

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142.

“After World War I, broadcast began to play a prominent role in our lives,” Erik Barnouw wrote in the opening pages of the 1966 industry classic, *A Tower in Babel: A History of Broadcasting in the United States*.

As more stations went on the air, growing numbers of consumers could count on being able to receive over-the-air signals, for free. This democratized access to information, ensuring that anyone with a radio, or a television with an over-the-air antenna, could receive local news, weather and emergency information.

More recently, thanks in part to the Digital Television (DTV) transition, over-the-air television viewing is on the rise. This trend is particularly true, according to market researcher GfK, in households earning under \$30,000 per year, and those with Hispanic residents.

Given my long-held personal connection to broadcast media, few things would please me more, than to be excited about the prospects of a voluntarily implemented next generation standard, and how it might enhance the consumer viewing experience. During my tour of the CES show floor last month, I learned more about the purported benefits of ATSC 3.0, including the ability to deliver 4K TV over-the-air, advanced emergency alerts, and improved over-the-air reception, and I am cautiously optimistic that with the capacity to carry more programming, any new standard could fulfill our goal of greater viewpoint diversity.

But what this proposed rulemaking makes clear, is that plenty of outstanding questions remain, particularly as it relates to consumers, pay-TV providers, as well as broadcasters who choose not to upgrade to the new standard. Unlike the DTV transition, any migration to ATSC 3.0 will not have the benefit of a government-backed “coupon program.” This means complete assurances must be in place, so that consumers will not be burdened with unwanted, unexpected costs.

And for those without the means to upgrade, or others who choose not to transition, yet another unanswered question is will they continue to receive high definition programming through a 1.0 simulcast? Will the higher-resolution carriage requirements of ATSC 3.0 come at the expense of channel placement for independent programmers? What about the popular sub channels made possible through the DTV transition: Will they continue to be simulcast in 1.0? I am pleased, though, that the NPRM confirms that broadcasters’ public interest obligations, including the required number of hours of video description and children’s programming, should apply independently to both the ATSC 3.0 transmission and a station’s 1.0 stream.

I also have concerns about the possibility of the assessment of fees, on a service that is accessed, through the use of the public airwaves. Will consumers without Internet access be at a disadvantage when it comes to this technology? I ask these questions and more, because just as industry asks for and expects regulatory certainty from us, consumers want and deserve certainty from us too. They expect the signal that has served them well for decades, to be the one they can continue to rely on for years to come. And despite being a voluntary transition, the NPRM fails to give consumers a defined commitment to maintaining 1.0 service, and instead punts this to a future proceeding.

It is important that over the course of any transition, broadcasters, particularly smaller stations, that may not be able to bear the costs, or simply do not see the business case for upgrading, know that

they will not be harmed. It is also critical, that others in the video marketplace, including pay-TV providers, not be disadvantaged, if they choose not to carry ATSC 3.0 signals. I am pleased that the final item invites comment on these issues.

Finally, consumer education simply has to be, a critical part of this transition. The NPRM devotes just three short paragraphs to questions about on-air notice to consumers, compared to the massive education campaign associated with the DTV transition. Consumers will no doubt have many questions, particularly given that stations making the transition will do so at different times, and in some cases, not at all. We need to be prepared to make an investment, both internally within the Commission, and through the efforts of broadcasters, to ensure consumers understand their options. Regrettably, questions I posed about consumer education, including whether there should be a plan developed by broadcasters, were not included in the final item.

Quite frankly, I still have many questions, and plenty of concerns remain, but I will support moving this proceeding forward, to allow a robust record to be built. My thanks go to the Media Bureau and Office of Engineering and Technology for launching today's item. By maintaining a #ConsumersFirst focus, transitions and migrations can be win-wins for consumers and broadcasters alike.