

June 30, 2017

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

On June 28, 2017, Ross Lieberman of the American Cable Association and Mike Nilsson of Harris, Wiltshire & Grannis LLP met with Commission staff to discuss the broadcasters’ proposed transition to ATSC 3.0. Present on behalf of the Media Bureau were Nancy Murphy, Martha Heller, Steven Broeckaert, Brendan Murray, Evan Baranoff, Kathy Berthot, Kim Matthews, and Gabrielle Rejouis. Present on behalf of the Office of General Counsel were Susan Aaron and David Konczal. Present on behalf of the Office of Engineering & Technology were Paul Murray, Martin Doczkat, Barbara Pavon, and Mark Colombo.

We noted that ACA both submitted its own comments¹ and participated in the drafting of comments filed by the American Television Alliance.² Both comments urged the Commission to (1) ensure that any transition to ATSC 3.0 is truly “voluntary,” and (2) ensure, to the extent possible, that the transition does not harm others in the video ecosystem.

We emphasized the concerns of ACA’s small and medium-size cable operator members. As we pointed out, smaller MVPDs have fewer resources to absorb simulcast-related costs themselves than do other MVPDs. They also, by definition, have fewer subscribers across which to amortize such costs. Small MVPDs are, for historic and other reasons, more likely to rely exclusively on off-air delivery than their larger counterparts. They are often located in rural areas on the edges of an existing service contour, and are thus more likely to lose service. And they face greater capacity constraints than large cable and IPTV providers. For them, the transition to ATSC 3.0 presents particular challenges and, in some cases, requires particularized solutions.

¹ See Comments of the American Cable Association, GN Docket No. 16-142 (filed May 9, 2017).

² See Comments of the American Television Alliance, GN Docket No. 16-142 (filed May 9, 2017).

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Allowing broadcasters to transmit in ATSC 3.0 may provide some long term benefit. The record, however, is clear that the transition to the new standard will cause at least some harm to MVPDs and viewers. The Commission should seek to minimize such harm to the greatest extent possible, particularly for smaller MVPDs and their customers. It can do so by adopting rules consistent with the proposals outlined in the ATVA and ACA filings.

In accordance with the Commission's rules, I will submit one copy of this electronically in GN Docket No. 16-142.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Nilsson".

Michael Nilsson
Counsel to the American Cable Association

cc: Meeting attendees