

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Joint Petition for Rulemaking)
Of America’s Public Television Stations,)
the AWARN Alliance, the Consumer)
Technology Association, and the National) GN Docket No. 16-142
Association of Broadcasters Seeking to)
Authorize Permissive Use of the “Next)
Generation TV” Broadcast Television Standard)
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COMMENTS OF GRAY TELEVISION, INC.

Gray Television, Inc. (“Gray”) hereby submits its comments in support of the *Joint Petition for Rulemaking* (“Joint Petition”) filed by America’s Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters (“Petitioners”) seeking to authorize permissive use of the “Next Generation TV” broadcast television standard, known as ATSC 3.0.¹ Gray owns and/or operates over 90 full-power, Class A and low power television stations that broadcast roughly 180 distinct program streams in 50 markets across the country. Gray encourages the Commission to act quickly to adopt rules for, and authorize the voluntary use of, ATSC 3.0 so that broadcasters may plan for and implement this technology simultaneously with the modification of their transmission facilities during the post-auction repacking process.

¹ The Media Bureau released the Joint Petition for public comment on April 26, 2016, *See* Public Notice, GN Docket No. 16-142, DA 16-451 (rel. April 26, 2016).

I. THE TV MARKETPLACE DEMANDS NEXT GENERATION SERVICES

ATSC 3.0 offers the advanced services viewers demand—superior video, impressive audio, a robust mobile platform, enhanced emergency alerts and a customizable viewer experience. Gray is an industry leader in deploying advanced technology to better serve its viewers. All of Gray’s CBS affiliated stations (ranging from Knoxville, Tennessee to North Platte, Nebraska) offer CBS All Access—a television streaming service that offers on demand programs and *local* live TV. Its stations provide a robust digital set of products ranging from responsive-design websites to market-leading mobile apps, including Apple Watch apps that feature local station content. Gray has proven its willingness to innovate and test new services by actively exploring and testing mobile DTV and online simulcasting of station content on the Syncbak over-the-top platform. The enhanced capabilities of ATSC 3.0 will allow Gray stations to further expand their services to meet the news and entertainment demands of its viewers.

II. THE COMMISSION SHOULD GRANT STATIONS MAXIMUM FLEXIBILITY TO SECURE LOCAL SIMULCAST RIGHTS

Gray supports the Joint Petitioners’ proposal to make the implementation of ATSC 3.0 completely voluntary. Likewise, to ensure this gradual transition is not disruptive for viewers, Gray supports the proposal to have ATSC 3.0 stations simulcast on a broadcast station that is using the current standard and serves a substantially similar community of license.²

Because the needs of each market are different; stations should have flexibility to determine how they individually pursue the transition to ATSC 3.0 while collectively ensuring ATSC 1.0 service to the public. Therefore, Gray encourages the Commission to give

² Joint Petition at 17.

broadcasters maximum flexibility to negotiate simulcast agreements that makes sense for that market, those viewers and the stations providing the broadcast service.

Specifically, the Commission should not propose rules that mandate reciprocal simulcast agreements. The Joint Petition proposes that a “host” ATSC 1.0 broadcaster’s signal would be “carried reciprocally as a programming stream on one of the stations deploying” ATSC 3.0.³ Gray respectfully suggests that while that reciprocity should be *allowed*, it must not be required. In some markets, the host may not desire to have their signal simulcast or there may be a better use of 3.0-enabled spectrum than simulcasting another station’s programming. This is a contractual matter to be negotiated between the stations.

Likewise, the Commission should broadly grant authority for full power, low power and Class A stations to serve as the ATSC 1.0 “host” station. In certain markets Class A television stations and low power television stations may be better positioned than a full power broadcaster to serve as the “host.” The broadcast landscape is in a state of transition. No one knows which stations will remain in a given market following the historic incentive auction. To preserve the ability for the remaining broadcasters to innovate and adapt, the Commission must allow an ATSC 3.0 station to partner with one or more full power, Class A or LPTV stations serving substantially the same community of license to “host” their ATSC 1.0 signal. Gray encourages the Commission to make the appropriate conforming changes to the Class A and LPTV rules to allow this use.

³ Joint Petition at 18.

Gray is excited about the potential of ATSC 3.0 and encourages the Commission to adopt rules that give broadcasters maximum flexibility to implement the new standard while continuing to serve the public interest.

III. DEPLOYMENT OF ATSC 3.0 SIMULTANEOUSLY WITH THE REPACK IS CRUCIAL TO REDUCE VIEWER DISRUPTION

Broadcasters are at a crossroads. The incentive auction will change their operating landscape forever. Stations that remain following the incentive auction face exciting possibilities, but they must be nimble to meet the demands of their viewers. Gray exhorts the Commission to move quickly to adopt rules that authorize the use of ATSC 3.0. Gray and many other broadcasters are eager to explore the possibilities ATSC 3.0 offers for their viewers—opportunities for bigger, better and customizable news and entertainment options.

After the incentive auction, stations will be rushing to modify their facilities as part of the require repack process, this will be a crucial window for stations that intend to embrace ATSC 3.0. Delayed authorization to deploy ATSC 3.0 may leave the post-auction investments made by these stations stranded. Gray encourages the Commission to authorize ATSC 3.0 to give these stations the opportunity to deploy Next Generation TV simultaneously with the construction of their post-auction facilities.

Unlike the initial transition to digital broadcasting, the authorization of ATSC 3.0 does not require a transformative regulatory process. This standard can be authorized and implemented on a fast-track process as it requires only minimal rule changes.

IV. CONCLUSION

Viewers will benefit from the advanced services and features possible with ATSC 3.0. Gray encourages the Commission to allow broadcasters to embrace the future by quickly adopting rules for, and authorizing the voluntary use of, ATSC 3.0.

Respectfully submitted,

GRAY TELEVISION, INC.

/s/

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