

August 10, 2022

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of *Ex Parte* Communication, MB Docket No. 16-142

Dear Ms. Dortch:

On July 28, 2022, Alison Neplokh and the undersigned, both of the National Association of Broadcasters (NAB), had a telephone conference with Evan Baranoff, Mark Colombo, Lyle Elder, Evan Morris, Maria Mullarkey, and Sarah Whitesell of the Media Bureau regarding the record in the above-referenced proceeding.¹

In particular, we discussed the issue of “lateral hosting,” where a station transmitting in ATSC 1.0 might arrange for the hosting of one or more of its multicasts on another 1.0 station in the market to ensure that the first station has sufficient capacity to host the programming of an ATSC 3.0 station in the market. The explanation the Commission provides in the Further Notice in this proceeding is that the Commission is “unaware of any station broadcasting in 1.0 on its own channel that has sought 1.0 hosts for its multicast programming, so see no need to provide such flexibility in these proposed rules.”² NAB explained that at least one station has requested authorization from the Commission for such an arrangement, and that the Commission has not received additional such requests at least in part due to broadcasters’ reluctance to file requests they have been advised are unlikely to be granted. While such arrangements would be a last resort, broadcasters engaged in channel mapping and planning for market launches have emphasized that they will likely be important in some markets. These lateral hosting arrangements would be limited to stations that are participating in the 3.0 transition (i.e., stations that are simulcasting their primary signal on a 3.0 station in the market) or their co-owned stations in the same market and could be subject to the same capacity limitations NAB has already proposed.

¹ *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Second Further Notice of Proposed Rulemaking, GN Docket No. 16-142, FCC 21-116 (Nov. 5, 2021) (FNPRM).

² *Id.* at ¶ 14.

NAB explained that stations will need to take a large number of considerations into account in creating hosting arrangements that squeeze the existing ATSC 1.0 stations in the market onto fewer ATSC 1.0 transmitters to enable ATSC 3.0 deployment and the transition. There will inevitably be tradeoffs as the transition progresses where some stations will consider simply dropping 1.0 multicasts to make room to host the 1.0 programming of a 3.0 station. Enabling lateral hosting as an option could allow a 1.0 host to preserve its multicast streams on a different 1.0 station in the market to avoid a loss of programming in the market. Given the important services that multicast programming provides, including diverse and foreign language programming in some markets, the Commission should seek to make it as easy as possible for broadcasters to preserve multicast programming during the transition.

More broadly, we respectfully submit that the Commission's approach in this proceeding should not be solely to codify only the existing arrangements the Commission already authorizes through Special Temporary Authority, but also to accommodate different types of hosting arrangements that have been proposed more recently or are likely to arise in the near future. The best way for the Commission to mitigate any perceived concerns with extended hosting arrangements is to help accelerate the transition by providing as much flexibility as possible. The need for these arrangements will decrease dramatically as stations begin to voluntarily sunset transmission of their multicasts in ATSC 1.0.

NAB appreciates the attention and engagement of Commission staff, and we look forward to continuing to work with the Commission to finalize rules in this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a stylized, flowing script.

Patrick McFadden
Deputy General Counsel,
National Association of Broadcasters

cc: Evan Baranoff
Mark Colombo
Lyle Elder
Evan Morris
Maria Mullarkey
Sarah Whitesell