



PUBLIC NOTICE

Federal Communications Commission
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DA 25-314
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**MEDIA BUREAU SEEKS COMMENT ON PETITION FOR RULEMAKING AND FUTURE OF
TELEVISION INITIATIVE REPORT FILED BY THE NATIONAL ASSOCIATION OF
BROADCASTERS TO FACILITATE BROADCASTERS' TRANSITION TO NEXTGEN TV**

MB Docket No. 16-142

Comments Due: May 7, 2025

Reply Comments Due: June 6, 2025

1. By this Public Notice the Media Bureau seeks comment on the Petition for Rulemaking (Petition)¹ filed by the National Association of Broadcasters (NAB) asking the Commission to “establish a clear timeline to complete the transition” to ATSC 3.0 (NextGen TV).² We also seek comment on the report submitted by NAB summarizing efforts undertaken as part of the Future of Television Initiative (FOTVI).³ NAB contends that “decisive and immediate action” is required to complete the transition and that “[r]eaching the finish line requires industry-wide coordination and engagement—something individual broadcasters cannot do alone.”⁴

2. *Petition.* On February 26, 2025 NAB filed in the docket a Petition seeking rulemaking for a broadcast television transition to ATSC 3.0.⁵ NAB proposes that the Commission mandate a two-phased transition deadline. In the first phase of the NAB proposal, full-power stations in the top 55 markets (reaching about 70 percent of viewers) would be required to transition fully to ATSC 3.0 (*i.e.*, end ATSC 1.0 simulcasting) in February 2028, with limited waivers for smaller and noncommercial

¹ The Petition is available electronically through the Commission’s Electronic Comment Filing System (ECFS) under the above-referenced docket number, which may be accessed on the Commission’s Internet website at <https://www.fcc.gov/ecfs>.

² Petition for Rulemaking of the National Association of Broadcasters, GN Docket No. 16-142 (filed Feb. 26, 2025) at 1 (Petition). ATSC 3.0, sometimes called “Next Gen TV,” is the new digital TV transmission standard being broadcast by many stations across the country alongside their standard digital TV signals. This Internet Protocol-based standard was developed by the Advanced Television Systems Committee (ATSC) with the intent to eventually replace the current digital television standard, ATSC 1.0. It “merges the capabilities of over-the-air broadcasting with the broadband viewing and information delivery methods of the Internet, using the same 6 MHz channels presently allocated for DTV service.” *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, 9931, para. 1 (2017) (*Next Gen TV Report and Order*).

³ See Letter from Rick Kaplan, Chief Legal Officer and Executive Vice President, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-142 (dated Jan. 17, 2025) (*NAB Letter*) and attached Future of Television Initiative (FOTVI) Report (*FOTVI Report*).

⁴ Petition at 1.

⁵ See *supra* note 2.

stations if necessary.⁶ In the second phase of the NAB proposal, stations in the remaining markets would be required to transition fully to ATSC 3.0 in February 2030.⁷

3. NAB also proposes that the Commission impose an ATSC 3.0 tuner mandate to “ensur[e that] consumers who buy new TVs can continue receiving broadcast programming.”⁸ Specifically, NAB asks the Commission to amend section 15.117 of its rules to require that all TV broadcast receivers include 3.0 tuners, pursuant to the Commission’s authority under the 1962 All Channel Receiver Act (ACRA).⁹ According to NAB, “[b]roadcasters would support removing the requirement to include an ATSC 1.0 tuner after the date at which all full-power and class A broadcasters cease transmitting in ATSC 1.0.”¹⁰ NAB also requests that the Commission re-examine what it means to “adequately receive” television channels,¹¹ as well as “consider adopting a requirement that television receivers make broadcast services available to a consumer in the same or fewer steps needed to access any other video content on the same device.”¹²

4. In addition, NAB asks the Commission to consider whether updates to the MVPD carriage rules are necessary. NAB indicates that some rules, particularly those related to must-carry signals, may need to be revised, such as the “good quality signal” rule.¹³ Further, NAB asks the Commission to clarify and/or update certain rules to accelerate deployment.¹⁴ NAB argues that the Commission should relax the 95 percent coverage requirement for expedited application processing and clarify that this coverage requirement should not apply to multicast streams. NAB also urges the Commission to act now to eliminate the “substantially similar” requirement.¹⁵ Finally, NAB suggests that the Commission should update the incorporations by reference in the rules to the current versions of the ATSC 3.0 standards, ATSC A/321 and ATSC A/322.¹⁶ We seek comment on these and other requests made in NAB’s Petition.

⁶ *Id.* at 3.

⁷ *Id.* at 3.

⁸ *Id.* at 3.

⁹ *Id.* at 18. Section 15.117(b), the rule implementing the Commission’s authority under the 1962 All Channel Receiver Act (ACRA), states that “TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.” 47 CFR § 15.117(b). The term “TV broadcast receivers” includes “devices, such as TV interface devices and set-top devices that are intended to provide audio-video signals to a video monitor, that incorporate the tuner portion of a TV broadcast receiver and that are equipped with an antenna or antenna terminals that can be used for off-the-air reception of TV broadcast signals, as authorized under part 73 of this chapter.” *Id.* § 15.117(a).

¹⁰ Petition at 18.

¹¹ *Id.* at 19.

¹² *Id.* at 19-20 (“For example, if there is a button on the remote to access online services, there should be a button on the remote to access broadcast television. If there is a menu in the user interface that displays content sources, broadcast should be, by default, placed among the first page of content sources.”).

¹³ *Id.* at 21. See 47 CFR §§ 76.55(c)(3) and 76.66(g).

¹⁴ Petition at 25.

¹⁵ *Id.* at 27. The substantially similar requirement is set to expire on July 17, 2027, unless the Commission acts to extend it. The Commission stated it would consider whether an extension was necessary in 2026. *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket 16-142, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 38 FCC Rcd 6409, 6439-40, para. 45 (2023).

¹⁶ Petition at 17.

5. *Future of Television Initiative Report.* On January 17, 2025, NAB filed in the docket a report summarizing the discussions and progress made through the FOTVI.¹⁷ Launched in April 2023 by NAB, the FOTVI gathered industry, public interest stakeholders, and government¹⁸ to work on a roadmap for the transition of television broadcast from the currently required ATSC 1.0 protocol to ATSC 3.0.¹⁹ The FOTVI Report summarizes the discussions of three working groups, which addressed (1) backwards compatibility, tuner availability and consumer issues; (2) completing the transition; and (3) post-transition regulation.²⁰ NAB intends that the FOTVI Report “will provide the Commission with a better understanding of the remaining issues and concerns of stakeholders and put the Commission in a better position to continue with the rulemaking proceedings necessary to complete a successful transition to ATSC 3.0.”²¹ In its Petition, NAB also states that the Commission may want to consider a variety of other possible changes that may be necessary, some of which were raised during the FOTVI.²² We seek comment on this Report, on the recommendations contained in the Report, and on how the recommendations and findings in the report should inform future Commission rulemakings related to ATSC 3.0.

6. *Additional Issues.* We seek comment on any additional issues that are important to resolve before, or in the context of, any transition, whether or not those issues are raised in the Petition or FOTVI Report. For example, we seek comment on whether any marketplace barriers have impacted efforts to deploy ATSC 3.0 and, if so, what are those barriers (e.g., consumer awareness, demand, access to devices, costs to broadcasters, costs to other industry stakeholders, costs to consumers, regulatory obstacles, etc.)? How can, or should, the industry and/or the Commission address such barriers?

7. Are there intermediate steps the Commission could or should take to increase flexibility for broadcasters as they transition to ATSC 3.0? For instance, could or should the Commission permit the use of MPEG4 compression on certain programming streams and if so what costs or burdens would be associated with such action? Are there issues specific to VHF reception that the Commission could or should consider with respect to a transition to ATSC 3.0, such as the impact of the noise floor in ATSC 3.0? If so, are there steps the Commission could or should take to increase the utility of VHF channels in support of transition to ATSC 3.0, such as permitting increased power levels in VHF? If so, what are the costs or burdens associated with such action?

¹⁷ See generally *FOTVI Report*. The report is available in the docket.

¹⁸ FCC staff participated in the Working Groups but did not contribute to the preparation of the FOTVI Report.

¹⁹ *FOTVI Press Release* at 1; *NAB Letter* at 1.

²⁰ See *FOTVI Report* at 1-2. More specifically, each working group addressed the following issues: Working Group 1—solutions to address backwards compatibility (e.g., tuner availability, converter devices) and the challenges to these solutions; methods to ensure widespread access to backwards compatibility solutions while protecting consumers; minimizing negative consumer impact: loss of traditional television service, inconvenience, costs; availability and pricing of consumer equipment (televisions, handsets, etc.); and consumer education responsibilities and plans. *Id.* at 3. Working Group 2—minimizing negative consumer impact; availability and pricing of consumer equipment; consumer education responsibilities and plans; simulcasting (under what conditions it may end and whether it would continue to be permissible); managing ATSC 1.0 and ATSC 3.0 capacity as more stations transition; and tuner and labeling standards. *Id.* at 13. Working Group 3—MVPD carriage of 3.0 signals; existing public interest obligations of broadcasters and potential regulatory changes to reflect ATSC 3.0 transmission; privacy and security for viewers and viewing information; accessibility of ATSC 3.0 programming; and whether all ATSC 1.0 transmission must eventually end. *Id.* at 20.

²¹ *Id.* at 2.

²² Among the issues listed are encoding, privacy, and accessibility. Petition at 23-24 (“Although NAB does not believe that an industry-wide transition requires updates to these categories of rules, the Commission may wish to consider addressing these concerns at the same time as it addresses this petition.”).

8. Also, the Commission has received thousands of consumer comments objecting to broadcasters employing the use of Digital Rights Management encryption on their ATSC 3.0 signals because the complaints state that such action has resulted in the consumer's inability to receive programming despite having purchased an ATSC 3.0 enabled device.²³ What steps can or should the industry and/or the Commission take to ensure broadcasters are able to protect their content and signal, while also ensuring viewers are able to continue to view a station's free over-the-air signal in ATSC 3.0 just as they do today?

9. Further, the Commission previously declined to adopt rules to allow broadcasters to use vacant channels as temporary transition channels to deploy ATSC 3.0 service.²⁴ Have marketplace conditions changed with respect to the use of vacant channels in this regard and, if so, could such changes make it beneficial to allow the use of vacant channels to transition without imposing excessive costs on other stakeholders?

10. In addition, the Commission has said that it expects the "fundamental use" of television broadcast spectrum to continue to be the provision of free, over-the-air television service, but has not yet addressed the question of how much "spectral capacity" a Next Gen TV station must ultimately devote to free, over-the-air television service.²⁵ Should the Commission define this expectation in the context of Next Gen TV and if so how should it be defined? We seek comment on these additional matters and any other issues that parties believe should be considered in this proceeding.

11. *Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

12. *Filing Requirements.* Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS.

²³ See docket generally.

²⁴ *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Second Report and Order and Order on Reconsideration, 35 FCC Rcd 6793, 6807-08, paras. 29-30 (2020).

²⁵ *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Report and Order, 35 FCC Rcd 14492, 14999, note 48 (2020).

²⁶ 47 CFR §§ 1.1200 *et seq.*

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

13. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

14. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

15. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

16. *Additional Information.* For additional information on this proceeding, contact Evan Baranoff, Policy Division, Media Bureau at Evan.Baranoff@fcc.gov or 202-418-7142. Press inquiries should be directed to MediaRelations@fcc.gov.

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