0 does not disrupt consumers or impose costs and burdens on cable operators and their customers. In particular, he reiterated NCTA’s position that the Commission should require robust simulcasting requirements during the transition period, including a requirement that the broadcaster’s ATSC 1.0 signal continue to be transmitted in the same format as before the transmission of the companion ATSC 3.0 signal. Consumers should not be required to purchase new TV sets to continue watching HD and other high-quality programming that they enjoy today. He also asserted that the simulcasting requirements should be maintained until the Commission affirmatively determines in a future proceeding that they should be lifted.

In addition, given the substantial complexity and costs for MVPDs to carry ATSC 3.0 signals (costs ultimately borne by consumers), the Commission should make clear that it will scrutinize efforts by broadcasters to obtain premature carriage of ATSC 3.0 by unreasonably withholding access to ATSC 1.0 signals.

With respect to local media ownership, Mr. Powell raised concerns about any revision of the duopoly rule that would permit joint retransmission consent negotiations by two “top-four” commonly-owned stations in the same market. He noted NCTA’s prior advocacy opposing joint retransmission consent negotiations and the Commission’s previous finding that joint negotiations by top-four stations were anticompetitive and harmful to consumers.¹ There is

¹ See *Amendment of the Commission's Rules Related to Retransmission Consent*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 3351 (2014).

nothing in the current record that would permit the Commission to essentially overturn that finding.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

cc: Commissioner O’Rielly
Chairman Pai