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

In the Matter of:	)	
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Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard	)	GN Docket No. 16-142
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	)	

COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

1 M Street, SE
Washington, DC 20003
(202) 429-5430

Rick Kaplan
Emily Gomes
Alison Martin

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I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)[1] submits its initial comments in the above-captioned Further Notice of Proposed Rulemaking.[2]

NAB applauds the Commission for taking meaningful steps in the Further Notice to remove regulatory barriers and accelerate the transition to ATSC 3.0, a transition the Commission correctly recognizes as essential to the future of free, local broadcast television. A timely and complete transition is not merely an industry objective; it is a public interest imperative. As the Commission has observed, ATSC 3.0 will deliver substantial benefits to viewers and communities nationwide, empower local stations to better serve their

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[1] 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.

[2] *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Fifth Further Notice of Proposed Rulemaking, GN Docket No. 16-142 (Oct. 29, 2025) (Further Notice or FNPRM).

communities and strengthen their role as trusted, hometown sources of information, and enable broadcasters to remain competitive in the rapidly evolving video marketplace for years to come.

Free, over-the-air broadcasting continues to serve millions of households with trusted local news, weather, entertainment, and life-saving emergency information at no cost to viewers. ATSC 3.0 will deliver sharper picture quality, richer and more immersive audio, advanced emergency alerting, enhanced accessibility features, and interactive applications that make broadcast programming more engaging and useful to the viewer. By strengthening broadcasters' technical capabilities and economic viability, a successful transition to ATSC 3.0 will help ensure the continued availability of these vital services. More broadly, ATSC 3.0 provides a more efficient use of spectrum, delivering greater value to the American public from this spectrum resource while also enabling the deployment of complementary positioning, navigation, and timing (PNT) services via the Broadcast Positioning System (BPS™).

In addition to moving forward on the Further Notice's proposals to eliminate regulatory obstacles to accelerate the transition, the Commission can best assure the successful completion of the transition and advance these public interest benefits by ensuring that its overall approach to ATSC 3.0 provides certainty – certainty regarding when the transition will be completed, that consumers will continue to receive broadcast service as technology evolves, and that broadcasters can compete on a level playing field to secure and deliver high-value programming. This certainty will give all participants in the television ecosystem the confidence needed to invest, innovate, and plan for an ATSC 3.0 future.

First, the Commission should establish a defined, date-certain ATSC 1.0 sunset. Setting an ATSC 1.0 sunset date now will facilitate coordinated planning and investment that

will drive down consumer costs, accelerate receiver penetration and adoption, promote innovation, and minimize consumer confusion and disruption. It will also avoid the greater challenges inherent in an indefinite dual-standard environment, one that diverts resources, delays public safety and accessibility gains, and weakens the long-term competitiveness of free, local broadcasting.

Second, the Commission's policies must ensure that consumers will be able to receive the improved broadcast service Next Gen TV offers. Broadcasters are not asking for preferential treatment or new competitive advantages, only for the ability to preserve viewers' access to their signals as they move to a new technical standard. Achieving this certainty requires updating the Commission's receiver standards so that viewers purchasing new television sets can reliably receive ATSC 3.0 signals, as well as policies that maintain multichannel video programming distributor (MVPD) carriage of ATSC 3.0 signals and advanced features. This is not only what Congress intended, but also what consumers demand.

Third, the Commission should reaffirm policies that support broadcasters' use of content protection so that broadcasters can continue to obtain and deliver high-value programming demanded by viewers. Again, broadcasters are not seeking anything new or different than any of our competitors. A stable, predictable environment for content protection directly supports the competitiveness of free, local broadcasting and the continued availability of high-quality programming that viewers expect.

II. ACCELERATING AND COMPLETING THE TRANSITION BY A DATE-CERTAIN IS IN THE PUBLIC INTEREST

The Commission should seize this opportunity to move the ATSC 3.0 transition from a patchwork of individual market actions to a clear and nationally coherent plan. Removing outdated regulatory constraints and establishing a predictable path forward are both

essential for broadcasters, manufacturers, retailers, MVPDs, and most importantly viewers. As detailed below, the Commission should pair its proposals for greater flexibility with a firm, date-certain ATSC 1.0 sunset that provides the clarity and certainty needed for the market to advance. Together, these actions will accelerate deployment, reduce consumer confusion and cost, and ensure that the full public interest benefits of Next Gen TV are realized nationwide.

A. The Commission Should Adopt a Date-Certain ATSC 1.0 Sunset

The Further Notice seeks comment on whether to eventually sunset ATSC 1.0 in light of its proposals to remove other regulatory barriers to the ATSC 3.0 transition.[3] As set forth below, NAB supports removing regulatory obstacles and offering broadcasters greater flexibility to accelerate ATSC 3.0 deployment. These steps are necessary, but they are not sufficient on their own to deliver the full benefits of Next Gen TV. For these measures to lead to significant transition progress, broadcasters, consumers, manufacturers, retailers, and MVPDs must know when it will be completed. The Commission should therefore adopt a clear, date-certain plan to sunset ATSC 1.0 as NAB proposed.[4]

A firm 1.0 sunset date is the most effective pro-consumer action the Commission can take at this stage. Without a clear endpoint, consumers face higher device costs, uncertain upgrade decisions, and delayed access to improved audio, video, accessibility, and public-safety features. A defined timeline also makes it far easier to explain the transition to viewers. Consumers cannot prepare or make informed choices without knowing when the change will occur. A nationwide timeline will give broadcasters, MVPDs, and retailers a common starting point for consistent messaging, which will prevent confusion and help consumers understand

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[3] FNPRM at ¶ 61.

[4] *See* Petition for Rulemaking of NAB, GN Docket No. 16-142 (Feb. 26, 2025) (NAB Petition).

what they need to do and when to continue to receive broadcast television. It also gives manufacturers confidence to produce ATSC 3.0 devices at scale, which will reduce prices and expand availability. With a defined timeline in place, consumers will be able to receive clear guidance and can upgrade in a predictable and cost-effective way.[5]

A coordinated ATSC 1.0 sunset will also give broadcasters confidence to take advantage of the regulatory flexibility offered by the Commission's proposals and to invest in the advanced features that make ATSC 3.0 valuable without fear that those investments will be undercut by an indefinitely prolonged dual-standard environment. Certainty about the transition timeline will allow both broadcasters and MVPDs to plan capital expenditures efficiently, avoid stranded investments, and reduce the costs associated with maintaining two parallel systems.[6] Ultimately, all parties will be able to focus resources on delivering the full benefits of Next Gen TV to consumers.

Completing a nationwide transition on a defined timeline is also critical to supporting Commission and national security priorities. ATSC 3.0's BPS capabilities can support complementary PNT services.[7] The Commission has recognized the importance of a resilient PNT service to the country's national security and economic interests and Executive Order 13905 likewise highlights the need to advance PNT technologies.[8] A timely nationwide

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[5] *See also* NAB Petition at 12-14.

[6] *See* FNPRM at ¶ 58 (observing that MVPDs that make investments to enable 3.0 carriage could lose access to the signal if a broadcaster chooses to switch back to 1.0 and seeking comment on "possible protections for MVPDs that invest in 3.0 technology.").

[7] *See* NAB Petition at 6-7 (describing BPS).

[8] *See Promoting the Development of Positioning, Navigation, and Timing Technologies and Solutions*, Notice of Inquiry, WT Docket No. 25-110 (Mar. 28, 2025) (describing the need for resilient PNT to ensure that adversaries are not able to disrupt or manipulate our PNT systems and seeking comment on actions the Commission can take to incentivize and support efforts

ATSC 3.0 deployment directly advances these objectives and strengthens U.S. technological leadership.

B. The FCC Should Remove Outdated Regulatory Restraints and Provide Additional Flexibility to Broadcasters Transitioning to ATSC 3.0

NAB strongly supports the Commission's proposals to speed up ATSC 3.0 deployment by eliminating regulatory requirements that no longer serve their intended purpose. In particular, the Further Notice proposes ending the mandatory simulcasting and "substantially similar" rules.[9] NAB agrees that these rules were appropriate as temporary safeguards during the earliest stage of the transition but have now become barriers to progress and constrain deployment of ATSC 3.0's core public interest benefits. They limit broadcasters' ability to offer differentiated Next Gen TV services, force inefficient use of scarce spectrum, and slow the rollout of advanced capabilities modern viewers expect. Keeping these rules in place now undermines the very transition they were designed to support.

The benefits of lifting these constraints outweigh potential transitional costs to consumers, especially given broadcasters' existing incentives to protect viewers and the evolution of the receiver marketplace. Broadcasters have strong market-based incentives to retain and grow viewership and compete continuously for audience trust. Stations that choose to move beyond simulcasting and experiment with advanced features will have every reason to minimize disruption, provide clear notice, and ensure viewers can continue receiving service.

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to develop complementary technologies to form a resilient PNT system); Exec. Order No. 13905, (2020), https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-strengthening-national-resilience-responsible-use-positioning-navigation-timing-services/.

[9] FNPRM at ¶¶ 14-21.

The receiver ecosystem has also grown significantly since these safeguards were adopted.[10] As the Further Notice observes, more than 14 million televisions and hundreds of thousands of external ATSC 3.0 converter devices have already been sold.[11] These numbers will continue to grow and both availability and affordability will improve as adoption increases. In addition, Pearl TV recently launched the NEXTGEN TV Converter Box Program which is focused on working with manufacturers to bring to market simple, cost-effective converter devices for over-the-air viewers.[12] Pearl expects these devices to be available later this year.[13]

Moreover, any cost-benefit analysis must also consider the costs of keeping these requirements in place and delaying the transition indefinitely. If broadcasters are unable to modernize and compete effectively with other media platforms, viewers ultimately risk losing the benefits of a free, local television service. A successful transition will permit broadcasters to deploy Next Gen TV on a timely basis so that its public interest and competitive benefits are realized before further delay erodes their value.

The Further Notice seeks comment on when its proposals to eliminate mandatory simulcasting should take effect.[14] To have real impact, the Commission should make them effective on a date-certain basis, rather than tying relief to market-by-market evaluations or receiver-penetration thresholds. Regulatory certainty drives investment and adoption, not the other way around. Waiting for market metrics before removing the mandatory simulcasting

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[10] *See* NAB Petition at 9-10 (describing ATSC 3.0-television and converter device markets).

[11] FNPRM at ¶ 12.

[12] *Pearl TV Launching Affordable NEXTGEN TV Converter Box Program to Support Consumer Transition to ATSC 3.0*, Pearl TV (Jan. 2. 2026), https://pearltv.com/news/pearl-tv-launching-affordable-nextgen-tv-converter-box-program-to-support-consumer-transition-to-atsc-3-0/.

[13] *Id*.

[14] FNPRM at ¶ 18. NAB agrees that the "substantially similar" rule should be eliminated upon Federal Register publication of an Order adopting the proposal. *See id.* at ¶ 21.

requirement will freeze the Commission and industry in their current position and risks locking the transition into a prolonged, uneven, and incomplete state, precisely the outcome the Commission aims to avoid. A date certain, along with firm timelines for updates to the receiver standard as discussed below, would create a predictable path forward while ensuring that viewers and other stakeholders have adequate notice and time to prepare.

The Commission should also move forward with its proposals to expedite ATSC 3.0 application processing and provide additional licensing flexibility to facilitate ATSC 3.0 deployment.[15] NAB also supports permitting the use of MPEG-4 encoding in ATSC 1.0 transmissions as a transitional measure.[16] Allowing MPEG-4 on both multicast and primary streams will reduce strain on legacy spectrum, ease simulcasting logistics, and give broadcasters the ability to preserve content and provide enhanced service as they deploy ATSC 3.0. Its use should not be conditioned on receiver-penetration or market-availability thresholds, which would unnecessarily delay its benefits and reintroduce regulatory uncertainty.

III. RECEIVABILITY IS CRITICAL TO CONSUMER ACCESS AND UPHOLDING THE BROADCAST SERVICE COMPACT

The broadcast service compact rests on a straightforward premise: broadcasters are required to provide free, over-the-air service to the public, and consumers must be able to receive that service on the televisions they purchase. As broadcasting evolves to ATSC 3.0, preserving that compact requires ensuring that receiver capabilities keep pace with authorized broadcast services. The Commission has successfully addressed this challenge in prior transitions by updating its receiver standards to reflect technological change while

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[15] *Id*. at ¶¶ 22-23.

[16] *See id.* at ¶¶ 24-26.

protecting consumers, promoting investment, and ensuring continued access to free television. The same approach is warranted here.

A. Modernizing the All-Channel Receiver Framework is Necessary and Entirely Consistent with the Legislative History of the Act.

Congress enacted the All-Channel Receiver Act to break a "vicious cycle" that was "strangling" the development of television service using newly authorized spectrum.[17] In expanding the all-channel receiver rules to encompass digital reception capability, the Commission observed that the digital television transition presented a similar problem to the one Congress identified in 1962, namely, "the reluctance of the public to buy DTV receivers until there are DTV stations offering attractive DTV programs, and the lack of incentive for broadcasters to provide good attractive DTV programming in the absence of an audience which will attract advertisers."[18]

The Commission faces that very challenge again. As broadcasters transition to ATSC 3.0, consumer access depends on receivers keeping pace with authorized broadcast services. Modernizing the All-Channel Receiver framework to reflect the current broadcast standard is not a departure from precedent, but instead merely a continuation of the same consumer-focused policy that has guided prior transitions.

B. The Commission Should Adopt a Clear Timeline for Updating its Receiver Standards

A clear and predictable timeline for updating the receiver standards is essential to a successful transition. Certainty benefits all participants in the broadcast ecosystem. Consumers gain confidence that new television purchases will remain capable of receiving

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[17] *See* 1962 U.S.C.C.A.N. at 1876.

[18] *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Second Report and Order and Second Memorandum Opinion and Order, MM Docket No. 00-39 at ¶ 27 (Aug. 8, 2002).

authorized broadcast services, manufacturers are able to plan product development and production with confidence, and broadcasters can invest in Next Gen TV knowing that receivability will keep pace with deployment.

At the same time, the Commission should avoid timelines that are either open-ended or excessively long. Experience shows that when implementation deadlines extend too far into the future, progress tends to slow and uncertainty persists, to the detriment of consumers and the marketplace. A defined, reasonable compliance window promotes steady progress and aligns incentives across the ecosystem.

Adopting a clear and timely implementation schedule would further the core purpose of the All-Channel Receiver framework by ensuring that receivability evolves alongside authorized broadcast services, while giving manufacturers the predictability they need to plan and execute an orderly transition.

C. Updating the Commission's Receiver Standards Benefits Consumers and Preserves their Core Purpose

Updating the Commission's receiver standards delivers substantial benefits for consumers. At their core, those standards exist to ensure that viewers who purchase televisions can actually receive authorized broadcast services. Updating the standards to reflect the current broadcast transmission system preserves universal access to free, over-the-air television as technology evolves.

Allowing new television devices to be sold without the capability to receive authorized broadcast signals would undermine this consumer-focused purpose. Viewers reasonably expect that a device marketed as a television will be able to receive broadcast television service. When that expectation is not met, the result is consumer confusion and diminished confidence in the broadcast system.

The benefits of updating the receiver standards significantly outweigh any incremental costs. Several television manufacturers already include Next Gen TV reception capability in portions of their product lines.[19] These examples demonstrate that incorporating updated reception capabilities is both technically feasible and consistent with ordinary product development practices.

An additional consideration underscores the need for Commission action. Unlike wireless carriers, broadcasters do not control, subsidize, or have the scale to meaningfully influence the design and distribution of consumer devices. Wireless providers routinely shape handset capabilities through proprietary networks, certification requirements, and direct commercial relationships with manufacturers. Broadcasters operate in a fundamentally different environment. They provide a standardized, open service to the public and rely on generally available consumer electronics to deliver that service. Updating the Commission's receiver standards is therefore essential to ensure that broadcast services remain receivable, because broadcasters lack alternative mechanisms to drive device compatibility through market leverage alone.

Finally, updating the Commission's receiver standards preserves the broadcast service compact. Broadcasters are uniquely required to provide free service to the public, and that obligation is meaningful only if consumers are able to receive that service on the televisions they buy. Ensuring that new devices can receive authorized broadcast signals reinforces this longstanding compact and supports continued consumer access to free, local television. After all, this is why Congress passed the All-Channel Receiver Act.

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[19] As of January 2026, Hisense, Panasonic, Samsung, Sony, and TCL are selling NEXTGEN TV certified television sets. *See* https://www.watchnextgentv.com/shop/.

D. The Commission Should Implement Updated Receiver Standards in a Manner That is Reasonable for Viewers and Manufacturers Alike

As the Commission considers updating its receiver standards, it should adopt an approach that protects consumers while providing manufacturers with reasonable flexibility. Clear expectations around timing, transparency, and usability will help ensure a smooth transition that preserves access to free, over-the-air television without unnecessary disruption.

Timing. Implementation timelines should reflect both the need for consumer certainty and the realities of device manufacturing. During the first DTV transition, 20 years ago, consumer electronics manufacturers often cited an 18-24-month manufacturing and planning cycle.[20] In the intervening decades, competitive pressures, platform standardization, and globalized supply chains have significantly shortened development and production timelines. Today, television manufacturers routinely operate on annual model-year refresh cycles, with incremental hardware and software updates introduced as a matter of course.

Against that backdrop, the Commission's updated receiver standards could reasonably begin to take effect 12 months after adoption of the Order. Such an implementation period would provide manufacturers sufficient time to incorporate updated reception capabilities into normal product planning, while avoiding unnecessary delays that could prolong consumer confusion or result in the continued sale of devices unable to receive authorized broadcast services.

Labeling. Consumers must be able to understand what they are buying. If devices marketed as televisions lack the capability to receive ATSC 3.0 broadcast signals after

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[20] *See* Comments of the Consumer Electronics Association and the Consumer Electronics Retailers Coalition, ET Docket 05-24, at 11 (July 27, 2005).

updated receiver standards take effect, that limitation should be clearly and prominently disclosed at the point of sale. Clear labeling ensures that consumers can make informed purchasing decisions and are not surprised to learn that their new television cannot receive available broadcast services.

Meaningful disclosure is especially important during a transition period, when both compliant and non-compliant devices may coexist in the marketplace. At the same time, labeling should be viewed as a consumer-protection backstop, not a substitute for ensuring receivability. Reliance on disclosure alone risks normalizing the sale of devices that do not support authorized broadcast services and undermining the purpose of the Commission's receiver standards.

Prominence and Ease of Access. Receivability is meaningful only if broadcast services are reasonably accessible to the average consumer. The statutory requirement that receivers be capable of "adequately receiving" broadcast signals should be understood to encompass not only technical reception capability, but also the ability of viewers to readily find and access broadcast television on devices marketed as televisions. Indeed, the FCC's rules implementing the All-Channel Receiver Act for UHF tuning capabilities go to great length expanding on the need for users to be able to access UHF capabilities with approximately the same "expenditure of time and effort" as VHF channels, prohibit the necessity for tools, and ensuring that equipment and controls that simplify, expedite, or perfect the reception of one should be available to the other.[21]

Most current Next Gen TV devices generally do a good job of making broadcast services accessible to viewers, and manufacturers should be commended for those efforts. At

[21] *See* 47 C.F.R. § 15.117(c).

the same time, there is a growing trend on some models toward user interfaces and setup flows that make antenna-delivered television more difficult to locate or require additional steps compared to other video services. This trend warrants attention, particularly given the unique role broadcast television plays in delivering free programming, local news, and emergency information.

Rather than adopting prescriptive user-interface requirements at this stage, the Commission should articulate a clear expectation that broadcast reception capabilities remain readily accessible to consumers and monitor how device design and interfaces evolve. Setting that expectation will help guide industry practices and ensure that receivability keeps pace not only in theory, but in everyday consumer use.

IV. CONTENT PROTECTION IS NECESSARY TO SUSTAIN INVESTMENT AND SECURE PROGRAMMING RIGHTS

Content protection is a prerequisite for competing in today's video marketplace, not a theoretical concern. For viewers to continue enjoying high-quality, free, over-the-air television, broadcasters must be able to secure the programming that audiences value most in an environment where competing platforms routinely offer robust content protections. ATSC 3.0 provides broadcasters with the tools to meet those expectations without changing the fundamental character of broadcast service. As explained below, encrypted ATSC 3.0 transmissions remain fully consistent with the statutory definition of broadcasting, early implementation issues are being addressed through active industry coordination, and related questions about encoding rules and signal signing are best resolved through measured, industry-driven approaches rather than prescriptive regulation.

A. Content Protection Is Essential for Broadcasters to Compete for and Retain High-Value Programming

High-value programming is essential to the continued strength of free, over-the-air television. This includes content that draws large, real-time audiences and supports broadcasters' ability to serve their communities, such as major live events, local news, and especially live sports. These programs create shared viewing experiences and help sustain the broader broadcast service.

Live sports illustrate the challenge broadcasters face most clearly. The market for sports rights has become increasingly competitive, with major agreements, including upcoming NFL renewals and other professional and collegiate contracts, negotiated in an environment where competing platforms routinely offer strong content protection as a standard feature.[22] Subscription and online platforms are able to assure rights holders that their programming will be protected from unauthorized redistribution and piracy.

To remain competitive for high-value programming and ensure it remains available free over the air, broadcasters must be able to offer protections comparable to those provided by other distribution platforms. Without the ability to protect premium content, broadcasters face a growing disadvantage that threatens their ability to deliver the programming viewers value most without charge.

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[22] See Travis Clark, *A Guide to U.S. Streaming Sports Right*, The Current, https://www.thecurrent.com/guide-us-streaming-sports-rights-ctv (Sep. 3, 2024) (surveying the rapid expansion of major sports rights across streaming platforms such as Amazon, Apple, Netflix, and others, and describing the increasingly competitive nature of sports media rights negotiations); Steve McCaskill, *NFL Could Begin Media Rights Renegotiations Well Ahead of 2033 Expiry*, SportsPro Media, https://www.sportspro.com/news/broadcast-ott/nfl-us-tv-deals-2029-negotiation-goodell-september-2025/ (reporting that the NFL's current media rights agreements include opt-out provisions and that the league may begin renegotiations years before the formal 2033 expiration).

ATSC 3.0 provides broadcasters with the tools needed to meet these expectations while preserving the core characteristics of broadcast service. Content protection supports continued investment in high-quality programming, helps sustain local journalism, and ensures that free, over-the-air television remains a central platform for important live events and information.

B. Content Protection Prevents Unauthorized Retransmission Services that Undermine Localism and Broadcasters' Business Models

In addition to preserving broadcasters' access to high-value content, encryption also protects the core business model of broadcast television and the principles inherent in Congress's retransmission consent regime. Recent experience demonstrates why meaningful content protection is essential for the continued health of local broadcasting. Services such as Aereo[23] and Locast[24] were built on the premise that broadcast signals, because they were unprotected, could be captured, repackaged, and redistributed without authorization or compensation. These services did not expand access to local broadcasting; instead, they displaced local stations, diverted audiences, and undermined the economic framework Congress established to support free, local television.

While broadcasters ultimately prevailed in shutting down these services, doing so required years of costly and uncertain litigation, during which time viewers were confused and local stations were harmed. Encryption would have prevented these services from launching in the first place, avoiding disruption to viewers and preserving the integrity of local broadcast

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[23] *See ABC v. Aereo, Inc,* 573 U.S. 431 (2014).

[24] *See ABC et al., v. David R. Goodfriend and Sports Fans Coalition NY, INC*., 19 Civ. 7136 (S.D.N.Y. 2021).

service. Requiring broadcasters to rely on after-the-fact enforcement rather than preventative technical safeguards is neither efficient nor consistent with a modern media environment.

Unauthorized retransmission services also erode localism by stripping programming of its connection to the communities broadcasters are licensed to serve. They substitute distant, centralized platforms for stations that invest in local newsrooms, weather coverage, emergency information, and community engagement. Content protection helps ensure that broadcast programming remains tied to the local stations responsible for serving the public interest.

ATSC 3.0 enables broadcasters to protect their signals in a way that aligns with longstanding copyright principles and prevents the reemergence of business models that depend on exploiting unprotected broadcasts. Allowing broadcasters to use these tools proactively will help safeguard local service, reduce the need for protracted legal disputes, and maintain a stable foundation for free, over-the-air television.

C. Encrypted ATSC 3.0 Transmissions Fully Satisfy the Definition of Broadcasting

Encrypted ATSC 3.0 transmissions plainly meet the Communications Act's definition of "broadcasting" as the dissemination of radio communications intended to be received by the public.[25] As the Commission anticipated in the First Next Gen TV Report and Order, free ATSC 3.0 programming streams are intended for indiscriminate public reception, are transmitted over the air without charge, and do not require a private contractual relationship between broadcasters and viewers.[26] The use of encryption does not alter that fundamental character. ATSC 3.0 signals are receivable on conventional television sets equipped with compliant

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[25] 47 U.S.C. § 153(7).

[26] *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, ¶ 9 (2017).

receivers; they do not require broadcaster-supplied antennas or proprietary decoding equipment; and they are not rendered unusable or unenjoyable by the public. Rather, decryption is a standard, integrated part of the ATSC 3.0 reception process—no different in principle from demodulation or decoding in prior broadcast standards—and does not condition access on individualized permission or payment.

The Commission's treatment of encryption of the cable basic service tier further confirms that encryption, standing alone, does not change the essential nature of a service or its regulatory classification. When the Commission permitted cable operators to encrypt the basic tier, it recognized that encryption could serve legitimate purposes, including theft prevention and operational efficiency, without converting a widely available service into something other than what it was.[27] The Commission also observed that "[e]ncryption of the basic service tier could also benefit channels that are carried on the basic service tier, as developers of high-value content may be more willing to make the content available to basic service tier channels if they are encrypted and less susceptible to piracy."[28] Likewise, the encryption of free, over-the-air ATSC 3.0 broadcasts serves to protect content integrity, prevent unauthorized redistribution, and encourage developers of high-value content to make content available on broadcast channels, while leaving the service freely available to the public and fully consistent with its broadcast character.

Consistent with the Commission's prior guidance, broadcasters do not require special equipment supplied and programmed by the broadcaster to decode encrypted ATSC 3.0 signals, nor do viewers enter into any private contractual arrangement to receive them.

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[27] *Basic Service Tier Encryption*, Report and Order, 27 FCC Rcd 12786 (2012).

[28] *Id.* at 12796, ¶ 14.

Accordingly, the current ATSC 3.0 encryption regime, as administered by A3SA and implemented by broadcasters, does not make Next Gen TV transmissions legally or functionally distinct from traditional broadcasting and fully satisfies the statutory definition.

D. Early-Mover Encryption Difficulties Are Being Addressed, and Commission-Imposed Device Requirements Are Not Warranted at This Time

The Commission appropriately seeks comment on whether early difficulties associated with encrypted ATSC 3.0 signals justify imposing new requirements on device manufacturers. While some early adopters have encountered challenges displaying encrypted signals on certain devices, those issues are transitional and actively being resolved through ongoing industry coordination, technical improvements, and certification alignment. As with prior technology transitions, initial interoperability challenges are routine and do not indicate a systemic or enduring problem.

Importantly, broadcasters, manufacturers, and standards bodies share a mutual interest in ensuring that encrypted ATSC 3.0 signals are displayed seamlessly across devices. Efforts are already underway to address the very concerns identified in the FNPRM. In particular, industry participants are investigating ways to unify the A3SA decryption certification and the NEXTGEN TV logo program so as to reduce confusion and ensure that devices bearing the NEXTGEN TV mark are capable of displaying encrypted signals. In parallel, A3SA-certified gateway receivers are beginning to emerge, providing consumers with additional, flexible pathways to receive and view encrypted ATSC 3.0 broadcasts across multiple devices within the home.[29]

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[29] *See* ADTH Announces New NEXTGEN TV Gateway Receiver Implementing ATSC 3.0 A3SA Security (Oct. 28, 2025), https://adth.com/adth-announces-new-nextgen-tv-gateway-receiver-implementing-atsc-3-0-a3sa-security/.

Television manufacturers have also made substantial progress in improving device support for encrypted signals, with newer models addressing early compatibility gaps. These developments mirror past transitions, including early issues with HDMI and HDCP, where initial interoperability problems were resolved as standards matured, products iterated, and deployment scaled.[30] Experience shows that as technologies move from early adoption to broader market penetration, such issues rapidly diminish.

Given this progress, there is no present need for the Commission to impose specific, prescriptive requirements on manufacturers regarding encrypted ATSC 3.0 signals. Section 303(s)'s requirement that receivers be capable of "adequately receiving" broadcast signals is best satisfied through continued standards-based implementation and market evolution, rather than premature regulatory mandates that risk freezing technology or disrupting ongoing solutions.

To the extent the Commission remains concerned about consumer awareness during this transitional period, targeted disclosure measures, rather than broad device mandates, would be the more appropriate and proportionate response. However, as certification programs converge and encrypted reception becomes a standard feature of NEXTGEN TV devices, even such measures are likely to become unnecessary.

Finally, concerns that encryption would "outsource" broadcast reception to a private entity misunderstand the role of A3SA. A3SA administers a technical security framework developed through an open, industry-led standards process and does not control access to broadcast content or establish private contractual relationships with viewers. Broadcasters

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[30] *See*, e.g., Carter, Robert, *The Nuts and Bolts of HDCP*, EE Times, Feb. 20 2008 (noting that HDCP "has been plagued by interoperability issues").

remain fully responsible for their transmissions, and consumers retain free, over-the-air access to broadcast programming. The ongoing improvements in certification, devices, and gateway solutions demonstrate that industry-driven coordination, rather than regulatory intervention, is the most effective way to ensure a smooth and consumer-friendly transition.

E. Broadcasters Are Committed to Preserving Consumers' Longstanding Viewing Expectations, as Reflected in A3SA Encoding Rules

In the Further Notice, the Commission seeks comment on whether encoding rules are necessary to ensure that consumers retain the same features and functionalities for ATSC 3.0 broadcasts that they enjoy today with ATSC 1.0 programming, including time-shifting, recording, and other personal uses.[31] Broadcasters have no intention of using content protection to undermine these longstanding consumer expectations with respect to free, over-the-air broadcast television, and those expectations are already reflected in how ATSC 3.0 content protection is being implemented for primary OTA video services.

As the Commission notes, A3SA has approved a set of encoding rules intended to provide additional reassurance to viewers of encrypted ATSC 3.0 broadcasts.[32] Those rules preserve consumers' ability to decrypt and record programming, make unlimited copies without retention limits, use "trick play" functionality, and access authorized digital and analog outputs. They demonstrate that encryption of free OTA broadcast programming does not impair viewers' ability to enjoy broadcast content in the same manner as they do today.

NAB does not believe it is necessary for the Commission to adopt encoding rules to protect consumers' fair use or ensure feature parity between ATSC 1.0 and ATSC 3.0 broadcast services. Broadcasters have strong incentives to maintain viewer trust and

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[31] FNPRM at ¶ 42.

[32] *Id*.

accessibility, and existing industry practices already do so. However, if the Commission determines that adopting a limited set of encoding principles would help address concerns raised in the FNPRM record, NAB would not oppose a carefully scoped approach applicable only to primary, free over-the-air broadcast video service.

Any such rules should not apply to ancillary or supplementary services broadcasters may offer using ATSC 3.0, including subscription-based or data services, as preserving flexibility for those services is essential to innovation and the long-term success of Next Gen TV.

F. A Timeline for a Full Implementation of Signal Signing Should Be Industry-Driven

Signal signing is an important part of Next Gen TV that helps build trust in the broadcast system. When implemented, it gives viewers confidence that the programming they are watching is coming directly from a licensed broadcaster and has not been altered along the way. It also allows device manufacturers to confirm that applications delivered through the broadcast signal are legitimate and not coming from malicious actors. In practical terms, signal signing plays a role similar to website security on the Internet—something that began as an added safeguard for sensitive uses and has gradually become a standard feature as the technology matured.

The ATSC 3.0 standard anticipates widespread use of signal signing, and A3SA is administering the signing framework in close coordination with broadcasters and device manufacturers. Bringing signal signing online across the entire industry, however, takes time and careful coordination. A3SA is actively working to lower the cost of certificates and simplify the process, particularly for low-power and translator stations, so that signing is achievable for

broadcasters of all sizes.[33] At the same time, manufacturers are improving how receivers handle and explain signal-signing status to viewers, reducing confusion and improving the overall experience.

As the Commission notes, the initial target date for universal signal signing (often referred to as "high noon") has been adjusted. That change reflects real-world implementation challenges, not a lack of commitment. Broadcasters continue to work toward universal signing, but because signing does not determine whether viewers can receive or enjoy ATSC 3.0 service, the timing should reflect equipment availability, cost considerations, and the need for consistent behavior across devices.

Concerns that signal signing could limit viewer access to free, over-the-air programming are misplaced. Signing is about verifying authenticity, not restricting access, and broadcasters remain fully committed to providing free service to the public. Likewise, A3SA's role in administering certificates does not place control of broadcast reception in private hands. It operates a technical system developed through an open, industry-led process and does not control content or create private relationships with viewers.

At this stage, Commission intervention is not necessary. The industry is already making steady progress on signal signing, addressing cost, interoperability, and consumer experience issues as deployment expands. Allowing this work to continue through industry coordination rather than imposing prescriptive requirements will best support a smooth transition and ensure that signal signing is implemented in a way that works for broadcasters, manufacturers, and viewers alike.

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[33] *See* Winslow, George, *Securing the Future of Broadcast TV in the U.S.*, TV Technology (Dec. 9, 2025), https://www.tvtechnology.com/news/securing-the-future-of-broadcast-tv-in-the-u-s.

V. EXTENDING MUST-CARRY TO ATSC 3.0 IS ESSENTIAL TO AN EFFICIENT AND TIMELY TRANSITION

Considering the Commission's proposals to eliminate the simulcasting requirement and the substantially similar rules, the Commission should allow stations to assert mandatory carriage rights for their ATSC 3.0 signals. Broadcasters are not looking to expand must-carry obligations but preserve the same framework that applies today as broadcast technology evolves. As stations transition to ATSC 3.0, must-carry should continue to attach to a station's primary programming stream regardless of transmission standard. ATSC 3.0 should simply take the place ATSC 1.0 currently occupies for carriage purposes. Allowing 3.0-only stations to assert must-carry is essential for broadcasters to use the flexibility the Further Notice provides, including the ability to end simulcasting and deploy Next Gen capabilities more quickly and efficiently.

Technical standards are already in place to support MVPD carriage of ATSC 3.0 signals. As the Further Notice observes, ATSC has published recommended practices for the conversion of ATSC 3.0 services for redistribution into ATSC 1.0 and other legacy formats.[34] SCTE released standards addressing redistribution of ATSC 3.0 signals[35] and in November 2025, ATSC published its Recommended Practice on Delivery of ATSC 3.0 Services for Redistribution, which provides a detailed analysis and technical approach for carrying ATSC 3.0 services on cable and other MVPD systems.[36] A/371 "describes support for the secure and

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[34] *See* FNPRM at ¶ 51.

[35] SCTE 277 2024, Linear Contribution Encoding Specification, https://account.scte.org/standards/library/catalog/scte-277-linear-contribution-encoding-specification/.

[36] A/371:2025-11, ATSC Recommended Practice: Delivery of ATSC 3.0 Services for Redistribution (Nov. 7, 2025), https://www.atsc.org/wp-content/uploads/2025/11/A371-2025-11-Delivery-for-Redistribution.pdf.

efficient delivery of additional data, such as interactive features, targeted advertisements, and metadata that enhances viewer experiences by providing program-related information."[37] Taken together, these documents offer a comprehensive, reasoned approach to ensuring that MVPD subscribers can receive ATSC 3.0 advanced services, in addition to the option of free, over-the-air delivery. The standards and recommended practices reflect broad industry agreement and should help ensure that technical carriage concerns do not impede an efficient and timely transition.

The Further Notice also seeks comment on the definition of "good quality signal," "material degradation," and "program-related material" for purposes of ATSC 3.0 carriage.[38] Broadcasters maintain that the technical hurdles cited by MVPDs are not insurmountable and that many of ATSC 3.0's advanced capabilities, including improved audio and video quality and watermarks fall squarely within the Commission's long-standing carriage rules and should be delivered to MVPD subscribers.[39] However, the Commission does not need to resolve every technical question in advance. The transition is still unfolding, and adopting rigid definitions based on hypothetical concerns could create unnecessary constraints and slow progress. These issues can be better addressed as full ATSC 3.0 deployments occur and the record reflects real-world experience. A flexible approach will allow the Commission to protect viewers, resolve disputes effectively, and keep the transition moving forward, rather than locking the industry into speculative rules that could undermine the benefits of Next Gen TV.

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[37] *Id*. at 1-2.

[38] See FNPRM at ¶¶ 53-57.

[39] *See* Future of Television Initiative Report, GN Docket No. 16-142, at 28-29 (Jan. 17, 2025) (FOTVI Report).

VI. OTHER SPECIFIC ISSUES RAISED IN THE FURTHER NOTICE

G. The Commission Should Not Require a Specific Portion of Spectrum to be Dedicated to Free Over-the-Air Programming

The Further Notice seeks comment on whether it should require broadcasters to dedicate a specific portion of their spectrum to free, over-the-air video programming following the ATSC 3.0 transition.[40] The Commission should decline to impose such a requirement and instead follow the approach it adopted during the original digital television transition by allowing broadcasters to manage their spectrum capacity flexibly, consistent with existing statutory obligations.

During the DTV transition, the Commission recognized that rigid capacity-allocation requirements were unnecessary and potentially counterproductive. Rather than dictating how spectrum must be divided among services, the Commission relied on broadcasters' longstanding obligation to provide free, over-the-air video programming and allowed licensees to determine how best to deploy their digital capacity to serve viewers. That approach promoted innovation, efficient spectrum use, and the continued availability of free television service. The same reasoning applies with equal force in the ATSC 3.0 context.

Imposing a capacity-based requirement would also be impractical in the ATSC 3.0 environment. ATSC 3.0 employs an OFDM-based transmission architecture that allows dynamically allocating capacity in real time to maximize efficiency and service quality. Capacity is not statically divided among discrete services, nor is there a fixed or readily measurable "portion" of spectrum assigned to any individual stream at any given moment. As a result, there is no meaningful mechanism by which a broadcaster or the Commission could calculate, monitor, or enforce a requirement that a specific percentage of spectrum be

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[40] FNPRM ¶ 68.

dedicated to any particular use. Attempting to do so would be inconsistent with the design of the ATSC 3.0 standard and would risk undermining the efficiencies the Commission seeks to encourage.

Concerns that flexibility could erode free broadcast service are misplaced. Broadcasters remain uniquely obligated under the Communications Act to provide video programming to the public free of charge as a condition of their licenses. No other category of spectrum licensee is subject to a comparable service obligation. In addition, Congress expressly required that broadcasters remit fees for any ancillary or supplementary services designed to recover for the public a portion of the value of the spectrum resource and to avoid unjust enrichment.[41] Pursuant to that statutory directive, the Commission established a five percent fee on gross revenues from such services.[42] That framework reflects a deliberate policy balance and confirms that Congress and the Commission already accounted for broadcasters' flexible use of spectrum when adopting the existing statutory and regulatory regime.

Allowing broadcasters to manage their spectrum dynamically best serves the public interest. Flexibility enables licensees to respond to viewer demand, improve service quality, and deploy spectrum where it delivers the greatest benefit, while preserving free, over-the-air television. Consistent with its approach in the DTV transition, the Commission should decline to impose capacity-based restrictions and allow broadcasters to determine how best to use their spectrum in service of viewers and the public interest.

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[41] 47 U.S.C. § 336(e)(2).

[42] *See Fees for Ancillary or Supplementary Use of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of 1996*, Report and Order, 14 FCC Rcd 3259 (1998).

H. ATSC A/322 is the Physical Layer Standard for Next Gen Television

When NAB, CTA, and APTS initially petitioned the Commission to authorize ATSC 3.0 broadcasting, the standard was still under active development, and the possibility of alternative physical layer protocols within ATSC 3.0 remained an open question. In the intervening nine years, however, ATSC A/322 has matured through incremental refinements, and no viable alternative physical layer standard for the delivery of video to television receivers has emerged.

As a practical matter, allowing the existing rule to sunset would have no impact on broadcasters or device manufacturers, as ATSC A/322 is the sole physical layer standard used for Next Gen TV deployment today. If the Commission nonetheless determines that an extension is warranted for regulatory certainty, NAB would support a limited, additional three-year extension of the requirement. Should the Commission choose to extend the rule, NAB respectfully requests that it be updated to reference the current version of the standard, ATSC A/322:2025-07a.

I. The Commission's Proposals Will Not Adversely Impact EAS

The Further Notice seeks comment on whether its proposals could impact the availability of EAS.[43] The Commission's proposals will not diminish the public's ability to receive EAS messages during the transition. None of the proposals under consideration alter broadcasters' underlying EAS obligations. Regardless of how programming is apportioned between ATSC 1.0 and 3.0 signals in any given market, stations will transmit EAS alerts on all required streams in compliance with existing rules. Put simply, viewers will continue to receive emergency alerts on the signals they watch, throughout the transition and after it is complete.

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[43] FNPRM at ¶ 67.

The Further Notice also seeks comment on whether broadcasters' use of encryption could compromise EAS. Implementation of ATSC 3.0 security capabilities does not interfere with the insertion or carriage of emergency alerts. Consumers who have ATSC 3.0-capable receivers will receive EAS alerts carried on any channel they can otherwise watch in the same manner as they receive EAS messages today.

J. No Changes to Accessibility Rules Are Required Currently

The Further Notice seeks comment on whether there are rule changes necessary to ensure that broadcasters comply with existing accessibility obligations.[44] Broadcasters will continue to comply with existing video accessibility requirements during and after the transition to ATSC 3.0. Nothing about the transition diminishes broadcasters' accessibility obligations.

The Commission's existing accessibility rules apply equally to programming delivered in ATSC 1.0 and ATSC 3.0. Closed captioning requirements, video description obligations, and accessible emergency information rules do not depend on the transmission standard a station uses and therefore no rule changes are needed to ensure continued compliance.

As detailed in the Future of Television Initiative report, ATSC 3.0 also offers opportunities to improve accessibility through new capabilities and enhanced features. Broadcasters and the accessibility community are actively exploring these possibilities, but are in the early stages of development.[45] Mandating advanced accessibility features now would be premature and could unintentionally slow progress by increasing transition costs,

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[44] *Id*. at ¶ 66.

[45] *See* FOTVI Report at 31-32.

delaying deployment, and postponing the very public interest benefits that ATSC 3.0 is designed to deliver.

K. Special Broadcast-Only Privacy Rules Are Unnecessary and Counterproductive

ATSC 3.0 does not create new privacy concerns for viewers who watch broadcast television over the air without an internet connection. A one-way broadcast signal, with no return path, cannot collect or transmit viewer information. For these viewers, watching ATSC 3.0 is no different from watching ATSC 1.0 from a privacy standpoint.

ATSC 3.0 can also support optional, internet-connected features. When those features are used, any data collection is governed by the same privacy rules, permissions, and platform controls that already apply to connected TVs, streaming apps, and other online services. Broadcasters offering interactive or personalized features must comply with those existing frameworks, just like any other app or content provider.

Because these protections already exist and apply to broadcasters' ATSC 3.0 data collection activities, there is no basis for creating new, broadcast-specific privacy rules. The current consumer-protection and privacy landscape is sufficient to address any issues that may arise, while still allowing innovation and personalized services that benefit viewers.

VII. CONCLUSION

ATSC 3.0 is the future of free, local broadcasting, and the Commission has a timely opportunity to move the transition from its current, limited implementation phase to a full, nationwide deployment that serves the public interest. NAB urges the Commission to adopt a date-certain ATSC 1.0 sunset, modernize its receiver standards so consumers can reliably receive authorized broadcast services, ensure continued MVPD carriage of stations' primary ATSC 3.0 signals and associated program-related features, and reaffirm a stable approach to content protection that supports broadcasters' ability to secure and deliver the high-value

programming viewers expect while preserving longstanding consumer viewing expectations. The Commission should also advance policies that support timely, nationwide deployment of ATSC 3.0's broader public interest capabilities, including BPS and its potential to strengthen complementary PNT resiliency. Taken together, these actions will promote investment, reduce uncertainty, accelerate innovation, and ensure that Next Gen TV delivers improved service, public safety benefits, and long-term value for viewers and communities across the country. NAB appreciates the Commission's leadership in this proceeding and looks forward to working with the agency to complete the Next Gen TV transition and fully realize the promise of ATSC 3.0.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS
1 M Street, SE
Washington, DC 20003
(202) 429-5430

Rick Kaplan
Emily Gomes
Alison Martin

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