

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)
)
Authorization of Next Generation TV) GN Docket No. 16-142
For Permissive Use as a Television Standard)
)

To: The Secretary

COMMENTS

Entravision Communications Corporation ("Entravision"), the parent of the licensee of Spanish-language broadcast television stations, by its attorneys, hereby submits these Comments in response to the Public Notice¹ issued by the Federal Communications Commission (the "Commission") concerning the ATSC 3.0 television standard ("Next Generation TV").² Entravision believes Next Generation TV represents an industry-transforming opportunity to pair valuable local content with the latest communications technology in order to meet the changing needs and interests of consumers in this mobile video age, while remaining faithful to broadcast television's unique public interest mission, as expressed in Section 307 of the Communications Act,

¹ See *Media Bureau Seeks Comment on Joint Petition for Rulemaking of America's Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters Seeking to Authorize Permissive Use of the "Next Generation TV" Broadcast Television Standard*, GN Docket No. 16-142, Public Notice, DA 16-451 (rel. April 26, 2016) ("Notice").

² The term "Next Generation TV" is used herein as shorthand for the signaling portion of the physical layer of the new ATSC 3.0 broadcast standard. ATSC is the acronym of the Advanced Television Systems Committee, the international, non-profit organization developing voluntary standards for digital television.

of serving the “public convenience, interest or necessity,” through the distribution of stations “among the several states and communities.” Accordingly, Entravision urges the Commission to take the requisite actions necessary so that the Next Generation TV broadcast standard is effective as expeditiously as possible. In support thereof, Entravision states as follows.

In a recent Joint Petition for Rulemaking,³ Petitioners asked the Commission to authorize the Next Generation TV broadcast standard and specified the minor Commission Rule changes that would be necessary to achieve such a result.⁴ Entravision fully supports the proposals set forth in the Petition, including the Rule changes identified therein. Significantly, Petitioners proposed a voluntary, broadcaster-by-broadcaster adoption of the new standard rather than an industry-wide mandate requiring Commission design and direction. Allowing the Next Generation TV rollout to proceed through individual, market-based decisions will maximize broadcaster choice and flexibility while minimizing regulatory costs and burdens.⁵ Also, Petitioners propose

³ Joint Petition for Rulemaking (“Petition”) filed by America’s Public Television Stations (“APTS”), the AWARN Alliance (“AWARN”), the Consumer Technology Association (“CTA”) and the National Association of Broadcasters (“NAB”) (APTS, AWARN, CTA and NAB collectively “Petitioners”).

⁴ Petitioners request that the Commission: (i) approve the Next Generation TV transmission standard as an optional new broadcast television standard by adding a new subsection with the requisite authorization to Section 73.682 of the Commission’s Rules; (ii) permit local simulcasting by clarifying that a licensee may satisfy the requirement to broadcast one free-to-air DTV signal, set forth in Section 73.624(b) of the Commission’s Rules, by arranging for the simulcast of that signal in the current DTV standard on another broadcast facility serving a substantially similar community of license; and (iii) specify that Next Generation TV is “television broadcasting” in parity with the current DTV standard and that a Next Generation TV station is a “television station” for purposes of the Commission’s Rules, and conform Section 73, 74 and 76 of the Rules accordingly. See Petition at iv, 16-18, and Attachment C.

⁵ The Commission will not need to consider new interference constraints or requirements as Next Generation TV transmissions will occur within broadcasters’

introducing new Next Generation TV broadcasts alongside current DTV broadcasts rather than in place of them.⁶ The availability of concurrent Next Generation TV and DTV signals will avoid disruptions in broadcast television service and consumer equipment markets, allowing broadcasters, consumer electronics manufacturers and consumers to embrace Next Generation TV in keeping with market forces rather than deadlines and objectives that may be difficult to achieve. As the Petition demonstrated, a voluntary, market-driven rollout of Next Generation TV promises considerable upside for television broadcasters and viewers along with little disruption to existing broadcast transmission services.

In the 1960s, with broadcast television on top of the communications world, Marshall McLuhan wrote, “our ‘Age of Anxiety’ is, in great part, the result of trying to do today’s job with yesterday’s tools – with yesterday’s concepts.”⁷ A half-century later, McLuhan’s words aptly describe the recent struggles of the broadcast industry. With communications companies and consumers flocking to mobile, handheld devices and Internet Protocol (“IP”) services, broadcasters have struggled to keep pace. Next Generation TV offers broadcasters the unprecedented opportunity to regain their footing in the new mobile, IP-based world by enabling broadcasters to provide the public with

existing 6 MHz channels. Next Generation TV will require no new or modified spectrum allocations. *See* Petition at iii.

⁶ Petitioners propose allowing stations that deploy Next Generation TV to broadcast at least one free-to-air Next Generation TV signal while arranging for the simulcast of that signal in the current DTV standard on another local broadcast station. Under this approach, a host DTV station would carry the programming of a Next Generation TV station on one of its DTV subchannels, while the host DTV station’s programming would be carried reciprocally as a programming stream on a Next Generation TV station. *See* Petition at 17-18.

⁷ *The Medium is the Message*, Marshall McLuhan, Bantam Books, 1967.

IP-compatible local content on the same free over-the-air basis as conventional broadcast television has long provided.

The many advanced features promised by Next Generation TV, as reported by Petitioners and others, include, but may well expand on:

- 4K ultra-high definition (“UHD”) programming, higher frame rates, wider color gamut, high-dynamic range (“HDR”) video (to dramatically expand contrast), multiple viewing/screen capabilities and small indoor antennas;⁸
- immersive audio (with accurate sound localization and customizable sound mixes);⁹
- emergency alert advances, including “wake up” functionality to process emergency alert information even when a receiver is powered off, geo-targeting to tailor alerts for specific geographic communities, and enhanced datacasting for law enforcement and first responder and emergency management organizations);¹⁰
- expanded datacasting capabilities that will create new broadband pipelines into homes for distribution of large video and other digital files to consumers;¹¹ and

⁸ See Petition at 4-6; *Why ATSC 3.0 Is Going to Revolutionize Free, Over-The-Air TV*, Andrew Dodson, Cut Cable Today (December 11, 2015) (<http://www.cutcabletoday.com/atsc-3-0-going-revolutionize-free-air-tv/>) (last visited May 19, 2016) (“Dodson”); *ATSC 3.0: What You Need To Know About The Future Of Broadcast Television*, Geoffrey Morrison, CNET (May 11, 2016) (<http://www.cnet.com/news/atsc-3-0-what-you-need-to-know-about-the-future-of-broadcast-television/>) (last visited May 19, 2016) (“Morrison”).

⁹ See Petition at 4-5; Morrison.

¹⁰ See Petition at 5.

¹¹ *Id.* at iii.

- integration with IP services, increased viewer personalization and interactivity capabilities; along with superior mobile broadcasting opportunities due to dramatically improved over-the-air transmission capabilities.¹²

The shifting media landscape, in which traditional content providers and delivery systems vie daily against new, independent content sources available by wireless transmission on laptop computer and handheld mobile devices, underscores the timely promise of the Next Generation TV standard for broadcast television. As more consumers cut the cable cord, broadcasters, who long found that their viewing was to a high degree on services offered by multichannel video programming distributors, are now finding increasing numbers of viewers are relying on over-the-air broadcasts in whole or in part to receive broadcast television programming. A 2015 *Los Angeles Times* article reported a net gain of one million viewers depending solely on over-the-air reception for their television viewing.¹³ The same article reported that 11% of the US population depended solely on over-the-air broadcasting, even after the digital conversion.¹⁴

These numbers are much higher for viewers of Spanish-language and other specialty broadcast services, as Entravision well knows. According to the NAB, 26.3% of Hispanic households rely on over-the-air television, a percentage that increases to 42.3% in homes where Spanish is the dominant language of choice, and “[m]any high-density Hispanic Designated Market Areas (DMAs) depend exclusively on over-the-air

¹² See Petition at 5-6; Dodson; Morrison.

¹³ *Cable Companies Are Scrambling As More Viewers Become Cord-Cutters*, Stephen Battaglio, *Los Angeles Times* (May, 7, 2015) (<http://www.latimes.com/entertainment/envelope/cotown/la-et-ct-cable-companies-cord-cutters-20150507-story.html>) (last visited May 19, 2016).

¹⁴ *Id.*

broadcasting, dramatically outpacing other population groups' reliance on broadcast-only television."¹⁵ In some markets in the Southwestern and Western United States, the majority of broadcast-only television homes are Latino.¹⁶

At the same time, Latinos are a leading cohort among mobile video consumers and consumers dependent upon smart phones for Internet access. According to Nielsen's Total Audience Report, Latinos in this country consume mobile video at a rate twice the national average and 35% more than the next highest minority group.¹⁷ And as reported in a recent Pew Research Center Study, Hispanic Americans lead Caucasians and African Americans in smartphone dependency for internet access, with 23% of Hispanic households reporting smartphones as their home's only broadband internet source.¹⁸ Spanish-language viewers, therefore, stand to gain even more than the population at large from Next Generation TV, and broadcasters offering Spanish-language programming, such as Entravision, have a compelling interest in promoting the standard and seeing Next Generation TV succeed.

¹⁵ See Broadcast Television and Radio in Hispanic Communities, National Association of Broadcasters, February 2016 (http://www.nab.org/mpres/BroadcastTVandRadio-HispanicCommunities_NAB.pdf) (last visited May 19, 2016).

¹⁶ *Id.* Entravision serves such DMAs as Laredo and Harlingen-Weslaco-Brownsville-McAllen, where Latinos are predominately over-the-air viewers owing to a combination of the cost of cable or satellite services and the fact that there are a multiplicity of Spanish-language television services, originating both in this country and Mexico, available over-the-air.

¹⁷ <http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2015-reports/total-audience-report-q1-2015.pdf> (last visited May 19, 2016).

¹⁸ Pew's "Home Broadband" Study, December, 2015, at http://www.pewinternet.org/2015/12/21/home-broadband-2015/pi-2015-10-21_broadband2015-17/ (last visited May 19, 2016).

By offering greater continuity and overlap between over-the-air broadcasts, IP-based services and content and mobile, handheld devices, Next Generation TV will ensure that localism – broadcast television’s defining principle and feature – has a home and a place to flourish in the new media environment. The vast promise of Next Generation TV – from UHD programming, HDR video, geo-targeting and new data pipes into the home to full integration with IP-based services and content and dramatically enhanced mobility to enhanced emergency alert and datacasting capabilities for law enforcement and public service entities – demonstrates that the Commission’s taking of such actions necessary to allow the implementation of the ATSC 3.0 television standard will provide viewers, their communities, and broadcasters with an enhanced broadcast service that truly serves the public interest.

In sum, Entravision Communications Corporation urges the Commission to authorize permissive use of the ATSC 3.0 Next Generation TV broadcast television standard as expeditiously as possible.

Respectfully submitted,

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