

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

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

REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

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I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ submits its reply comments in the above-captioned Further Notice of Proposed Rulemaking.² The record developed here confirms that the Commission’s central task is no longer to debate whether NextGen TV is worth pursuing – stakeholders across the ecosystem recognize that it is – but to decide whether the transition will be allowed to succeed through an orderly, coordinated framework, or instead be stranded indefinitely in a regime of regulatory uncertainty and half-measures, all to the detriment of the viewing public.

NAB therefore reiterates the core actions the Commission should adopt to move the transition forward and protect consumers’ continued access to free, over-the-air broadcasting:

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).

(1) establish clear, date-certain sunsets for ATSC 1.0 that provide the focal point necessary for marketplace coordination; (2) modernize the receiver standard so consumers can continue to access broadcast service reliably and consistently as the transition proceeds; (3) ensure continued MVPD carriage of ATSC 3.0 signals and associated advanced features so viewers are not deprived of NextGen TV capabilities through distribution bottlenecks; and (4) protect broadcasters' ability to deliver high-value programming in a video marketplace where content protection and modern technical capabilities are increasingly prerequisites to obtaining and sustaining premium content.

The record also makes plain that the Commission has broad support for taking these steps now. Broadcasters, technology providers, and public-interest stakeholders converge on a simple reality: a voluntary framework has reached the limits of what it can accomplish, and further progress depends on regulatory certainty and coordinated action. Accessibility advocates, in particular, underscore that moving forward with ATSC 3.0 is not only compatible with existing accessibility obligations, but opens the door to meaningful improvements once the transition is complete. Other commenters further explain that NextGen TV's public safety and infrastructure-related capabilities, including advanced alerting and emerging positioning/timing applications, are benefits that cannot be fully realized if the transition remains stuck in indefinite dual-operation.

Against that record of support, opponents' submissions are notable for what they do not provide: a workable alternative path to completing the transition. Instead, the principal opponents offer a familiar mix of classic delay advocacy: resisting receiver modernization, resisting regulatory certainty, resisting any step that would move the transition from pilot to scale, all while recasting the Further Notice as a forum for collateral disputes and speculative anxieties. In short, these opponents reject any modernization that would impose even minimal

effort or adjustment on their part. That is not a serious transition plan. In reality, it is an effort to keep free, over-the-air broadcasting tethered to legacy constraints while other segments of the video marketplace move forward unencumbered and without having to worry about broadcasting as a viable competitor.

For these reasons, the Commission should adopt the rule changes proposed in the Further Notice and move decisively to complete the ATSC 3.0 transition on an orderly, predictable timeline that protects consumers, advances accessibility and public safety, and preserves broadcasting's ability to compete and serve the public in the modern video ecosystem.

II. THE RECORD CONFIRMS THAT THE ATSC 3.0 TRANSITION MUST MOVE FORWARD

The record confirms that stakeholders agree that the ATSC 3.0 transition should move forward. Broadcasters, technology providers, and public-interest stakeholders all agree that regulatory certainty is required to properly effectuate the transition. Accessibility advocates also support moving the transition forward to preserve and enhance accessibility features. And numerous commenters see the public safety and infrastructure benefits to the transition. As detailed below, the record amply supports the elimination of the simulcast and substantially similar requirements, setting a certain sunset date for the ATSC 1.0 standard, and an update to the framework for receiver standards.

A. The Record Demonstrates Broad Agreement That Regulatory Certainty Is Required

Broadcasters, technology providers, and public-interest stakeholders all agree that the voluntary framework has reached the limit of what it can accomplish. ATSC 3.0 signals reach over 75 percent of the country and are on the air in nearly 90 television markets.³ Broadcast

³ FNPRM ¶ 6.

station groups have made ample investments into rolling out the standard.⁴ But as NAB outlined in our petition and original comments, the industry has reached an inflection point where additional progress requires coordinated action among all ATSC 3.0 marketplace participants. Currently, without affirmative FCC direction, the transition is mired in a state of uncertainty. As INVIDI Technologies Corporation observes:

Without a firm deadline, the marketplace remains trapped in a coordination problem: consumers delay purchasing ATSC 3.0-capable receivers because ATSC 1.0 remains broadly available, while manufacturers, broadcasters, and downstream stakeholders delay investment because receiver penetration remains limited.⁵

Nexstar similarly points out:

Without a firm deadline, the transition risks falling into a lingering malaise, with broadcasters hesitant to fully transition out of concern for potentially losing viewers who still rely on ATSC 1.0 signals, set manufacturers hesitant to scale up inclusion of 3.0 tuners in television receivers without confidence that a sufficient market will exist for those tuners, and consumers confused and frustrated as to whether or not they should embrace Next Gen TV.⁶

Sinclair highlights yet another reason why not setting a sunset date encumbers the transition:

Nonetheless, as the Commission is aware, one of the key challenges broadcasters have encountered in trying to grow demand for NextGen receivers organically has been that broadcasters have been conducting the transition without the benefit of additional spectrum. This has hampered the industry's ability to demonstrate significant service enhancements that might otherwise fuel consumer demand. Setting a firm transition date will settle expectations for manufacturers and encourage the production of more devices with ATSC 3.0 receivers – which in turn will drive down costs. Absent such an approach, manufacturers may continue to take a “wait and see”

⁴ See, e.g., Comments of Nexstar Media Inc., GN Docket No. 16-142 at 4-5 (Jan. 20, 2026) (discussing the investment of nearly \$23 million to transition 90 stations) (Nexstar Comments); Comments of Gray Local Media, Inc., GN Docket No. 16-142, at 4-5 (Jan. 20, 2026) (explaining how Gray began upconverting NextGen TV signals to HDR with Dolby Vision and enhanced audio quality and has offered NextGen TV quality signals for certain major sporting events) (Gray Comments).

⁵ Comments of INVIDI Technologies Corporation, GN Docket No. 16-142 at 1 (Jan. 16, 2026) (INVIDI Comments).

⁶ Nexstar Comments at 10.

approach that leaves the transition stalled in limbo for years, with broadcasters unable to move forward because of manufacturer uncertainty.⁷

As described in NAB's petition and comments, the FCC's simulcast and substantially similar requirements, the absence of any certain sunset date for the ATSC 1.0 signal, and the outstanding need to modernize the all-channel receiver framework continue to create regulatory uncertainty.⁸ But eliminating these requirements, setting a sunset date, and updating the receiver framework to incorporate ATSC 3.0 will create a focal point that will move the industry to transition to the ATSC 3.0 standard.

This idea of a “focal point” isn’t new; it was an idea that, in part, earned the economist Thomas Schelling the Nobel Prize in Economics.⁹ Professor Schelling observed that when there are multiple equilibria in an environment where parties aren’t coordinated, settling on an equilibrium can be difficult or nearly impossible. But a focal point can solve that coordination problem by coalescing parties around one equilibrium.¹⁰ Applied here, and much like the DTV transition, if consumers don’t know when broadcasters will transition to the ATSC 3.0 standard, they’re less likely to make educated choices about which devices to purchase to support this upgraded standard. Broadcasters will have more difficulty in deciding when to make the investments necessary to transition viewers to the new standard. Retailers

⁷ Comments of Sinclair, Inc., GN Docket No. 16-142 at 5 (Jan. 20, 2026).

⁸ See Petition for Rulemaking of NAB, GN Docket No. 16-142 (Feb. 26, 2025) (NAB Petition); Comments of NAB, GN Docket No. 16-142 (Jan. 20, 2026) (NAB Comments).

⁹ Press Release, The Nobel Prize Organisation, *The Prize in Economic Sciences 2005: Conflict and Cooperation Through the Lens of Game Theory* (accessed Feb. 12, 2026) (“Schelling was also concerned with the ability of individuals to coordinate their behavior in situations without any strong conflict of interest, but where unsuccessful coordination would give rise to high costs for all parties. In his research, including classroom experiments with his students, Schelling found that coordinative solutions – which he called focal points – could be arrived at more often than predicted by theory. The ability to coordinate appears to be related to the parties’ common frames of reference.”).

¹⁰ See, e.g., Roger B. Myerson, *Game Theory: Analysis of Conflict* 108 (1991).

won't have a clear message to send to consumers regarding whether or not they should upgrade their home devices to support the ATSC 3.0 standard. And finally, MVPDs won't know if and/or when to make the appropriate investments, undertake the appropriate technical work, and communicate clearly to its customers regarding the needs of the transition. All this uncertainty creates multiple possible timelines for the transition (or, as Schelling may characterize it, multiple equilibria), which incentivizes delay or outright disregard. That's a recipe for a failed transition.

That's why marketplace participants overwhelmingly support firm sunset dates for the ATSC 1.0 signal, eliminating the simulcast and substantially similar requirements, and updating the receiver framework. As INVIDI explains: "A clear, enforceable date breaks this stalemate by providing regulatory certainty for planning and capital investment across the device, broadcast, and distribution ecosystem."¹¹ Nexstar Media elaborates: "The establishment of a firm deadline would also provide necessary urgency to the efforts of MVPDs and standard bodies working to resolve the remaining technical issues surrounding MVPDs' carriage of 3.0 signals."¹² Sinclair notes that, "[j]ust as critically, a firm transition date will spur development and production of more consumer devices with ATSC 3.0 receivers, and scale will help drive down costs for consumers."¹³ Setting a clear demarcation for sunsetting

¹¹ *Id.*; see also E.W. Scripps Company, GN Docket No. 16-142, at 2 (Jan. 20, 2026) ("However, given the lack of regulatory certainty regarding the 3.0 transition timeline, these fundamental and far-reaching public interest benefits have not yet been fully realized despite this proceeding's approximately ten-year history."); Gray Comments at 13 ("[B]roadcasters cannot unleash the full benefits of ATSC 3.0 without sunsetting their ATSC 1.0 service. Unless and until the Commission takes the lead and sets a firm date for stations to transmit exclusively in ATSC 3.0, the transition will remain in limbo, with stations broadcasting in both 1.0 and 3.0 formats.").

¹² Nexstar Comments at 10.

¹³ Sinclair Comments at 5.

the ATSC 1.0 signal will send a clear, decisive signal to the marketplace that will clear the clouds of uncertainty and impel the whole ecosystem to plan and execute towards a full transition.

B. Accessibility Advocates Support Moving Forward With the ATSC 3.0 Standard to Preserve and Enhance Accessibility Features

Accessibility advocates recognize that ATSC 3.0 can maintain existing accessibility features during the transition. Specifically, accessibility advocates note that “[t]he transition to ATSC 3.0 should not change, narrow, or weaken the accessibility obligations that already apply to television services.”¹⁴ They also celebrate the accessibility-related enhancements that are available through NextGen TV.¹⁵ For example, NextGen TV is able to deliver more captioning options, multi-language options, dialog enhancement, audio description services, and enhanced access to American Sign Language.¹⁶ These commenters recognize that only completing the transition will provide these improved accessibility capabilities to consumers. As a result, these commenters support moving forward with the transition.

C. Public Safety and Infrastructure Benefits Depend on Completing the ATSC 3.0 Transition

The record also confirms that one of the most significant public-interest benefits of completing the ATSC 3.0 transition is the opportunity to strengthen public safety communications and critical infrastructure resilience. Numerous commenters, including

¹⁴ Comments of the Accessibility Organizations, MB Docket No. 16-142 at 7 (Jan. 20, 2026) (Accessibility Organizations Comments).

¹⁵ Comments of the Accessibility Organizations at 3; see also Reply Comments of the Accessibility Organizations, *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, MB Docket No. 16-142 at 1 (June 6, 2025).

¹⁶ Accessibility Organizations Comments at 4.

public television organizations¹⁷ and emergency management stakeholders,¹⁸ emphasize that Next Gen TV's capabilities can materially enhance the delivery of emergency information and support national and local preparedness.

The North Carolina Commenters emphasize that ATSC 3.0 enables substantial improvements in the Commission's longstanding goal of ensuring that the public has timely, reliable access to emergency information. Commenters explain that NextGen TV supports rich, data-enabled emergency content, including multilingual alerts, evacuation maps, video instructions, and other advanced emergency information that go well beyond the limited capabilities of legacy ATSC 1.0 architecture.¹⁹ They also highlight the fact that ATSC 3.0 enables geo-targeted alerting, allowing emergency information to be directed with greater precision to affected communities rather than broadly across entire market areas.

The Public Television Commenters further recognize that ATSC 3.0's public safety benefits extend beyond enhanced alerting. NextGen TV's architecture supports robust datacasting applications that can deliver critical files and situational awareness information when broadband or wireless networks are congested, impaired, or unavailable.²⁰ In an era when emergencies increasingly coincide with network overload or infrastructure disruption, the resilience of terrestrial broadcasting remains a uniquely valuable component of the Nation's communications ecosystem.

The record also highlights the importance of ATSC 3.0 to broader infrastructure

¹⁷ See Comments of the Association of Public Television Stations and the Public Broadcasting System, GN Docket No. 16-142 (Jan 20, 2026) (PTV Comments).

¹⁸ See Comments of North Carolina Emergency Management, et al., GN Docket No. 16-142 (Jan 20, 2026) (North Carolina Comments).

¹⁹ North Carolina comments at 3.

²⁰ PTV comments at 3.

resilience through the development of the Broadcast Positioning System (“BPS”) and related positioning, navigation, and timing (“PNT”) capabilities. As NAB has previously explained, ATSC 3.0 signals enhanced with BPS can provide an important complementary source of timing information that can enhance redundancy for critical systems that depend on precise timing, including telecommunications networks, transportation, financial infrastructure, and emergency response coordination.²¹ Importantly, BPS is not merely conceptual. NAB and its partners are actively evaluating ATSC 3.0-based PNT capabilities through real-world testing and federal engagement, including field trials supported by the U.S. Department of Transportation and conducted with critical infrastructure partners, such as Dominion Energy.²²

Critically, however, the Commission cannot fully realize these benefits under an indefinite dual-standard framework. Continued mandatory simulcasting and prolonged uncertainty constrain broadcasters’ ability to deploy ATSC 3.0 capacity for advanced emergency uses and delay investment in next-generation infrastructure.²³ To support these critical public safety and infrastructure needs, it is critical that the ATSC 3.0 transition is completed on a clear and predictable timeline. Doing so will ensure that NextGen TV can fulfill its promise not only as an evolution in video service, but as a meaningful enhancement to the Nation’s emergency communications capabilities and critical infrastructure resilience. As the

²¹ NAB Comments at 5; Comments of the National Association of Broadcasters, WT Docket No. 25-110 (April 28, 2025).

²² Press Release, NAB, *Department of Transportation Awards Contract to NAB to Further Evaluate the Broadcast Positioning System™ (BPS)*, (Oct. 6, 2025), <https://www.nab.org/documents/newsRoom/pressRelease.asp?id=7332>.

²³ Comments of Pearl TV, GN Docket No. 16-142 at 21 (Jan. 20, 2026) (Pearl Comments); North Carolina Comments at 5.

North Carolina Commenters put it, “we can save lives with ATSC 3.0.”²⁴

III. OPPOSITION SEEKS DELAY WITHOUT A VIABLE ALTERNATIVE APPROACH TO MODERNIZING BROADCAST TELEVISION SERVICE

The opposition to NAB’s proposal for a structured transition to the ATSC 3.0 standard boils down to one viewpoint: delay, delay, delay. CTA and the pay TV industry don’t want to engage in the commitment of effort or resources to support a pro-consumer transition to the ATSC 3.0 standard. CTA maintains an obstinate view that any form of a mandate should be forsaken – even if a mandate is necessary to fulfill Congress’s vision for free over-the-air TV service and help consumers. The pay TV industry will oppose anything that results in the modernization of broadcast television, one of its key competitors. Both industries would gleefully have broadcast TV bound to standards developed in the 1990s rather than expend any effort or resources to facilitate this transition to the future.

In addition to CTA and the pay TV industry’s obstruction strategy, individual commenters raise concerns about current implementation of the ATSC 3.0 standard. Like the rollout of any new technology, there inevitably will be issues that will need to be ironed out. Broadcasters are fully committed to resolving technical issues quickly to ensure viewing audiences get the benefit of Next Gen TV. None of these concerns undercut the simple fact that completing the transition to ATSC 3.0 is in the public interest.

A. CTA’s Objections Focus on Avoiding Mandates – and the Public Interest – Rather Than Disputing ATSC 3.0’s Value

CTA’s comments in this proceeding are notable for what they do not dispute. CTA does not contest that ATSC 3.0 offers meaningful benefits. It does not argue that broadcast television should remain indefinitely tethered to ATSC 1.0. And it does not contend that the transition to Next Generation Television should fail. To the contrary, CTA acknowledges that

²⁴ North Carolina Comments at 10.

ATSC 3.0 provides improved picture quality, enhanced audio, advanced accessibility features, emergency alerting, and new services.

CTA supports the idea of progress while opposing the mechanisms that make progress possible. Instead of engaging with the Commission's core inquiry – how to ensure a successful and orderly transition to ATSC 3.0 – CTA recycles a tiresome playbook. It resists updating the receiver standards. It resists regulatory certainty. It resists any action that would conclusively move the transition forward and enable consumers to access broadcast TV. CTA's position mirrors almost exactly the stance it took, under its former name “CEA,” during the digital television transition.

That history matters. During the DTV transition, CEA likewise acknowledged the benefits of digital broadcasting while opposing the policies necessary to complete the transition. Get this: CEA predicted dramatic price increases, reduced consumer choice, and delayed adoption if digital tuners were required.²⁵ The Commission rejected those claims as overstated and unsupported, and experience proved it right.²⁶ Device prices declined. Digital capability became ubiquitous. Innovation accelerated. Consumers benefited.

CTA's current arguments unsurprisingly suffer from the same flaws. CTA frames its opposition as concern for consumers, focusing on highly speculative device cost increases and the possibility that some consumers may not immediately value all ATSC 3.0 features. CTA also attempts to minimize the real-world importance of over-the-air broadcasting through

²⁵ See Comments of the Consumer Electronics Association and the Consumer Electronics Retailers Coalition, MM Docket No. 00-39, at 9 (Apr. 6, 2001) (CEA 2001 Comments) (predicting that “even with an aggressive cost reduction curve, the electronics package required to receive, decode and display digital television will still command a \$200 per unit cost premium over required analog circuitry for the foreseeable future”).

²⁶ *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 ¶ 42 (Aug. 8, 2002).

selective and misleading statistics. For example, CTA emphasizes that only a small percentage of households rely on an antenna as their exclusive source of video, while omitting that its own market research shows that antenna use is far more widespread.²⁷ Indeed, the same CTA Ownership & Market Potential Study that CTA cites reflects that antennas remain a mainstream household technology product, with 40.4 million or 32% of households owning at least one antenna.²⁸ CTA’s effort to focus only on “antenna-only” households ignores the millions of Americans who rely on free broadcast service alongside broadband or streaming options. Even those viewers who do not regularly use their antennas may find themselves switching when broadband service is interrupted or local emergencies occur.

Absent clear, forward-looking policy, consumers face fragmented device capabilities, confusing feature availability, inconsistent access to broadcast services, and uncertainty about whether devices purchased today will meaningfully support broadcast television tomorrow. Manufacturers face uncertainty about which capabilities to include and when. Broadcasters face uncertainty about when they can fully deploy ATSC 3.0 services. And the transition remains stuck in precisely the kind of coordination problem the Commission has already recognized as inimical to consumer welfare.

CTA’s purported solution is to postpone and hope and pray that the market resolves these issues on its own. That is not a solution – it is an invitation to continued delay. The Commission has already learned during the DTV transition that uncertainty itself suppresses investment, delays adoption, and ultimately harms consumers. CTA offers no explanation why the same voluntary-only approach that failed before should succeed now.

²⁷ CTA Comments at 9.

²⁸ CTA, 2025 U.S. Consumer Technology Ownership & Market Potential Study (May 2025) at 44, <https://www.cta.tech/research/2025-us-consumer-technology-ownership-market-potential-study>.

CTA's arguments are not new. They track the same themes raised a quarter century ago: voluntary adoption over clear rules, speculative cost concerns over demonstrated benefits, and delay in place of decision. The Commission rejected these arguments in 2002, and history has shown why. CTA now asks the Commission to assume that this time will be different without explaining why the same arguments that failed before should succeed now. The Commission should decline that invitation.

CTA's only novel assertion is an attempt to relitigate a case it lost in 2003 by way of claiming that a proposed update to the receiver framework somehow raises a "major question" that warrants congressional action. The major questions doctrine, however, provides no help to them. The major questions doctrine applies when an agency claims "extravagant statutory power over the national economy" in an area where Congress has not granted such authority.²⁹ Congress, however, unquestionably has granted the Commission authority under the All Channel Receiver Act (ACRA). Indeed, even CEA (the predecessor to CTA) had to acknowledge in its challenge of the Digital Tuner Order that "'[o]n its face, ACRA appears to authorize the Commission to take any action necessary to ensure that television sets can adequately receive all over the air broadcast signals.'"³⁰ CEA's principal objection was that the FCC "relie[d] almost entirely on a literal reading of the statutory language."³¹

As then-Judge Roberts quipped: "[N]ot the most damning criticism when it comes to statutory interpretation."³² In what appears to be a quaint anachronism of statutory-interpretation history, CEA argued that the D.C. Circuit should ignore the plain meaning of the

²⁹ *Utility Air Regulatory Group v. EPA*, 573 U.S. 302, 324 (2014).

³⁰ *Consumer Electronics Assoc'n v. FCC*, 347 F.3d 291, 297 (2003) (cleaned up).

³¹ *Id.*

³² *Id.*

statute in light of the statute's legislative history.³³ Then-Judge Roberts declined to reverse the FCC's order on those grounds, and no doubt, Chief Justice Roberts would take an even dimmer view of an argument to overturn the plain text of the statute, which very clearly grants the Commission authority to update its receiver framework. Where the legislative grant is clear as day, the major questions doctrine has no relevance.

B. Opposition From MVPD Trade Associations Reflects Cost Avoidance, Not Consumer Harm

Pay TV trade associations (NCTA, NTCA, and ATVA) recycle a familiar tactic. Rather than engaging in the Commission's actual inquiry – how to ensure a successful and orderly transition to ATSC 3.0 – they exhaustingly try to reframe the FNPRM as yet another forum for debate about laws governing carriage of broadcast signals. They raise all sorts of weak, self-serving complaints about the ATSC 3.0 transition. They claim there are insurmountable technical difficulties that stand in the way of the transition. They complain about the costs that they apparently would have to bear to support the transition. They impugn the motives of broadcast TV stations for wanting to provide audiences with higher quality video and audio experiences with accompanying rich data features by asserting broadcasters have ulterior motives for wanting to provide viewing audiences with a pro-consumer ATSC 3.0 signal. They manufacture legal and constitutional crises associated with upgrading to the ATSC 3.0 standard. If pay TV industry had its druthers, broadcast TV stations could modernize their broadcast signal to provide pro-consumer improvements to viewing audiences *only if* those innovations come at no cost to, no inconvenience to, or no effort on behalf of the pay TV industry. This buck-passing advocacy strategy, however, isn't new. Indeed, the pay TV industry raised similar arguments during the DTV transition.

³³ *Id.* at 297-98.

During the DTV transition, MVPDs claimed that the transition was premature, consumer demand was insufficient, and that such a transition posed constitutional concerns. They insisted that the only way to proceed was through voluntary, market-based solutions. More specifically, the pay TV industry opposed digital must-carry and viewability requirements at different moments. At every step of the way, the pay TV industry argued this step went too far, this was the wrong time, and this obligation was unnecessary. Each issue was raised, extensively vetted, and ultimately to the benefit of the American public, was thoroughly rejected by the Commission.

We explain why: (1) the pay TV industry's complaints about the costs of the ATSC 3.0 transition being too high are irrelevant; (2) their calls to maintain existing requirements or some version of existing requirements do not solve the problems that continue to hamper the transition; and (3) their arguments that the ATSC 3.0 transition raises legal issues lack any merit. Finally, after breaking down MVPDs' arguments down to their fundamentals, we're left with the obvious: The pay TV industry has not engaged in any way to help develop a constructive plan for how to facilitate a workable ATSC 3.0 transition. Instead, they prefer to keep television broadcasters frozen in time. Of course, these objections aren't new, and the Commission should not countenance these well-worn objections to derail a transition that the Commission already has determined is in the public interest.

1. MVPD Complaints About the Cost of the Transition of the ATSC 3.0 Are Overblown, Irrelevant, and Self-Serving

MVPDs complain that transitioning to the ATSC 3.0 standard will impose significant costs on them. They claim that they'll have to invest in new equipment, replace consumer equipment, take a license to standard essential patents, and face new capacity demands,

which impose indirect costs.³⁴ First, these claims from MVPDs about the cost to transition to the ATSC 3.0 standard are well overblown. Indeed, for signals received over fiber, the cost to transition is practically nothing. For signals received over the air, there is at most a modest one-time cost per user.³⁵ And finally, some costs, such as the need to replace consumer equipment, may not even be required.

Apart from their vastly overblown cost claims, they ignore the clear public benefits to an ATSC 3.0 transition. What the pay TV industry does not want to highlight, however, is that their TV business is built on the backs of broadcasters. Thus, if broadcasters need to upgrade to keep pace with the market and consumer demand, and if that transition imposes some costs on the pay TV industry, those costs are pay TV's to bear.

For instance, MVPDs complain that existing digital video systems are incompatible with the ATSC 3.0 standard.³⁶ They claim that many MVPD set-top boxes do not support 4K resolution or other ATSC 3.0 formats; nor do they support AC-4 audio encoding or other such audio features or capabilities.³⁷ They make similar excuses about upgrading transcoders and receivers,³⁸ demultiplexers,³⁹ and other consumer- and enterprise-facing equipment.⁴⁰ They complain about licensing ATSC 3.0 standard-essential patents.⁴¹ They also raise the

³⁴ Comments of NCTA – The Internet & Television Association, GN Docket No. 16-142 at 9-11 (Jan. 20, 2026) (NCTA Comments); Comments of NTCA-The Rural Broadband Association, GN Docket No. 16-142 at 3-5 (Jan. 20, 2026) (NTCA Comments); ATVA Comments at 5-11.

³⁵ See Letter from Rick Kaplan, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 16-142 at 28 (Jan. 17, 2025). (FOTVI Report)

³⁶ NCTA Comments at 9; ATVA Comments at 3.

³⁷ NCTA Comments at 10-11; ATVA Comments at 3; NTCA Comments at 3-4.

³⁸ NCTA Comments at 4, 9-10; ATVA Comments at 5; NTCA Comments at 4.

³⁹ NTCA Comments at 4; ATVA Comments at 5.

⁴⁰ NTCA Comments at 8; ATVA Comments at 9-10.

⁴¹ NTCA Comments at 14; ATVA Comments at 6-7.

prospective of consuming more spectrum capacity given the extra bandwidth apparently consumed by the ATSC 3.0 signal.⁴² But no doubt, any new standard – particularly standards that seek to move beyond the antiquated status quo and bring viewing audiences into the future – will carry some incompatibilities with existing equipment. Were the Commission to balk at all technology transitions simply because there are some incompatibilities to be worked out, consumers would have to wait – likely indefinitely – before they could benefit from any improvement in the broadcast TV viewing experience. That’s an unacceptably high bar for any technology transition to clear, and bluntly, it’s just bad technology policy that would stagnate any efforts to coordinate a transition to a new, better technology.

The best way to facilitate a full and orderly transition *and* to start the process of making the necessary technical changes to allow MVPDs to carry the ATSC 3.0 standard is to eliminate the rules that currently hamper the transition. Eliminating simulcast requirements and substantially similar rules, setting dates certain for the transition, and updating the receiver framework will create a focal point for the whole broadcast television ecosystem to transition. As for the technical challenges that MVPDs face, other ecosystem partners have every incentive to ensure MVPDs can retransmit ATSC 3.0 signals to the viewing public. Rather than throwing up their hands at the remotest sign of adversity, MVPDs should work with their ecosystem partners to effectuate the transition in as orderly and cost-effective manner as possible. But we shouldn’t hold our breath. MVPDs ostensibly want to keep broadcast TV stations stagnant by opposing regulatory changes that would facilitate the transition. The Commission, however, should not countenance the pay TV industry’s efforts to use this process to delay this much-needed transition.

⁴² NCTA Comments at 11-13; ATVA Comments at 10.

2. MVPDs' Calls to Maintain the Simulcast and Other Requirements Are Nothing More than Delay Tactics

As discussed in Section II.A. and in NAB's petition and comments, setting dates certain to sunset ATSC 1.0 and eliminating requirements to maintain the ATSC 1.0 signal will align all parties on a clear path to completing the transition.⁴³ MVPDs complain that because there hasn't been some organic move to adopt ATSC 3.0, eliminating regulatory requirements that currently hinder the transition would be inappropriate.⁴⁴ But this ignores the fact that a lack of sunset dates and antiquated rules have hindered ATSC 3.0 adoption. As the industry starts to coalesce around particular dates certain, the increased demand from viewers looking for ATSC 3.0-compliant services will impel MVPDs to solve any technical issues relating to the transition and invest in the equipment needed to support the ATSC 3.0 transition. And with that greater demand, MVPDs ultimately will see efficiency gains from learning by doing and economies of scale.

Of course, the transition to the ATSC 3.0 standard will require work and resources that they clearly don't want to spend and will keep broadcast TV's standards frozen in time while their media competitors are free to innovate. And so MVPDs seek to preserve these requirements or some version of them because they are a drag on the transition. By keeping the ATSC 1.0 signal in place, it creates confusion in the marketplace – the multiple-equilibria problem that Schelling solved with focal points – that ultimately allows MVPDs to dodge their obligations to support the transition. Again, their motives are transparent in their advocacy as they make absolutely no effort to explain how maintaining the simulcast or substantially

⁴³ See *supra* Section II.A.; NAB Petition; NAB Comments.

⁴⁴ NCTA Comments at 3-6; see also Comments of Public Knowledge, Consumer Reports, Electronic Frontier Foundation, Electronic Privacy Information Center, Media Council Hawaii, Open Technology Institute at New America, GN Docket No. 16-142, at 14-15 (Jan. 20, 2026) (Public Knowledge Comments).

similar rules will support the ATSC 3.0 transition – which ultimately is the key question of the Further Notice. Nor do they propose realistic alternatives that would impel the transition to occur. For all those reasons, the Commission should ignore these self-serving calls to keep the simulcast and substantially similar requirements.

3. Pay TV Industry's Arguments Claiming that the ATSC 3.0 Transition Raises Legal Issues Are Wrong and Wholly Lack Merit

MVPDs' claims that the broadcasters' use of the ATSC 3.0 standard is reallocating spectrum to non-broadcast uses lack all merit. First, the entire argument is strange given that MVPDs' principal complaint is that all the major broadcast-related innovations that broadcasters want to offer will cost them time and resources to support. MVPDs aren't necessarily even asserting that the ATSC 3.0 transition wouldn't generate value for consumers. In fact, they acknowledge that the ATSC 3.0 standard is pro-consumer:

- ATVA observes that “to the extent broadcasters use ATSC 3.0 signals to deliver *higher-quality video and audio or additional features not offered via ATSC 1.0*,” any backwards incompatibility may limit the ability to deliver those features.⁴⁵
- ATVA claims that it lacks the current ability to “pass through *additional features that broadcasters seek to deliver alongside these [ATSC 3.0] signals*.”⁴⁶

Even though they recognize – as they must – that the ATSC 3.0 standard offers superior broadcast-related features, such as higher video and audio quality and additional features, that will require MVPDs to undertake significant upgrades, they perplexingly claim that the benefits from the transition significantly relate to non-broadcast uses.⁴⁷

As it stands, MVPDs provide nothing more than bald, unsupported statements about what portion of broadcasters' spectrum that broadcasters will use to provide ATSC 3.0 signals.

⁴⁵ ATVA Comments at 3 (emphasis added).

⁴⁶ ATVA Comments. at 4 (emphasis added).

⁴⁷ ATVA Comments at 13.

There is no basis for MVPD claims about how much broadcast spectrum is being used or will be used for broadcast-related services. What's clear: As of the present, broadcasters have overwhelmingly focused on using the ATSC 3.0 signal to provide richer quality video and audio viewing experience for viewers.⁴⁸ Broadcasters are using the ATSC 3.0 signal for broadcast uses. Empty references to broadcasters reallocating spectrum to non-broadcast uses have no merit and therefore any assertion that broadcasters are operating outside their statutory authority, Commission rules, or the Administrative Procedure Act are utterly hollow.

Finally, MVPDs argue that must-carry rights should not extend to ATSC 3.0 signals.⁴⁹ They argue that ATSC 3.0 signals require great capacity, which would require MVPDs to undertake additional burdens.⁵⁰ First, the FCC does not have the authority to change must-carry obligations. But setting aside that inconvenient fact to the pay TV industry's argument, there is no reason to change the framework for must-carry rights. Broadcasters aren't looking to change or expand must-carry rights. When stations transition to ATSC 3.0, the must-carry rights would follow the station's primary programming stream. In short, must-carry rights would simply attach to the ATSC 3.0 signal rather than ATSC 1.0 signal. Indeed, by ending simulcast and substantially similar requirements and setting a sunset date, the transfer of must-carry rights from the ATSC 1.0 to the ATSC 3.0 signal should be straightforward. As we

⁴⁸ See, e.g., ATSC, *NextGen TV Scores Big This Fall With Native HDR Sports, New Certified Devices, and Interactive Entertainment* (Sept. 24, 2025), <https://www.atsc.org/news/nextgen-tv-scores-big-this-fall-with-native-hdr-sports-new-certified-devices-and-interactive-entertainment/> ("On August 23, Gray Television's WVUE (FOX New Orleans), in partnership with Tupelo Media Group, delivered a preseason football game in end-to-end native HDR — from camera to broadcast to compatible NEXTGEN TV sets. Viewers were treated to stunning contrast, richer colors, and an immersive sideline experience that fulfilled one of NEXTGEN TV's most anticipated promises.").

⁴⁹ NCTA Comments at 6-9; ATVA Comments at 17; NTCA Comments at 9.

⁵⁰ NCTA Comments at 7; ATVA Comments at 17; NTCA Comments at 9.

describe in our comments, technical standards are already in place to support MVPD carriage of ATSC 3.0 signals and any further technical issues can be addressed as the transition occurs.⁵¹ But let's call a spade a spade: This isn't just about the so-called additional capacity or burden required to support the ATSC 3.0 signal. This is about MVPDs' desire to use the ATSC 3.0 transition as an opportunity to totally upend the regulatory framework. Not only are MVPDs calling into question must-carry rights, they're calling for a wholesale reform of the retransmission consent process.⁵² The ATSC 3.0 transition doesn't merit this wholesale change to the retransmission consent process or must-carry rights, and the Commission should recognize MVPD comments for what they are – a transparent effort to use this proceeding aimed at improving the public's access to free over-the-air TV to its advantage (and the public's detriment). This is the wrong forum for such arguments, and the Commission thus should ignore these blatant efforts to use tired legal arguments to gain an advantage.

4. MVPDs Offer No Workable Path to the ATSC 3.0 Transition

When one whittles away at the pay TV industry's self-interested arguments, it's clear that for all their complaints, and much like MVPDs' sand-in-the-gears involvement in the Future of TV Initiative, they don't offer any workable path for completing the ATSC 3.0 transition. Indeed, they can't explain:

- How will broadcasters fully deploy new capabilities while indefinitely constrained by simulcasting?
- How will consumers gain consistent access to ATSC 3.0 services without regulatory clarity?

⁵¹ NAB Comments at 24-25.

⁵² NTCA Comments at 9-10 ("Accordingly, the Commission should adopt rules requiring transparency and accounting for market forces in retransmission consent agreements as a critical component of large broadcasters' quest to transition broadcast programming to 3.0."); see also Public Knowledge Comments at 23.

- How will the transition ever conclude if the industry doesn't have a clear focal point to coalesce around?

To deliver the quality viewing experience that viewers deserve, we need a constructive way forward to carry the ATSC 3.0 transition through the finish line. The pay TV industry, however, offers no such path. Instead, they clamor about all the problems associated with the transition – problems, which they would have to face anyway if the transition was realized organically. They offer no real solutions to propel the transition forward. For all those reasons, the Commission should recognize MVPDs' comments for what they are: a transparent effort to delay – if not altogether avoid – the transition to the ATSC 3.0 standard.

C. Individual Anecdotes and Early-Deployment Friction Do Not Justify Stalling a National Transition

Certain individual commenters have described challenges they experienced with early iterations of ATSC 3.0 devices, including technical quirks, interoperability issues, and difficulties in specific use cases.⁵³ While those experiences reflect sincere engagement from early adopters, they do not demonstrate systemic flaws in the ATSC 3.0 standard or provide a basis for delaying the national transition.

To the contrary, the issues described in the record are characteristic of the normal maturation process for new consumer technologies. First-generation products inevitably encounter real-world conditions and integration challenges that can be difficult to identify in controlled laboratory environments. Early adopters in any market – whether for smartphones, Wi-Fi routers, or next-generation television receivers – play an important role in helping manufacturers and ecosystem partners identify and remedy issues that improve subsequent product iterations.

⁵³ See, e.g., Comments of Tyler Kleinle, Antenna Man LLC, GN Docket No. 16-142 (Jan. 16, 2026).

The record reflects precisely this dynamic for ATSC 3.0 devices. Many of the individual concerns are tied to early converter box solutions or initial firmware implementations that industry players are already iterating and refining. The broadcast industry and its partners have responded and will continue to respond to these early-market challenges. For example, Pearl TV has recently announced a low-cost, comprehensively tested and certified converter device initiative designed to provide affordable, robust consumer options and address the types of limitations surfaced by early device experiences.⁵⁴

This approach mirrors the structure and intent of the NTIA converter box effort during the digital television transition, which likewise relied on coordinated standards-based testing, certification, and consumer-focused implementation to ensure that viewers had reliable, accessible equipment as the transition progressed. As in that earlier transition, the appropriate response to early-market friction is continued refinement and broader availability of mature consumer devices – not delay of the underlying transition.

NAB therefore respectfully submits that the Commission should view these early individual comments as part of the normal process of technological maturation, while continuing to advance an industry-wide transition that the record overwhelmingly supports.

D. Claims That DRM Is Incompatible With Free OTA Broadcasting Are Overstated and Unsupported by the Record

Some commenters argue more broadly that the permissive use of encryption or digital rights management (“DRM”) in ATSC 3.0 is incompatible with free, over-the-air broadcasting or would fundamentally alter the nature of the broadcast service.⁵⁵ Encryption and DRM are widely used tools across today’s video marketplace to protect high-value programming from

⁵⁴ Pearl Comments at 2, 13.

⁵⁵ Public Knowledge Comments at 7.

piracy and unauthorized redistribution. Broadcasters increasingly compete with unregulated streaming platforms and multichannel distributors that routinely rely on such content protection measures as a condition of acquiring and delivering premium programming. Permitting broadcasters to employ modern content protection technologies where appropriate therefore supports the continued availability of high-quality programming on free, over-the-air television and helps ensure that NextGen TV remains a viable, competitive platform for local service.

Encryption does not convert free broadcast television into a subscription service.

ATSC 3.0 remains a broadcast service transmitted over the public airwaves and available to viewers without recurring fees. The use of modern content protection tools – common across today's video marketplace – does not change the essential character of the service or impose new payment obligations on consumers.

Nor does the permissive use of DRM diminish broadcasters' public interest responsibilities. Emergency alerting requirements remain fully applicable, and NextGen TV's enhanced capabilities can strengthen – not weaken – the delivery of emergency information. Accessibility obligations likewise remain unchanged, and the transition to ATSC 3.0 holds significant promise for improved accessibility features as the ecosystem matures.

To the extent certain commenters attempt to recast encryption as a legal or definitional barrier to broadcast modernization, those arguments rest on misplaced analogies that NAB has already addressed in its initial comments. Nothing in the record supports the conclusion that permitting broadcasters to employ widely used content protection technologies strips ATSC 3.0 service of its status as broadcasting or provides a basis for delaying the transition.

In short, the record does not support the claim that DRM warrants stalling progress

toward completion of the ATSC 3.0 transition. The Commission should reject efforts to transform speculative and overstated concerns about an optional technical capability into a basis for indefinite delay, and should continue advancing a framework that preserves free, over-the-air service while enabling broadcasters to compete and innovate in the modern video marketplace.

Finally, the Commission should recognize that permitting broadcasters to employ modern content protection tools serves important and pro-consumer objectives. In today's video marketplace, broadcasters compete directly with unregulated streaming platforms and multichannel distributors that routinely rely on encryption and other security measures to protect high-value programming from piracy and unauthorized redistribution. If broadcasting is the lone platform to be denied the ability to use widely accepted content protection technologies, we will undoubtedly face reduced access to premium content and diminished ability to invest in the local news, public safety, and community programming that define broadcasting's public interest role.

The permissive use of DRM is not an abandonment of free over-the-air service, but rather a practical means of ensuring that NextGen TV can continue to deliver high-quality programming to viewers while preserving broadcasting's competitiveness and sustainability. The Commission should therefore reject efforts to treat encryption as a basis for delay and instead continue advancing a transition framework that both protects consumers and enables broadcasters to innovate and serve the public effectively.

IV. CONCLUSION

For the reasons discussed above, the Commission should establish a firm sunset for ATSC 1.0, eliminate the regulatory constraints that indefinitely prolong simulcasting and "substantially similar" operation, and modernize the receiver framework so that consumers

can continue to access free, over-the-air broadcasting reliably as the transition proceeds. The Commission should also reject efforts to derail this proceeding with collateral disputes and overstated legal theories that offer no workable alternative transition plan. The record supports Commission action now to provide a clear, date-certain path to completion of the ATSC 3.0 transition and to preserve free, over-the-air service while the marketplace modernizes.

Respectfully submitted,

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