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**SMALL ENTITY COMPLIANCE GUIDE**

**Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard**

**FCC 17-158; FCC 20-72; FCC 23-53**

**GN Docket No. 16-142**

**Released: November 20, 2017; June 16, 2020; June 23, 2023**

In accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct your comments and recommendations, or requests for further assistance, to the FCC’s Consumer Center:

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## I. OBJECTIVES OF THE PROCEEDING

This Small Entity Compliance Guide (Guide) summarizes rules and technological standards the Federal Communications Commission (Commission) adopted in *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Second Report and Order and Order on Reconsideration (*Next Gen TV Second Report and Order*),<sup>1</sup> released June 16, 2020, and *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Third Report and Order and Further Notice of Proposed Rulemaking (*Next Gen TV Third Report and Order*), released June 23, 2023.<sup>2</sup>

The “Next Generation” broadcast television (Next Gen TV) proceeding seeks to promote innovation in the television broadcast industry by creating rules that allow digital television (DTV) broadcasters to provide Next Gen TV service, also called “ATSC 3.0” or “3.0,” on a voluntary, market-driven basis. Full power and Class A DTV broadcasters that choose to deploy ATSC 3.0 service must also continue to deliver current-generation DTV service, also called “ATSC 1.0” or “1.0,” to their viewers. The requirement to continue to provide ATSC 1.0 service is called “local simulcasting.”

ATSC 3.0 is the new television transmission standard developed by Advanced Television Systems Committee as the world’s first Internet Protocol (IP)-based broadcast transmission platform. It combines the capabilities of over-the-air (OTA) broadcasting with the broadband viewing and information delivery methods of the Internet, using the same 6 MHz channels presently allocated for DTV service.

ATSC 3.0 technology gives Next Gen TV broadcasters the potential to provide consumers with more vivid pictures and sound – including Ultra High Definition (UHD) television, superior reception, mobile viewing capabilities, enhanced public safety capabilities, enhanced accessibility features, localized and/or personalized content, and interactive educational children’s content.

The *Next Gen TV Second Report and Order* provided guidance on how Commission staff will evaluate petitions for waiver of the local simulcasting rules and declined to permit broadcasters to use vacant in-band channels for purposes of voluntary ATSC 3.0 deployment. It also adopted the Commission’s tentative conclusion that the “significantly viewed” status of a Next Gen TV station will not change if it moves its ATSC 1.0 simulcast channel to a host facility.

The *Next Gen TV Third Report and Order* allows a Next Gen TV station to seek modification of its license to include certain of its non-primary video programming streams (multicast streams) that are aired on “host” stations during a transitional period. A host station is one whose facilities are being used to transmit programming originated by another station (i.e., “guest”) as part of a local simulcasting arrangement. The *Next Gen TV Third Report and Order* also extends the sunsets of the substantially similar rule for simulcast streams and the requirement to comply with the ATSC A/322 standard on primary 3.0 streams until at least July 17, 2027.<sup>3</sup>

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<sup>1</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Second Report and Order and Order on Reconsideration, 35 FCC Rcd 6793 (2020) (*Next Gen TV Second Report and Order*). The Next Gen TV First Report and Order was released November 20, 2017. *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 (2017). The Guide for that order was released in April 2018. *Next Generation Broadcast Television Standard*, GN Docket No. 16-142, Small Entity Compliance Guide, 33 FCC Rcd 3765 (2018).

<sup>2</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Third Report and Order, 38 FCC Rcd 6409 (2023) (*Next Gen TV Third Report and Order*).

<sup>3</sup> The Commission will initiate a review approximately one year before these rules are set to expire to seek comment on whether they should be extended based on marketplace conditions at that time. *Next Gen TV Third Report and Order*, 38 FCC Rcd at 3439-40, para. 45. The *Order on Reconsideration* codified the sunset dates of July 17, 2023,

## II. COMPLIANCE REQUIREMENTS

The *Next Gen TV First Report and Order* allowed DTV broadcasters to voluntarily deploy Next Gen TV/ATCS 3.0 transmission standard. The compliance requirements discussed below reflect the rule changes made by the *Next Gen TV Second Report and Order* and the *Next Gen TV Third Report and Order*.

### A. Next Gen TV Broadcast Television Transmission Standard (47 CFR §§ 73.682(f)(2) and 73.8000)

DTV broadcasters may broadcast their signal in the new ATSC 3.0 format, provided they comply with the local simulcasting requirement in 47 CFR §§ 73.3801, 73.6029 or 74.782 (described below), or they may continue to broadcast their signal only in their current ATSC 1.0 format. Next Gen TV broadcasters must comply with the following ATSC 3.0 standards:

- ATSC A/321:2016, “System Discovery and Signaling” (March 23, 2016); and
- ATSC A/322:2017 “Physical Layer Protocol” (June 6, 2017), but only with respect to the transmission of at least one free over the air primary video programming stream. The requirement to comply with ATSC A/322 expires on July 17, 2027, absent Commission action to extend it.

### B. Next Gen TV Station Interference Protection (47 CFR § 73.616(g))

The rules maintain the interference protection that applied to DTV station operations as of March 2018. The DTV relevant methodology and planning factors are used to calculate how ATSC 3.0 signals will interfere with ATSC 1.0 signals.<sup>4</sup> The same DTV methodology and planning factors are used to define the service area of an ATSC 3.0 signal and to define the ATSC 3.0 interference criteria for co- and adjacent channel interfering signals at the same levels as specified in OET Bulletin No. 69 for DTV signals.<sup>5</sup>

Next Gen TV stations must offer at least one free ATSC 3.0 video programming stream comparable to a DTV signal and must provide a signal with a chosen modulation/coding scheme that requires a signal-to-noise-ratio/SNR threshold of no more than would be required of a DTV signal. This requirement preserves service to existing OTA viewers, all else being equal (*i.e.*, an ATSC 3.0 transmission from the same antenna, location, and power level, received by equipment with the same performance as a DTV transmission will cover the same area as a comparable DTV signal).

The methodology and planning factors defined in OET Bulletin No. 69 are used to define an ATSC 3.0 “DTV-equivalent” service area in which the ATSC 3.0 signal is protected from interference. ATSC 3.0 signals are protected from co-channel and adjacent channel interference as defined in OET Bulletin No. 69.

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for the local simulcasting “substantially similar” requirement and corrected the sunset date to March 6, 2023 for the requirement to comply with the ATSC A/322 standard. *Next Gen TV Second Report and Order*, 35 FCC Rcd at 6812-13, 6814 paras. 39, 44.

<sup>4</sup> See 47 CFR §§ 73.622, 73.624, and 74.703 (Digital Television Table of Allotments, Television Broadcast Stations, and Interference, respectively).

<sup>5</sup> The FCC’s OET Bulletin No. 69 provides guidance on the implementation and use of Longley-Rice methodology for evaluating TV service coverage and interference in accordance with Sections 73.622, 73.623 and 74.704 of the FCC rules. See OET Bulletin No. 69 (Feb. 6, 2004) <https://www.fcc.gov/general/oet-bulletins-line#69>.

**C. Mandatory Cable and Satellite Carriage of Next Gen TV Signals (47 CFR §§ 76.56(h) and 76.66(o))**

A Next Gen TV broadcaster may assert cable or satellite mandatory carriage rights only with respect to its ATSC 1.0 signal, but may not assert those rights with respect to its ATSC 3.0 signal. If a Next Gen TV station moves its 1.0 simulcast signal to a host station's (*i.e.*, a station whose facilities are being used to transmit programming originated by another station) facilities, the station may assert mandatory carriage rights only if it (1) qualified for, and has been exercising, mandatory carriage rights at its original location, and (2) continues to qualify for mandatory carriage at the host station's facilities, including (but not limited to) delivering a good quality 1.0 signal to the cable system principal headend or the satellite carrier local receive facility, or agreeing to be responsible for the costs of delivering such 1.0 signal to the cable system or to the satellite carrier.

**D. Local Simulcasting (47 CFR §§ 73.3801, 73.6029, and 74.782)**

**1. Entities Subject to Local Simulcasting Rules**

Full-power commercial and noncommercial educational (NCE) stations and Class A stations that choose to deploy Next Gen TV service must simulcast in ATSC 1.0 format (in accordance with the local simulcasting requirements). Low-power and TV translator Next Gen TV stations are not required to simulcast in ATSC 1.0 format, but if they choose to do so, then they must comply with the local simulcasting requirements.

**2. Simulcasting Arrangements**

All television station classes may participate together in simulcast arrangements.<sup>6</sup> A full power station may partner with one or more other full power stations or with one or more Class A, LPTV, or TV translator stations. In addition, NCE stations may partner with commercial stations.

- A Next Gen TV broadcaster that airs its ATSC 1.0 or ATSC 3.0 “guest” signal on a partner “host” station must operate that signal using the technical facilities of the host, but is responsible for the broadcast of such signal.
  - A Class A, LPTV, or TV translator station airing a 1.0 or 3.0 signal on a full power host station must operate its 1.0 or 3.0 “guest” signal using the technical facilities of the full power station, including the higher power limit specified in Part 73 of the rules.
  - A full power station airing a 1.0 or 3.0 signal on a Class A, LPTV, or TV translator station must operate that signal at the Class A, LPTV, or TV translator’s lower Part 74 power level.
  - Next Gen TV stations airing a 1.0 or 3.0 guest signal on a partner host station will be licensed for such use under its own license (as opposed to the host) and will continue to be obligated to comply with the programming and other operational obligations of the station originating the guest signal (rather than those of the partner host station).
- In simulcasting arrangements the following definitions apply:
  - A “host” station is the station whose facilities are being used to transmit programming originated by another station.  
  
A “guest” station is the station that is licensed to use another station’s facilities to transmit its programming.

For example, in a reciprocal simulcasting arrangement between Station A and Station B in which Station A will convert to, and operate in, ATSC 3.0 format and Station B will continue to operate in ATSC 1.0

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<sup>6</sup> Such arrangements are needed because a TV station cannot, as a technical matter, simultaneously broadcast in both 1.0 and 3.0 format from the same facility on the same physical channel.

format, Station A will be the 3.0 host for Station B's guest 3.0 signal and Station B will be the 1.0 host for Station A's guest 1.0 simulcast signal.

### **3. Simulcasting Requirements**

Stations that simulcast must comply with the below requirements:

- A full power or Class A TV station that chooses to air an ATSC 3.0 signal must simulcast the primary video programming stream of that signal in an ATSC 1.0 format.
- A LPTV or TV translator station that chooses voluntarily to simulcast must simulcast the primary video programming stream of their ATSC 3.0 signal in an ATSC 1.0 format.
- The simulcast requirement does not apply to any multicast streams aired on the ATSC 3.0 channel.

### **4. “Substantially Similar” Requirement**

The programming aired on the ATSC 1.0 simulcast signal must be “substantially similar” to that aired on the ATSC 3.0 primary video programming stream. In this context, “substantially similar” means that the programming must be the same except for advertisements, promotions for upcoming programs, and programming features that are based on the enhanced capabilities of ATSC 3.0. These enhanced capabilities include:

- Hyper-localized content (*e.g.*, geo-targeted weather, targeted emergency alerts, and hyper-local news);
- Programming features or improvements created for the ATSC 3.0 service (*e.g.*, emergency alert “wake up” ability and interactive program features);
- Enhanced formats made possible by ATSC 3.0 technology (*e.g.*, 4K or HDR); and
- personalization of programming performed by the viewer and at the viewer's discretion.

This requirement expires on July 17, 2027, absent Commission action to extend it.<sup>7</sup>

Programming that airs at a different time on the ATSC 1.0 simulcast signal than on the primary video programming stream of the ATSC 3.0 signal is not considered “substantially similar.”

### **5. Coverage Requirements**

*Coverage Requirements for the ATSC 1.0 Simulcast Signal.* Next Gen TV stations that convert their existing facilities to ATSC 3.0 format and move their ATSC 1.0 simulcast signal to a partner host station must select a host station that will allow it to satisfy the following coverage requirements to minimize 1.0 service loss to existing viewers:

- All 1.0 guest stations must select a host station that is assigned to the same Designated Market Area (DMA).
- Full power TV 1.0 guest stations must retain and continue to provide 1.0 service to its existing community of license and comply with the Commission's community of license signal requirement (47 CFR § 73.625).
- Class A TV, LPTV and TV translator 1.0 guest stations must maintain overlap between the protected contour (47 CFR § 73.6010(c)) of its existing signal and its ATSC 1.0 simulcast signal and may not move its ATSC 1.0 simulcast signal more than 30 miles from the reference coordinates of its original antenna location.

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<sup>7</sup> *Next Gen TV Third Report and Order*, 38 FCC Rcd at 6434-35, para. 39.

In evaluating license applications, the Commission will consider any loss in signal coverage resulting from the simulcast arrangement in determining whether to grant the application and will favor simulcast arrangements with a service loss of no more than five percent of the population served.

Waiver Standard. Next Gen TV stations may be eligible for a waiver of the obligation to provide ATSC 1.0 simulcast service if the station can demonstrate both that: (1) it has “no viable local simulcasting partner” in its market; and (2) it will make reasonable efforts to preserve 1.0 service to existing viewers in its community of license and/or otherwise minimize the impact on such viewers (for example, by providing free or low cost ATSC 3.0 converters to viewers).

- Under the first prong of the waiver standard a Next Gen TV station must not have a viable local simulcasting partner in its market.
  - A full power Next Gen TV station may be presumed to have “no viable local simulcasting partner” if it has fewer than three (*i.e.*, zero to two) potential full power simulcasting partners in the same DMA that can cover its entire community of license.
  - A Class A TV station may be presumed to have “no viable local simulcasting partner” if it has fewer than three potential Class A TV simulcasting partners in the same DMA that: (1) can provide overlap to its protected contour (47 CFR § 73.6010(c)); and (2) are not more than 30 miles from the reference coordinates of the transitioning station’s existing antenna location.
- Under the second prong of the waiver standard a Next Gen TV station must make “reasonable efforts” to preserve 1.0 service and minimize impact on viewers.
  - Waiver applicants are expected to explain in detail their plans for providing converter devices to eligible viewers, including: (1) what types of devices they intend to provide; (2) the cost, if any, that eligible viewers will be required to pay in order to receive the device; (3) how the applicant intends to inform viewers of the need for, and availability of, devices; and (4) how viewers will be able to request and obtain the device.
  - To provide greater predictability to applicants that chose to voluntarily provide ATSC 3.0 converters, the Media Bureau will look favorably on a plan in which the waiver applicant would provide affected over-the-air households located within its community of license which will no longer receive the station’s ATSC 1.0 signal, upon request, with one ATSC 3.0 converter at no cost. To the extent waiver applicants choose to charge a low cost to consumers for devices, the particular circumstances surrounding this charge will be considered, as well as the amount of the charge, on a case-by-case basis.
  - A waiver applicant choosing to provide ATSC 3.0 converter devices is expected to agree to provide an ATSC 3.0 converter upon request to each affected over-the-air household for as long as it operates pursuant to the waiver and would also be expected to inform viewers how they can obtain an ATSC 3.0 converter from the station.

Coverage Requirements for ATSC 3.0 Signals. Next Gen TV stations that choose to continue broadcasting in ATSC 1.0 on its existing facilities and transmit an ATSC 3.0 signal as a guest on the facilities of a host station must select a host station that is assigned to the same DMA.

Licensing of Next Gen TV Stations. Next Gen TV stations must obtain Commission approval to modify its license for authority to convert its existing facility to ATSC 3.0 operations, operate a guest 1.0 simulcast channel on a host station, or to operate a guest 3.0 channel on a host station.

- Each station participating in a simulcasting arrangement will continue to be licensed and operated separately, have its own call sign, and be separately subject to all applicable Commission obligations, rules, and policies.

- ATSC 1.0 and ATSC 3.0 signals aired on the facilities of a host station will be licensed as temporary second channels of the originating station. Each licensee remains responsible for its own signal. The host will be licensed for its signal(s) aired on its channel and the guest will be licensed for its signal(s) aired using the host's channel.
- The Commission will include a note on the originating station's license identifying any ATSC 1.0 or ATSC 3.0 signal being aired on the facilities of a host station.
- The Commission will also include a note on a host station's license identifying any ATSC 1.0 or ATSC 3.0 guest signal(s) being aired on the facilities of the host station.
- For more information on licensing requirements, see section III below.

### III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *First Next Gen TV Report and Order* created new reporting and recordkeeping requirements. The *Third Report and Order* created new and modified reporting requirements. The requirements for those rules are set forth below.

#### A. License Application to FCC Required / FCC Form 2100 (47 CFR §§ 73.3801(f), 73.6029(f), and 74.782(g))

A broadcaster must file an application (FCC Form 2100 and the relevant schedules<sup>8</sup>) and receive Commission approval, before taking the following actions:

- Moving its ATSC 1.0 signal to the facilities of a host station, moving that signal from the facilities of an existing host station to the facilities of a different host station, or discontinuing an ATSC 1.0 guest signal;
- Commencing the airing of an ATSC 3.0 signal on the facilities of a host station (that has already converted to ATSC 3.0 operation), moving its ATSC 3.0 signal to the facilities of a different host station, or discontinuing an ATSC 3.0 guest signal; or
- Converting its existing station to transmit an ATSC 3.0 signal or converting the station from ATSC 3.0 back to ATSC 1.0 transmissions.

*Streamlined & Expedited Processing.* A broadcaster may file only an application for modification of license, provided no other changes are being requested in such application that would require the filing of an application for a construction permit as otherwise required by the rules. An application filed in accordance with the streamlined process will receive expedited processing provided, for stations requesting to air a primary ATSC 1.0 signal on the facilities of a host station, the station will provide ATSC 1.0 service to at least 95 percent of the predicted population within the noise limited service contour of its original ATSC 1.0 facility.

*Required Application Information.* An application must include the following information:

- Station or stations serving as the host or hosts, identified by call sign and facility identification number, if applicable,
- Technical facilities of the host station, if applicable,
- DMA of the originating broadcaster's facility and the DMA of the host station, if applicable,
- Web link to the exhibit described section II(B) of this Guide, if applicable; and
- Any other information deemed necessary by the Commission to process the application.
- If an application includes a request to air an ATSC 1.0 signal on the facilities of a host station or

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<sup>8</sup> Schedule B – Full Power License to cover application; Schedule D – LPTV/Translator License to cover application; and Schedule F – Class A License to cover application.



stations, the broadcaster must also indicate on the application (in addition to other required information):

- The predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal,
  - The predicted population within the noise limited service contour served by the station's original ATSC 1.0 signal that will lose the station's ATSC 1.0 service as a result of the simulcasting/hosting arrangement or arrangements, including identifying areas of service loss by providing a contour overlap map, and
  - Whether the ATSC 1.0 simulcast signal aired on the host station will serve at least 95 percent of the population.
- If an application includes a request to air an ATSC 1.0 signal on the facilities of a host station and does not meet the 95 percent standard for expedited processing, the application must contain the following information (in addition to other required information):
    - Whether there is another possible host station(s) in the market that would result in less service loss to existing viewers and, if so, why the Next Gen TV broadcaster chose to partner with a host station creating a larger service loss;
    - What steps, if any, the station plans to take to minimize the impact of the service loss (*e.g.*, providing ATSC 3.0 dongles, set-top boxes, or gateway devices to viewers in the loss area); and
    - Public interest benefits of the simulcasting arrangement and a showing of why the benefit(s) of granting the application would outweigh the harm(s). These applications will be considered on a case-by-case basis.

**B. Multicast Streams: (47 CFR §§ 73.3801(i), 73.6029(i), and 74.782(j))**

A Next Gen TV station is not required to license, under the simulcast rules for stations converting to ATSC 3.0, a "guest" multicast programming stream that it originates and which is aired on a host station. If it chooses to do so, it and each of its licensed guest multicast streams must comply with the requirements of this section (including those otherwise applicable only to primary streams), except for requirements to provide ATSC 1.0 service to at least 95 percent of the predicted population within the noise limited service contour of its original ATSC 1.0 facility, and as otherwise provided in this paragraph. For purposes of this section, a "multicast" stream refers to a video programming stream other than the primary video programming stream.

*ATSC 1.0 Multicast Streams.* A Next Gen TV station may license its guest ATSC 1.0 multicast stream(s) aired on one or more ATSC 1.0 hosts. Non-simulcast streams are not required to comply with the simulcast requirements.

- *Host Capacity Limit.* A Next Gen TV station that has converted its own facility to 3.0 must not license more capacity on one or more partner host stations, in the aggregate, than the station could use if it were still operating on its own facility in 1.0. It must demonstrate compliance with this limit in its license application exhibit.

*ATSC 3.0 Multicast Streams.* A Next Gen TV station may license its guest ATSC 3.0 multicast stream(s) aired on one or more ATSC 3.0 hosts.

*Children's Television.* A Next Gen TV station may rely on a multicast stream it is airing via a host partner to comply with the Commission's children's television programming requirement in Section 73.671 of the Commission's rules. This stream must either be carried on the same host as the Next Gen TV station's primary stream, or on a host that serves at least 95 percent of the predicted population served by the Next Gen TV station's pre-transition 1.0 signal.

*Application Exhibit Required.* A Next Gen TV station seeking to license hosted multicast streams must prepare and host on its public website (or its Online Public Inspection File if the station does not have a dedicated website) an exhibit that contains the following information:

- For each hosted stream: channel number (RF and virtual); network affiliation (or type of programming if unaffiliated); resolution (e.g., 1080i, 720p, 480p, or 480i); whether the stream will be simulcast; and if so, the identity of the paired stream in the other service; and
- For a station that has converted its own facility to 3.0, the exhibit must also demonstrate:
  - Compliance with the host capacity limit by either 1) showing that it is seeking hosting only for streams it was broadcasting on its own 1.0 facility prior to its transition to 3.0, or 2) identifying another 1.0 station that is carrying or has carried the same or a similar programming lineup at the same resolutions on the same type of facility (individual or shared); and
  - Compliance with the coverage requirement for guest multicast streams, including by providing a contour map showing the guest multicast stream will continue to serve the station's community of license.

*Changes to the Exhibit.* Changes to the affiliation or content of a stream that would not result in the use of additional capacity, the elimination of a stream, or non-substantive corrections may be made at the discretion of the applicant but must be reflected in a timely update to the existing public exhibit and an emailed notice to the Chief of the Media Bureau's Video Division or their designee. No other changes, including to the location of the exhibit itself, may be made without the filing and approval of a new application.

**C. Next Gen TV Station On-Air Notices to Consumers -Third-Party Disclosure Requirements (47 CFR §§ 73.3801(g), 73.6029(g), and 74.782(h))**

Commercial and noncommercial educational (NCE) broadcast TV stations that relocate their ATSC 1.0 signals (e.g., moving to a host station's facility, subsequently moving to a different host, or returning to its original facility) are required to air daily Public Service Announcements (PSAs) or crawls<sup>9</sup> every day for 30 days prior to the date that the stations will relocate/terminate ATSC 1.0 operations on their existing facilities.

- Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.
- Broadcaster on-air notices to consumers will be used to inform consumers if stations they watch will be changing channels and encouraged to rescan their receivers for new channel assignments.

**D. Next Gen TV Broadcaster Written Notices to Multichannel Video Programming Distributors - Third-Party Disclosure Requirements (47 CFR §§ 73.3801(h), 73.6029(h), and 74.782(i))**

Next Gen TV stations relocating their ATSC 1.0 signals (e.g., moving to a temporary host station's facility, subsequently moving to a different host, or returning to its original facility) must provide notice to Multichannel Video Programming Distributors (MVPDs) that will: (1) no longer be required to carry the station's ATSC 1.0 signal due to the relocation; or (2) carry and continue to be obligated to carry the station's ATSC 1.0 signal from the new location. The applicable requirements for the notice are detailed below.

*Content.* The notice must contain the following information:

- Date and time of any ATSC 1.0 channel changes;
- The ATSC 1.0 channel occupied by the station before and after commencement of local simulcasting;

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<sup>9</sup> Crawls are text that advance very slowly across the bottom of the screen during a TV program.

- Modification, if any, to antenna position, location, or power levels;
- Stream identification information; and
- Engineering staff contact information.

*Amended Notice.* If any of the information provided in the Required Notice changes, then an amended notification must be sent.

*Timing.* Next Gen TV stations must provide notice at least 90 days in advance of relocating their ATSC 1.0 signals. If the anticipated date of the ATSC 1.0 signal relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

*Method.* Next Gen TV stations may choose whether to provide notice as required by this section either by a letter notification or electronically via email if the relevant MVPD agrees to receive such notices by email.

- Letter notifications to MVPDs must be sent by certified mail, return receipt requested to the MVPD's address in the FCC's Online Public Inspection File (OPIF), if the MVPD has an online file.
- For cable systems that do not have an online file, notices must be sent to the cable system's official address of record provided in the system's most recent filing in the FCC's Cable Operations and Licensing System (COALS).
- For MVPDs with no official address in OPIF or COALS, the letter must be sent to the MVPD's official corporate address registered with their State of incorporation.

**E. Local Simulcasting Agreements (47 CFR §§ 73.3801(e), 73.6029(e), and 74.782(f))**

Broadcasters must maintain a written copy of any local simulcasting agreement and provide it to the Commission upon request. The agreement must comply the requirements below.

*Agreement Content.* Local simulcasting agreements must contain provisions outlining each licensee's rights and responsibilities regarding:

- Access to facilities, including whether each licensee will have unrestrained access to the host station's transmission facilities;
- Allocation of bandwidth within the host station's channel;
- Operation, maintenance, repair, and modification of facilities, including a list of all relevant equipment, a description of each party's financial obligations, and any relevant notice provisions;
- Conditions under which the simulcast agreement may be terminated, assigned or transferred; and
- How a guest station's (i.e., a station originating programming that is being transmitted using the facilities of another station) signal may be transitioned off the host station.

**IV. IMPLEMENTATION DATE**

The rules in the *First Report and Order* took effect on March 5, 2018, except for 47 CFR §§ 73.3801, 73.6029, and 74.782, which took effect on July 17, 2018. The rules in the *Second Report and Order and Order on Reconsideration* took effect on August 17, 2020. The rules in the *Third Report and Order* took effect on August 16, 2023, except for the revisions to 47 CFR §§ 73.3801, 73.6029, and 74.782, which required approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, and became effective November 16, 2023.

## V. INTERNET LINKS

A copy of the FCC Orders are available at:

- *First Next Gen TV Report and Order* (FCC 17-158): <https://docs.fcc.gov/public/attachments/FCC-17-158A1.pdf>
- *Second Report and Order and Order on Reconsideration* (FCC 20-72): <https://docs.fcc.gov/public/attachments/FCC-20-72A1.pdf>
- *Third Report and Order* (FCC 23-53): <https://docs.fcc.gov/public/attachments/FCC-23-53A1.pdf>

A copy of the Federal Register document summaries are available at:

- *First Next Gen TV Report and Order*: <https://www.gpo.gov/fdsys/pkg/FR-2018-02-02/pdf/2018-01473.pdf>
- *Second Report and Order and Order on Reconsideration*: <https://www.govinfo.gov/content/pkg/FR-2020-07-17/pdf/2020-13837.pdf>
- *Third Report and Order*: <https://www.govinfo.gov/content/pkg/FR-2023-07-17/pdf/2023-14408.pdf>

A copy of the two ATSC 3.0 standards of the Advanced Television Systems Committee (ATSC) incorporated by reference into the FCC's rules are available as follows:

- ATSC A/321:2016 “System Discovery & Signaling” (A/321) is available at <https://www.atsc.org/wp-content/uploads/2016/03/A321-2016-System-Discovery-and-Signaling-3.pdf>; and
- A/322:2017 “Physical Layer Protocol” (A/322) is available at <https://www.atsc.org/wp-content/uploads/2016/10/A322-2017a-Physical-Layer-Protocol-1.pdf>