

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Authorization of Next Generation TV for)	
Permissive Use as a Television Standard)	GN Docket No. 16-142
)	
Joint Petition for Rulemaking)	

COMMENTS OF AT&T

AT&T Services, Inc.¹ submits the following comments in response to a joint petition for rulemaking filed by the National Association of Broadcasters, America’s Public Television Stations, Consumer Technology Association, and AWARN Alliance.² Petitioners ask the Commission to adopt rules that would enable broadcasters to implement on a voluntary basis a new transmission standard referred to as “ATSC 3.0”³ or the “Next Generation TV” transmission standard.⁴ Next Generation TV will, among other things, support an enhanced television viewing experience. In order to implement this voluntary phase-in, a broadcaster that elects to deploy the new standard (Broadcaster A) will arrange with another broadcaster (Broadcaster B)

¹ AT&T Services, Inc. is filing these comments on behalf of its affiliates that are multichannel video programming distributors (“MVPDs”), including DIRECTV (collectively, “AT&T”).

² *Authorization of Next Generation TV for Permissive Use as a Television Standard*, Joint Petition for Rulemaking filed by America’s Public Television Stations, AWARN Alliance, Consumer Technology Association, National Association of Broadcasters, GN 16-142 (filed April 26, 2016) (“Petition”).

³ “ATSC” is the Advanced Television Systems Committee, Inc., an international, non-profit organization that develops voluntary standards for digital television. See <http://atsc.org/>.

⁴ Petition at 1 (asking the Commission to “amend its rules to allow broadcasters to use the signaling portion of the physical layer of the new ATSC 3.0 (‘Next Generation TV’) broadcast standard, while they continue to deliver current-generation DTV broadcast service to their communities.”). This physical layer is referred to as “A/321” and is mentioned throughout the Petition and proposed rules. For simplicity’s sake, we will refer to “A/321 transmissions” as “Next Generation TV transmissions” in these comments.

to “host” Broadcaster A’s Next Generation TV station on one of Broadcaster B’s DTV subchannels.⁵ Petitioners describe this local simulcasting arrangement as the “core” of their plan for the “voluntary, market-driven implementation of ATSC 3.0. . . .”⁶

As a purely voluntary proposal, Petitioners explain that consumers will not be required to purchase new equipment that is compatible with the Next Generation TV standard.⁷ Instead, “broadcasters, consumers and the market will determine the pace of deployment.”⁸ Petitioners also state that “there should be no new operational burdens imposed on MVPDs” as a result of this proposal because broadcasters that elect to deploy this new standard “will continue to deliver programming streams to MVPDs in the current standard, or under alternative arrangements such as fiber optic feeds.”⁹ Petitioners repeated this statement last week in an *ex parte* filing (“[t]he approval of a new transmission standard need not impose new burdens on MVPDs”), explaining that the reason why MVPDs should not experience any burden if the Commission adopts Petitioners’ proposal is because “[MVPDs] will be under no obligation to carry Next Generation signals.”¹⁰

AT&T and its affiliates have a rich history of innovation. And we welcome innovation by other parties, particularly when consumers are the beneficiaries. For that reason, AT&T is

⁵ *Id.* at 17-18 (explaining that this hosting arrangement will be “temporary”). The current standard, DTV, is also known as ATSC 1.0.

⁶ *Id.* at 17.

⁷ *Id.* at iii (explaining that Next Generation TV is not backward compatible with existing television receivers).

⁸ *Id.* at 3.

⁹ *Id.* at 18.

¹⁰ Letter from Rick Kaplan, NAB, to Marlene Dortch, FCC, GN 16-142, at 2 (filed May 16, 2016).

supportive of giving broadcasters an opportunity to deploy Next Generation TV signals if they choose. However, that deployment should not impose costs on MVPDs. For Petitioners' "no new burdens on MPVDs" statements to have any meaning, Petitioners should clarify several things in their reply comments. First, we ask Petitioners to clarify that if a broadcaster elects to "shift[] ATSC 1.0 signals to another facility"¹¹ so that it may broadcast a Next Generation TV signal on the channel currently broadcasting in the DTV standard, the broadcaster will reimburse the MVPD for costs the MVPD incurs as a result of this shift. Alternatively, broadcasters could provide MVPDs with a fiber feed of their signal. This would ensure that if the broadcaster moves its ATSC 1.0 signal currently broadcasting in high definition ("HD") to another channel broadcasting in standard definition ("SD"), MVPD subscribers would continue to receive the HD service they have come to expect. In addition, it is essential that a broadcaster provide affected MVPDs with sufficient notice of a Next Generation TV-caused change to its channels and commit to adhering to a mutually agreeable schedule to implement such a change to avoid consumer disruption. This cooperation is critical because some MVPDs may have to coordinate such channel changes nationwide.

Second, to make clear that Petitioners did not intend to propose requiring MVPDs to carry Next Generation TV stations (as they indicated in last week's *ex parte* letter), we ask Petitioners to correct their proposed rules. Petitioners' proposed rules 76.56(g) and 76.66(g)(4) *require* carriage of a broadcaster's Next Generation TV signal after a mere sixty days of the broadcaster giving a cable or satellite carrier notice that it has initiated Next Generation TV

¹¹ Petition, Attach. C (proposed new rules 47 C.F.R. §§ 76.56(g), 76.66(g)(4)).

signals.¹² As the Commission has repeatedly recognized, direct broadcast satellite (“DBS”) providers have limited satellite capacity for local service.¹³ As we understand it, the bandwidth required to carry one ATSC 3.0 channel could take up much more bandwidth than a current HD channel, which could put DIRECTV’s compliance with the “carry one, carry all” rules at risk.¹⁴ Furthermore, if the broadcaster only provides a SD signal in the current standard, the Commission should clarify that if a DBS provider carries the broadcaster’s SD channel instead of the ATSC 3.0 channel, the DBS provider is not in violation of the Commission’s HD carry-one, carry-all rule if it retransmits other broadcasters’ channels in HD in the same market.

Another concern AT&T has if the Commission mandates carriage of a broadcaster’s ATSC 3.0 signal relates to the uncertainty around new equipment that a MVPD will need in order to retransmit an ATSC 3.0 signal and the costs of such equipment. Because numerous components of the ATSC 3.0 are still “Candidate Standards” and have not been ratified, there are no decoders, down converters or transcoders in production that AT&T could test (let alone purchase) to verify compatibility with its DIRECTV and U-verse platforms. Additionally, it is

¹² *Id.*, Attach. C (Proposed rule § 76.66(g)(4): “A satellite carrier shall not be obligated to carry a new A/321 transmission of a station such satellite carrier retransmits pursuant to such station’s mandatory carriage rights *until* sixty days after station gives notice of initiation of A/321 transmissions.”) (Emphasis added). Petitioners propose an identical mandatory Next Generation TV carriage obligation on cable providers, too. *See id.* at section 76.56(g). We believe that the inclusion of “satellite carriers” in this latter proposed rule is a simple drafting error.

¹³ *See, e.g., Amendment to the Commission’s Rules Concerning Market Modification; Implementation of Section 102 of the STELA Reauthorization Act of 2014*, MB Docket No. 15-71, Report and Order, FCC 15-111, ¶ 32 & n.178 (2015) (noting that most of DIRECTV’s spot beams, which it uses to retransmit local broadcast stations, are full); *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission’s Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues*, CS Docket No. 00-96, CSR-5978-M, Second Report and Order, Memorandum Opinion and Order, and Second Further Notice of Proposed Rulemaking, FCC 08-86, ¶¶ 7-14 (2008) (“*HD Carry-One, Carry-All Order*”) (detailing satellite carriers’ capacity and technological constraints and finding that such constraints justify phasing in the so-called HD carry-one, carry-all requirement for DBS providers).

¹⁴ *See HD Carry-One, Carry-All Order*, ¶ 8.

our understanding that numerous ATSC 3.0-related standards must still be developed and approved, making it nearly impossible to predict the architecture of any platform that AT&T will need to support ATSC 3.0. For these reasons, the Commission should not mandate that MVPDs carry broadcasters' ATSC 3.0 channels.

AT&T looks forward to continuing the dialogue on broadcaster implementation of the Next Generation TV transmission standard and working with the broadcaster community to ensure that there will be no customer disruption or degradation in service as well as no new burdens on MVPDs a result of broadcasters implementing this new standard.

Respectfully Submitted,

/s/ Cathy Carpino

Cathy Carpino

Gary L. Phillips

David Lawson

AT&T Services, Inc.

1120 20th Street NW

Suite 1000

Washington, D.C. 20036

(202) 457-3046 – phone

(202) 457-3073 – facsimile

May 26, 2016

Its Attorneys