

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Authorizing Permissive Use of the “Next) GN Docket No. 16-142
Generation” Broadcast Television Standard)

**COMMENTS OF AMERICA’S PUBLIC TELEVISION STATIONS
AND THE PUBLIC BROADCASTING SERVICE**

America’s Public Television Stations (“APTS”)¹ and the Public Broadcasting Service (“PBS”)² (collectively, “PTV”) submit these comments in response to the Federal Communications Commission’s (the “Commission’s” or the “FCC’s”) Fifth Further Notice of Proposed Rulemaking (“FNPRM” or “Notice”) on the “Next Generation” Broadcast Television Standard, referred to as “ATSC 3.0” or “NextGen TV” in these comments.³ PTV applauds the Commission for its leadership on ATSC 3.0 and the future of broadcasting as reflected in the FNPRM.

PTV supports the Commission’s proposal to facilitate and accelerate the ongoing voluntary transition to NextGen TV by removing regulatory hurdles and providing broadcasters with maximum flexibility for the transition. These proposed changes will empower all local

¹ APTS is a nonprofit membership organization ensuring a strong and financially sound public television system and helping member stations provide essential public services in public safety, education and community connections to the American people.

² PBS and its more than 330 local member stations across the country offer all Americans the opportunity to explore new ideas and new worlds through noncommercial content that is unique across the media landscape. Each month, over 100 million people turn to their local PBS station, where they are invited to hear varied perspectives, to take front row seats to world-class drama and performances, and to experience the worlds of history, public affairs, science, and nature through in-depth educational programming.

³ *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Fifth Further Notice of Proposed Rulemaking, GN Docket No. 16-142, FCC 25-72 (rel. Oct. 28, 2025).

stations, including local public television stations, to deploy ATSC 3.0 at their discretion and at the appropriate pace to best serve the unique needs of their local communities and local audiences.

The Notice raises a host of important technical and policy questions about the ATSC 3.0 transition. PTV focuses here on the new rule proposals in the Notice and the issues raised that are of particular relevance to public television stations, as a unique subgroup of the overall broadcast community. On the transition timing questions in the Notice, PTV refers the Commission to its prior comments in this docket, which detail the importance of a locally-driven transition rooted in local broadcaster decision-making.⁴

I. Public Television Stations Across the Country Have Deployed ATSC 3.0 to Serve the Needs of Their Local Communities

PTV notes that the record in this docket demonstrates that many public television stations have embraced ATSC 3.0 and furthered the transition in a wide variety of ways that serve the public interest.⁵ At present, over forty local public television stations across the country have deployed ATSC 3.0 in various capacities, including through innovative collaborations with other local commercial and noncommercial stations in their communities and, in a few cases, on low-power facilities within their full power station contours. PTV is aware of many other public television stations that have contemplated ATSC 3.0 deployments in the past eight years, but were unable to proceed at this time due to regulatory, capacity, or financial constraints associated with simulcasting.

⁴ See e.g., Comments of APTS and PBS in *Media Bureau Seeks Comment on Petition for Rulemaking and Future of Television Initiative Report Filed by The National Association of Broadcasters to Facilitate Broadcasters' Transition to Nextgen TV*, Public Notice, DA 25-314, Docket No. 16-142 (rel. April 7, 2025) (“PTV Comments to NAB Petition”).

⁵ *Id.*; see also Comments of APTS and PBS in *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Third Further Notice of Proposed Rulemaking, GN Docket No. 16-142 (rel. June 22, 2022).

By leveraging these deployments, local public television stations are using ATSC 3.0 for a broad range of public service benefits for their communities, such as:

- New Mexico PBS has worked with local public safety organizations during fire season to use datacasting in both ATSC 3.0 and ATSC 1.0 to distribute emergency response information in areas impacted by wildfires, particularly when Internet and cellular service is unavailable to local residents. The station's ATSC 3.0 signal includes Advanced Emergency Information and advanced emergency alert capability, allowing the station to provide real-time data customized to the region or type of emergency, as well as non-emergency information such as school closings, traffic updates, and other community specific alerts.
- In 2025, New Mexico PBS upgraded its TV translator station in Tres Piedras, New Mexico, becoming the first TV translator to transition to ATSC 3.0, and bringing improved audio and picture quality, as well as expanded emergency alerts to a remote rural community. New Mexico PBS conducted a test delivering live Spanish, Portuguese, and Vietnamese translations of its audio via ATSC 3.0 broadcast signals, allowing the station to provide critical information to viewers in their native languages during times of emergency.
- WHUT participated with federal and regional agencies across jurisdictions in ATSC 3.0 datacasting efforts to help protect large crowds during the Marine Corps Marathon. WHUT also is participating in testing the Broadcast Positioning System ("BPS") and was the first television station to use BPS on a live broadcast station.
- PBS North Carolina used its ATSC 3.0 signal to test a dispatch paging system to deliver emergency alerts to first responders. The pilot demonstrated that alerts could be received faster and more reliably than traditional methods, including in areas where cellular and other communications are limited or unavailable, enabling quicker emergency response. The system is now serving as a foundation for additional projects by PBS North Carolina and others aimed at improving alerting for first responders and the public.
- WCTE PBS of Cookeville, Tennessee, has demonstrated the use of ATSC 3.0 technology to deliver emergency alerts in American Sign Language ("ASL") with an animated avatar. The station is also broadcasting real-time closed captions in Spanish via ATSC 3.0, including emergency alerts.
- APTS has helped facilitate arrangements for an IP-delivered channel option using ATSC 3.0, known as a virtual ATSC 3.0 channel, for public television stations in a variety of markets. Virtual ATSC 3.0 channels provide their digital programming over-the-air to smart television sets using the NextGen TV broadcast data channel capacity of the host ATSC 3.0 broadcaster. Viewers with NextGen televisions can see and select the public television station's virtual ATSC 3.0 channel in their ATSC 3.0 programming guide and access the channel, with some enhanced features, seamlessly over the internet. This offers local public television stations a way to begin providing some of the benefits of

ATSC 3.0 service in their communities. Several stations, including Nebraska Public Media, PBS Reno, and KBTC Public Television, are presently participating in such virtual ATSC 3.0 arrangements.

II. PTV Supports Enabling Local Stations to Best Meet Viewers' Needs by Eliminating Regulatory Barriers and Providing Maximum Flexibility for Local Station Decision-Making

PTV agrees with the Commission that the continued permissive, flexible deployment of ATSC 3.0 by local broadcasters will best serve the public interest. The FCC can best support television stations, and the viewers they serve, with the transition to ATSC 3.0 by providing local stations with maximum flexibility to make their own decisions about ATSC 3.0 deployment. Local television stations know their communities and their viewers best, and they are best equipped to make ATSC 3.0 transition decisions. Public television stations, which are locally owned, locally operated, and locally governed entities – including by local nonprofit organizations, by local or state government entities, and by local educational institutions – are especially attuned to the needs of their local audiences.

Thus, a flexible (and local) grassroots approach (rather than a top-down regulatory approach) would best serve local television stations, their communities, and their audiences with respect to ATSC 3.0. Eliminating regulatory barriers to ATSC 3.0 transitions, while empowering local stations to choose their ATSC 3.0 trajectory, would support transitions at the pace best for local station audiences.

A. PTV Supports the Commission's Proposal to Eliminate the Substantially Similar and Simulcast Regulations

PTV supports eliminating the “substantially similar” requirement to assist broadcasters that need flexibility to initiate or continue their 1.0 and 3.0 simulcasting. At this point in the transition (over eight years into simulcasting), the “substantially similar” requirement serves only

to impede the future of the NextGen transition.

PTV also supports the Commission's proposal to eliminate the ATSC 1.0 simulcasting requirement for stations that wish to transition (or have already transitioned) their facilities to ATSC 3.0 service. While broadcasters, including public television stations, have made enormous strides forward with deploying ATSC 3.0 during the past eight years of the simulcast regulatory regime, freeing broadcasters from the constraints of simulcasting will unlock further gains for the public. The Commission should proceed to eliminate the substantially similar and simulcasting requirements as soon as possible and without waiting to complete its review of any other ATSC 3.0 issues and proposals.

Local stations are in the best position to evaluate and make decisions about how their broadcast facilities (ATSC 1.0 or ATSC 3.0 or simulcast) can best serve their communities. There is no "one size fits all" strategy that will best serve the entire viewing public, who are served by local television stations of varying sizes and resources. Each local station should be empowered to make its own decision, in its own time, and knowing its local community, as to whether to broadcast in ATSC 1.0, ATSC 3.0, or to simulcast.

Therefore, PTV also agrees that it is crucial that stations remain free to choose to continue simulcasting in ATSC 1.0 and 3.0, or to broadcast only in ATSC 1.0, if that best meets their local communities' needs. Given their commitment to serving their communities, the Commission can have confidence that local public television stations will continue to effectively serve their viewers whether those broadcasts are only in 1.0, in 3.0, or through simulcasting.

For these reasons, PTV supports a date certain, in the near term, for eliminating the simulcasting and substantially similar mandates, not a complicated trigger based on 3.0 equipment penetration levels or market availability thresholds. The industry needs certainty, and

local broadcasters need a date certain for the end of simulcasting and substantially similar mandates to target for planning and budgeting purposes.

B. PTV Supports Continuing the Commission’s Flexible Market-Led Strategy on Maintaining or Sunsetting ATSC 1.0 Service for Public Television Stations

The Commission asks if ATSC 1.0 should eventually sunset, and, if so, should it be tied to a date certain or specific market conditions. PTV believes it is premature for the FCC to establish either a date certain or specific market conditions for sunsetting ATSC 1.0 service at this time; rather, any sunsetting of ATSC 1.0 service should be market-led for now (as with the rest of the transition), so that local stations continue to have maximum flexibility to serve their communities. PTV detailed this recommendation in an earlier filing in this docket in May 2025.⁶

Given the close connections that local public television stations have with their communities and their mission-driven approach to public service, a flexible regulatory approach for public television stations on sunsetting ATSC 1.0 will enable public television stations to best serve their local communities. PTV understands that some broadcasters might prefer an ATSC 1.0 sunset date in the near term, particularly in major markets. For purposes of speeding the transition, an ATSC 1.0 sunset date, with exemptions and waivers for smaller and noncommercial educational television stations,⁷ may be appropriate, particularly for large-market commercial television group owners. For many public television stations, however, there are still too many unknowns and variables for feasible or appropriate national regulation of an ATSC 1.0 sunset.

⁶ PTV Comments to NAB Petition, *see supra* n.4.

⁷ *See* PTV Comments to NAB Petition at 12-13; Petition for Rulemaking of the National Association of Broadcasters, GN Docket No. 16-142 (filed Feb. 26, 2025) at 13.

For example, given their universal service mandate and unique noncommercial service, local public television stations serve vast areas of the country (including rural and sparsely populated areas) through a combination of full-power stations and low-power translator stations. These underserved areas and audiences are likely to be some of the last regions (and the last viewers) to adopt ATSC 3.0. Thus, any potential mandate to sunset ATSC 1.0 across all television viewers would require careful consideration based on a fully developed record of the overall impact on these rural, remote, and isolated areas and audiences. Public television stations in such communities and those in larger markets with facilities that are not centrally situated have faced significant challenges entering into sharing arrangements to begin a transition to ATSC 3.0 due to distant tower sitings, as detailed by PTV in this docket as far back as 2017.⁸ PTV therefore submits that it would be harmful to the viewing public to set an ATSC 1.0 sunset date for public television stations, regardless of market size, at this time.

III. Other Rule and Policy Considerations for the Transition to ATSC 3.0

As noted above, the Notice seeks comments and data from industry stakeholders on a wide range of other rule and policy considerations for the industry transition to ATSC 3.0. PTV is commenting here on selected rules and policies with unique relevance to public television.

A. Per the Communications Act, a Change in Broadcast Transmission Standard Does Not Diminish Local Stations' Carriage Rights

The FCC must maintain the status quo for statutory carriage rights for ATSC 3.0. Section 615 of the Communications Act provides for carriage of local public television stations on cable systems, while Section 614 of the Communications Act provides for carriage of local

⁸ Comments of APTS and PBS, *In the Matter of Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Notice of Proposed Rulemaking, Docket No. 16-142 (May 9, 2017).

commercial television stations.⁹ For Direct Broadcast Satellite (“DBS”), Section 338 of the Communications Act establishes a “carry one, carry all” framework for local broadcasters.¹⁰ Further, Section 614(b)(4)(b) of the Communications Act requires that the Commission initiate a proceeding about cable carriage when it modifies the broadcast standard to ensure continued carriage of local stations.¹¹

The statute makes clear that Congress intended that carriage of local stations by cable systems and DBS must not be impacted by any change in transmission standard. Thus, absent Congressional action, the Commission must maintain the existing fundamental carriage rules that flow from the Communications Act regardless of transmission standard.

B. PTV Supports Expedited Processing for Simulcast Applications but Highlights that Public Television Stations Are Not DMA-Based

The FCC proposes to eliminate the 95% population coverage rule for ATSC 3.0 simulcast applications and expedite processing of ATSC 3.0 simulcast applications if the ATSC 1.0 host is in the same Designated Market Area (“DMA”) and covers its simulcast partner’s community of license. Under this proposal, all simulcast applications (including those with primary feeds and multicast feeds) will be eligible for expedited processing so long as a station’s 1.0 host is assigned to the same DMA and covers its community of license (“COL”).

PTV supports elimination of the population coverage requirement. However, as PTV explained previously in this docket,¹² public television stations are not DMA-based (unlike

⁹ 47 U.S.C. § 535; 47 U.S.C. § 534.

¹⁰ 47 U.S.C. § 338.

¹¹ 47 U.S.C. § 534(b)(4)(b).

¹² See, e.g., Comments of the Public Broadcasting Service, Corporation for Public Broadcasting, and America’s Public Television Stations, Appendix A, *In the Matter of Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142 (filed May 9, 2017) (providing station coverage maps that demonstrate the unique geographical siting of PTV stations).

commercial broadcasters, which tend to be clustered together around the major city in their DMA's major advertising market).¹³ Instead, many public television stations operate from sites designed to provide universal service to all parts of a region or state, including rural and sparsely populated areas. For example, see the map in Attachment A below depicting commercial television coverage in the State of Oklahoma as compared to statewide public television coverage. Thus, implementing a same-DMA requirement for expedited processing will be of limited utility for public television stations seeking expedited processing for ATSC 3.0 applications.

However, PTV acknowledges that the Media Bureau recently released a Public Notice that explains, in some detail, procedures for ATSC 3.0 non-expedited processing on a "case by case" basis.¹⁴ While ATSC 3.0 simulcast applications by public television stations could be processed on a "case by case" basis, PTV suggests that it would be a more efficient use of Commission resources to streamline processing by instead adopting a presumptive waiver of the same-DMA requirement for NCE licensees (given the inapplicability of DMA boundaries to the local service of many public television stations) and to instead solely require COL coverage. This approach would be in keeping with the approach established by the Commission in the NextGen TV Order, as affirmed and clarified in the Second NextGen TV Order.¹⁵

¹³ DMAs were developed for advertising sale purposes. *See, generally*, www.nielsen.com/insights/2025/what-is-a-designated-market-area-and-why-does-it-matter ("These defined areas are used extensively in the television industry for audience measurement, advertising planning and media buying").

¹⁴ *Media Bureau Takes Action to Facilitate ATSC 3.0 Transition by Clarifying Procedures*, GN Docket No. 16-142, Media Bureau, DA 25-789 (rel. September 2, 2025).

¹⁵ *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, 6794, para. 28 (2020).

IV. Conclusion

Public television is committed to free over-the-air service to local communities wherever those communities are located across the country, including rural, remote, and isolated communities not served by any other local media. To fulfill this universal service mission, local public television stations need to have maximum flexibility to transition to ATSC 3.0 in the manner that best meets local needs. PTV agrees with the Commission that this flexible approach to the ATSC 3.0 transition will best serve the unique needs of local communities throughout the country.

Respectfully submitted,

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January 20, 2026

Attachment A



18 TRANSMITTERS
ALL OF OKLAHOMA

COVERAGE

-  OETA
-  COMMERCIAL

