

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of: )  
 )  
Promoting Broadcast Internet Innovation through ) MB Docket No. 20-145  
ATSC 3.0 )  
 )

**COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

**I. INTRODUCTION AND SUMMARY**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby submits comments in response to the Commission’s Notice of Proposed Rulemaking on potential changes to Commission rules to encourage innovation in “Broadcast Internet” services.<sup>2</sup>

When the Commission approved voluntary use of the ATSC 3.0 transmission standard in 2017, it observed that the new standard promised “to allow broadcasters to innovate, improve service, and use their spectrum more efficiently.”<sup>3</sup> The NPRM in this proceeding asks how the Commission can ensure that its rules “foster the introduction of new services and the efficient use of spectrum.”<sup>4</sup> As the Commission moves forward in this proceeding, we urge it

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<sup>1</sup> The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> *Promoting Broadcast Internet Innovation Through ATSC 3.0*, Declaratory Ruling and Notice of Proposed Rulemaking, MB Docket No. 20-145, FCC 20-73 (June 9, 2020) (NPRM).

<sup>3</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 ¶ 1 (2017) (Next Gen TV Order).

<sup>4</sup> NPRM at ¶ 2.

to continue to focus on how its rules can encourage innovation and investment, rather than on new regulatory requirements and hurdles that will have precisely the opposite effect, and that apply to no other industry. Requiring broadcasters to pay a regulatory tax in the form of more stringent requirements for every new opportunity will hamper, not encourage, innovation and the efficient use of spectrum.

## **II. BROADCASTERS CONTINUE TO DEPLOY ATSC 3.0 SERVICE AND ARE EAGER TO CONTINUE TO INNOVATE**

Despite potential delays associated with the novel coronavirus and its associated social and economic disruption, broadcasters continue to voluntarily deploy ATSC 3.0 service, with recent deployments in Portland, Las Vegas, Salt Lake City, Pittsburgh, and Nashville, with deployments in additional markets coming soon. The primary focus consuming broadcasters during these deployments is how best to continue to provide top-quality television service to viewers. Continuing to provide high-quality, relevant, local content to their viewers remains the economic lifeblood of the industry. As a result, in the near term, broadcasters remain focused on how best to preserve not only their primary streams in ATSC 1.0, but also how to preserve as many of their multicast streams in ATSC 1.0 as possible and how to reach as many viewers as possible, while laying the groundwork to deliver Next Gen TV capabilities like high dynamic range, ultra-high-definition, interactivity and hyper-local offerings.

Of course, broadcasters are also interested in the potential of ATSC 3.0 to provide new and innovative services beyond Next Gen TV. Additional service offerings that complement and supplement broadcast television service may allow broadcasters to more efficiently use their spectrum to serve the public, including through applications such as smart agriculture, distance learning, telehealth, utility automation and automotive applications.<sup>5</sup> A high-quality

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<sup>5</sup> NPRM at ¶ 12.

network that is always on, broadcasting through nearly every city in the United States, provides opportunities for applications that require anything from small slice of data for utility operations to applications that involve delivering large amount of data to many devices at once – such as automotive updates.

The most effective way for the Commission to encourage such innovation is to employ a light regulatory touch that does not penalize broadcasters for seeking to improve and expand their service offerings. Allowing broadcasters to develop and deploy new service offerings within their existing spectrum band will only strengthen the broadcast industry and lay the groundwork for even more innovation and investment in both their television and other services. Accordingly, we urge the Commission not to impose new or heightened regulatory burdens on broadcasters in this proceeding.

### **III. THE COMMISSION SHOULD NOT ADJUST ITS STANDARDS FOR DEROGATION OF SERVICE**

The NPRM seeks comment on two issues specific to the question of “derogation of service” associated with the provision of ancillary or supplemental services. The NPRM tentatively concludes that the question of whether a broadcast television station’s signal has been derogated should continue to be evaluated by whether the station offers a single free, standard definition, over-the-air signal to viewers.<sup>6</sup> However, the NPRM also asks whether it should further define that standard to specify a particular resolution of 480i.<sup>7</sup>

As an initial matter, it is unclear what problem the NPRM seeks to solve with its proposal. To NAB’s knowledge, the existing rules governing derogation of service and the minimum requirements for a broadcast television station have been neither controversial nor

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<sup>6</sup> NPRM at ¶ 33, citing 47 C.F.R. § 73.624(b).

<sup>7</sup> *Id.*

problematic. In a proceeding where the FCC seeks to remove regulatory barriers to innovation, adding additional requirements is counterproductive.

Even more problematically, the NPRM asks whether a station that shifts from high definition to standard definition programming in order to deploy ancillary and supplemental services would be derogating service.<sup>8</sup> Just three years ago, in approving the voluntary use of the ATSC 3.0 transmission standard, the Commission declined to impose a new requirement on broadcasters to transmit in high definition.<sup>9</sup> The Commission recognized that its existing rules did not require broadcasters to transmit in high definition, and further acknowledged that the voluntary transition to ATSC 3.0 would prove challenging given that broadcasters are making the transition without additional spectrum.<sup>10</sup> This point seems to be overlooked in the NPRM; while wireless and technology companies seek to expand their consumer offerings, they are provided with additional spectrum. Broadcasters, on the other hand, are trying to innovate while having a reduced allocation as a result of the broadcast television incentive auction.

The Commission's predictions regarding the challenges of the voluntary transition have proven accurate. As broadcasters seek to transition to ATSC 3.0 while preserving as much existing service as possible, they have been forced to engage in complex arrangements involving multiple partners. In the context of this proceeding, where the Commission seeks to encourage the deployment of new and innovative services in broadcast spectrum, it makes even less sense to impose a heightened regulatory burden on broadcasters.

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<sup>8</sup> *Id.*

<sup>9</sup> Next Gen TV Order at ¶ 27.

<sup>10</sup> *Id.*

Broadcasters are investing substantial sums in their own facilities to undertake a technological transition that will allow them to use their spectrum more efficiently, provide innovative new services, and better serve their viewers. Broadcasters are engaging in this undertaking entirely at their own risk – without the benefit of additional spectrum resources the wireless industry typically seeks for technological evolution. The Commission should not complicate and stifle this effort by imposing new regulatory burdens or heightened regulatory obligations in this or other proceedings. Broadcast innovation need not be accompanied by higher or different regulatory requirements.

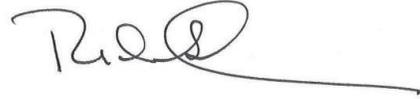
#### **IV. CONCLUSION**

Broadcasters appreciate the Commission's interest in fostering innovation in the broadcast television band. While in its initial stages the ATSC 3.0 transition is likely to focus on enhanced television service to help drive consumer interest, in the long run the new transmission standard holds great potential for additional services that complement or supplement existing television service. We urge the Commission to conclude this proceeding expeditiously, with no new regulatory burdens on broadcasters seeking to leverage technological innovation for new opportunities to serve the public.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

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Rick Kaplan  
Patrick McFadden  
Alison Neplokh  
Robert Weller

August 17, 2020