

ALERT

Broadcast and Equipment Manufacturing Groups Urge FCC to Facilitate Next Generation TV

April 14, 2016

On April 13, 2016, a coalition of broadcast and equipment manufacturing groups, including America's Public Television Stations, AWARN Alliance, Consumer Technology Association, and National Association of Broadcasters, took the first step toward a next generation television standard by filing a Petition for Rulemaking asking the Federal Communications Commission (FCC or Commission) to allow television stations to begin broadcast transmissions utilizing the rapidly evolving new standard, known as ATSC 3.0.

According to the Petition, ATSC 3.0 (or, as the Petitioners call it, "Next Generation TV") will "support video resolutions far beyond HD to home and mobile screens" along with other improvements, such as viewer customization and control.

Once adopted, the ATSC 3.0 standard will include three components: (1) a "physical layer" that defines the core transmission system, including the RF characteristics of the standard, (2) a "management and protocols layer" that specifies how information will be delivered within the signal, and (3) an "applications and presentation layer" that defines the elements that the viewer experiences, including video and audio coding. Members of the Advanced Television Systems Committee (ATSC) recently approved a key portion of the physical layer, the System Discovery and Signaling portion (the so-called "bootstrap" mechanism). Just as the DTV standard was not backwards compatible with analog television, ATSC 3.0 is not backwards compatible with the current DTV standard, meaning consumers will need new or modified equipment to receive ATSC 3.0 transmissions.

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Importantly, although the Petitioners ask the FCC to modify its rules to permit broadcasting with the Next Generation TV standard, they expressly request that the Commission **not** mandate use of the new standard. Instead, the Petitioners propose a voluntary, market-based transition. According to the Petition, “[t]he core of the voluntary, market-driven implementation of ATSC 3.0 will be local simulcasting.” Unlike the DTV transition, broadcasters would not receive companion channels to broadcast using the new standard. Rather, stations would “enter into market-by-market deployment plans that will rely on local simulcasting agreements” whereby: (1) a “host” broadcaster would agree to carry on its DTV subchannels the programming of those stations broadcasting with the Next Generation TV format; and (2) the “host” station’s programming would be carried reciprocally as a programming stream on one of the station’s deploying the Next Generation TV standard.

The Petition emphasizes that ATSC 3.0 transmissions will deliver emergency alert messages, closed captioning, and video description consistent with existing requirements.

Before the FCC adopts the proposed rule changes, it must first solicit comments from interested parties (the Petitioners have asked the Commission to expedite the proceeding). In the meantime, ATSC members continue to work toward approval of the full standard.

While many questions remain about the new standard and the corresponding transition, the Petition for Rulemaking represents an important milestone.

If you have any questions about ATSC 3.0 or are interested in filing comments in this proceeding, you should contact the Wiley Rein attorney who regularly handles your FCC matters or the authors of this client alert.