

ALERT

FCC Adopts Declaratory Ruling and Initiates Rulemaking Proceeding to Promote “Broadcast Internet” Services Through ATSC 3.0

June 10, 2020

On June 9, 2020, the Federal Communications Commission (FCC or Commission) released a Declaratory Ruling and Notice of Proposed Rulemaking (NPRM) that it hopes will facilitate the deployment of the ATSC 3.0 Next Generation Television standard and foster the growth of new and innovative ancillary and supplementary services made possible by ATSC 3.0 technology. The Commission refers to these new offerings collectively as “Broadcast Internet” services to distinguish them from traditional over-the-air video programming services. With the adoption of the Declaratory Ruling and NPRM, the FCC applauds itself for taking “important steps to further unlock the potential of broadcast spectrum, empower innovation, and create significant value for broadcasters and the American public alike by removing the uncertainty cast by legacy regulations.”

The Declaratory Ruling and NPRM as adopted are generally identical to the draft item we summarized in full here. In the Declaratory Ruling, the FCC clarifies that the agency’s media ownership and attribution rules will not affect the ability of a television broadcaster to lease spectrum to another broadcaster (including one operating in the same geographic market) or a third party intending to provide Broadcast Internet services. The NPRM asks a number of questions and seeks comment on several tentative conclusions, including (1) whether any existing rules should be clarified or modified in order to further promote the deployment of Broadcast Internet services; (2) whether the FCC’s rules imposing a fee on broadcasters providing ancillary and supplementary services should be reconsidered; and

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(3) whether the Commission should clarify its ancillary and supplementary services rules (i) prohibiting such services from derogating a broadcaster’s required free over-the-air video programming service and (ii) determining how a Broadcast Internet service being offered may be considered analogous to another regulated service and therefore subject to regulation under the rules for such analogous service.

Comments on the NPRM will be due 30 days after publication in the Federal Register.

If you have questions about the NPRM or are interested in filing comments, please contact the Wiley attorney who regularly assists you with your FCC matters or one of the attorneys listed on this alert.