

ALERT

FCC Seeks Comment on ATSC 3.0/Next Gen TV Transition

April 18, 2025

On April 7, 2025, the Federal Communications Commission (FCC or Commission) released a Public Notice seeking comment on the Petition for Rulemaking (the Petition) filed by the National Association of Broadcasters (NAB) asking the Commission to “establish a clear timeline to complete the transition” to the new digital TV transmission standard, ATSC 3.0 (ATSC 3.0 or Next Gen TV).

Comments are due on May 7, 2025. Reply comments are due June 6, 2025.

NAB Petition

On February 6, 2025, NAB filed the Petition, seeking to accelerate the transition to Next Gen TV. In the Petition, NAB proposes a two-phased transition. For the first phase, full-power stations in the top 55 markets would be required to transition fully to ATSC 3.0 in February 2028 (with limited waivers for smaller and noncommercial stations). Stations in the remaining markets would be required to transition fully to ATSC 3.0 in February 2030.

The Petition includes additional proposals to facilitate the transition. For example, NAB proposes that the FCC amend section 15.117 of its rules to require that all TV broadcast receivers include ATSC 3.0 tuners. NAB also asks the Commission to consider the need for updates to MVPD carriage rules and the FCC’s rules addressing broadcast transmission standards.

In addition to seeking comment on these issues, the FCC also invites comment on the Future of Television Initiative Report (the Report), which NAB filed on January 17, 2025. The Report summarizes

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discussions and progress made during the transition from the current ATSC 1.0 standard to ATSC 3.0.

FCC Questions and Opportunities for Comments

In addition to comments on the Petition and Report, the Commission seeks comment on several questions related to the ATSC 3.0 transition. For example:

- Have marketplace barriers impacted efforts to deploy ATSC 3.0? If so, what barriers exist (e.g., consumer awareness, demand, access to devices, costs to broadcasters, costs to other industry stakeholders, costs to consumers, or regulatory obstacles)? How can the Commission and industry address these barriers?
- Are there intermediate steps the Commission could or should take to increase flexibility for broadcasters as they transition to ATSC 3.0?
- Are there issues specific to VHF reception that the Commission could or should consider with respect to a transition to ATSC 3.0, such as the impact of the noise floor in ATSC 3.0? If so, what steps should the FCC take to increase the utility of VHF channels in support of the transition to ATSC 3.0? What are the associated costs or burdens?
- What steps should industry and/or the Commission take to ensure broadcasters are able to protect their content and signal while also ensuring viewers are able to continue to view a station's free over-the-air signal in ATSC 3.0, just as they do today?
- Have marketplace conditions changed with respect to using vacant channels as temporary transition channels? If so, could such changes make it beneficial to allow the use of vacant channels to transition without imposing excessive costs on other stakeholders?
- Should the FCC define how much "spectral capacity" Next Gen TV stations must devote to free, over-the-air television service? How so?

Wiley's Media Practice has a deep bench of attorneys with extensive experience counseling television stations on ATSC 3.0 and the Next Gen TV transition. If you have any questions or would like to file comments, please contact the Wiley attorney who regularly handles your FCC matters or the authors of this alert.