

Unless otherwise noted, comments referenced herein were filed in MB Docket No. 16-142 on or about May 7, 2025.

enhancements and provided no national campaign to promote awareness, American consumers already have purchased more than 16 million NEXTGEN TVs (8 screen sizes comprising 80 models).

I. THE RECORD SUPPORTS MAINTAINING THE COMMISSION’S CURRENT APPROACH TO THE VOLUNTARY INCLUSION OF ATSC 3.0 AND OTHER TECHNOLOGIES

A chorus of commenters joined CTA in expressing concern over NAB’s proposals to mandate ATSC 3.0 tuners in consumer video devices.³ Along with describing the legal and policy infirmities of the proposal,⁴ commenters observed that the NAB proposal to force ATSC 3.0 tuners into all new TV broadcast receivers would be very costly to broadcasters,⁵ MVPDs,⁶ and, importantly, consumers:

- “Consumers, at a minimum, would have to purchase new television sets or converter devices, even if they otherwise would not be looking to make those purchases,” explained the American Television Alliance.⁷ In addition, “Consumers would also face significant costs beyond just obtaining ATSC 3.0-compatible equipment. Unlike any previous generation of television service, ATSC 3.0 will require an internet connection in order for consumers to receive certain ‘advanced features.’”⁸

³ See generally Comments of the Consumer Technology Association (CTA Comments).

⁴ Comments of the American Television Alliance at 5 (ATVA Comments) (observing that broadcasters have not committed to using ATSC 3.0 to improve over-the-air television and “it would be unsound policy to require a disruptive transition to ATSC 3.0 without an actual improvement to broadcasting”); Comments of NCTA – The Internet & Television Association at 7 (NCTA Comments) (“[M]andatory carriage requirements for 3.0 would be unconstitutional twice over”); CTA Comments at 10 (imposing a tuner mandate would run directly counter to the FCC’s (and the Administration’s) strong policy preference to focus on deregulation).

⁵ See, e.g., Comments of the National Television Association in Response to April 2025 Public Notice at 4 (NTA Comments); Comments of Mississippi Public Broadcasting at 1 (MPB Comments); Comments of Weigel Broadcasting Co. at 1 (Weigel Comments).

⁶ See, e.g., ATVA Comments at 11-14 (describing substantial costs MVPDs will have to incur to purchase new transcoders, receivers, demultiplexers, and set-top boxes for consumers); NCTA Comments at 3-5.

⁷ ATVA Comments at 16.

⁸ *Id.* at 17.

- Similarly, Weigel Broadcasting Co. notes that “such a transition, as currently proposed, would ... increase costs and complexity for viewers”⁹ and “Weigel is concerned about any regulatory mandate that would leave today’s broadcast viewers behind.”¹⁰
- Public Knowledge described how “consumers are asked to absorb the costs of new equipment, navigate technical complexities, and potentially lose access to free over-the-air [(OTA)] television if they cannot afford or adapt to the new standard. This cost-shifting is neither equitable nor consistent with the Commission’s longstanding obligation to ensure universal, affordable access to essential communications services.”¹¹
- The LPTV Broadcasters Association explained that “[i]t makes no sense to force the public to bear the financial burden of buying an ATSC 3.0 converter box or purchasing a television set....”¹²
- NCTA – The Internet & Television Association (NCTA) observed that “NAB’s proposal ... asks the Commission to impose substantial new regulatory costs on consumers, MVPDs, and equipment manufacturers....”¹³
- The National Television Association, d/b/a as the National Translator Association, expressed concern with leaving consumers behind, noting that “ATSC 3.0 is not backwards compatible with ATSC 1.0 television equipment used by consumers today. Should a Translator upgrade to ATSC 3.0, consumers who rely on these Translators would need to purchase a new television or an ATSC 3.0 converter box.”¹⁴
- Similarly, REC Networks noted that there are many rural consumers “who are dependent on OTA TV, especially those who may be economically disadvantaged. For some of these people, it will mean they will need to make a decision, either purchase a shiny new ATSC-3 TV or converter box, or pay the rent.”¹⁵
- Mississippi Public Broadcasting also highlighted concerns regarding the “availability and affordability of ATSC 3.0-ready devices for low-income and disadvantaged communities....”¹⁶

⁹ Weigel Comments at 1.

¹⁰ *Id.* at 25.

¹¹ Comments of Public Knowledge, Access Humboldt, Consumer Reports, Electronic Frontier Foundation, Media Council Hawaii, and Open Technology Institute at New America at 5.

¹² Comments of the LPTV Broadcasters Association at 3 (LPTVBA Comments).

¹³ NCTA Comments at 2.

¹⁴ NTA Comments at 3.

¹⁵ Comments of REC Networks at 4.

¹⁶ MPB Comments at 2.

Instead of mandating technology, CTA urges the Commission to continue to foster market-driven innovation and consumer choice. Commenters described that ATSC 3.0 has significant potential to better the television viewing experience.¹⁷ CTA joins advocates for individuals who are blind or with low vision in celebrating the potential advancements in accessibility that ATSC 3.0 can bring and agrees with the advocates that the Commission can “[e]ncourage device manufacturers to prioritize accessibility in tuner-equipped televisions, tuner-equipped electronic displays and ... dongles” and “[c]ontinue stakeholder engagement with disability organizations and ensure usability testing reflects lived experience.”¹⁸ CTA disagrees, however, that a mandate is needed or warranted to force manufacturers to adopt the accessibility benefits of ATSC 3.0.¹⁹ CTA members developed a full suite of standards and recommended practices for fully realizing the benefit of ATSC 3.0, including accessibility enhancements.²⁰

The Future of Television Initiative Report’s consensus recommendations of Working Group 2 – Conditions for Completing Transition correctly did not recommend an ATSC 3.0 tuner mandate.²¹ In contrast, the lack of consensus in other parts of the FOTVI Report is another reason to refrain from mandating ATSC 3.0 tuners as the exact future of television remains far too unclear to justify any such mandate. For example, imposing a tuner mandate now would mean that it would be in place before broadcasters have adopted and promoted NEXTGEN TV

¹⁷ See, e.g., CTA Comments at 7; Comments of HC Jeffries Tower Company and Transmission Services Group, LLC at 1; Comments of Koninklijke Philips N.V. at 2-3.

¹⁸ Comments of Bridge Multimedia Corporation, American Council of the Blind, and American Foundation for the Blind at 1-2.

¹⁹ See *id.* (supporting a tuner mandate and encouraging the FCC to explore additional rulemakings).

²⁰ See CTA Comments at 6-7.

²¹ See Future of Television Initiative Report at 19 (Jan. 17, 2025) (FOTVI Report) *attached to* Letter from Rick Kaplan, Chief Legal Officer and Executive Vice President, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-142 (Jan. 17, 2025).

on a nationwide basis, and thus before there is adequate indication of consumer interest or demand. With respect to the FOTVI Report itself, at least one commenter noted curious changes from draft to the final submitted report.²²

In sum, regulatory intervention to mandate broadcast reception capabilities in consumer devices remains unnecessary and counterproductive. Commenters agree that government mandates for technologies will increase consumer prices by requiring all devices to include tuner technology regardless of consumer need or intended use (and for which only some consumers may be interested).

II. THE COMMISSION SHOULD REJECT NAB’S CALL TO MICROMANAGE THE WAY CONSUMERS DISCOVER AND INTERACT WITH CONTENT

CTA urges the Commission to deny NAB’s demand that the government select winners and losers in the competitive market for video programming—a role for which the FCC is not suited and for which it lacks authority. CTA also vigorously opposes any design mandates, especially with respect to a device’s user interface, on the screen or via a remote control, as some suggest.²³ NCTA correctly observes that “television manufacturers should be free to design their products in response to consumer preferences and marketplace dynamics.”²⁴ Accordingly, “the Commission should reject NAB’s proposal to require that television receivers make broadcast

²² LPTVBA Comments at 1-2 (“Throughout our participation in the ‘Future of TV Initiative,’ the LPTVBA made it perfectly clear that we support a transition of full power television stations to ATSC 3.0, but LPTV Stations did not want to be forced to switch to ATSC 3.0 due to expense and a very unclear final purpose/business plan. ... The LPTVBA’s position was included in the first two drafts of the Group 2 summary report for the ‘Future of TV Initiative,’ but curiously omitted from the final version of the summary report.”).

²³ See Petition for Rulemaking of the National Association of Broadcasters, GN Docket No. 16-142, at 20 (NAB Petition) (requesting the Commission require that “[f]or example, if there is a button on the remote to access online services, there should be a button on the remote to access broadcast television. If there is a menu in the user interface that displays content sources, broadcast should be, by default, placed among the first page of content source.”); see also Comments of Pearl TV, LLC at 7 (Pearl TV Comments).

²⁴ NCTA Comments at 17.

services available to a consumer in the same or fewer steps needed to access any other video content on the same device.”²⁵ Likewise, CTA agrees that the FCC should refrain from “skew[ing] the marketplace by granting broadcast television stations automatic preferential placement on TVs or remote controls.”²⁶

The marketplace for video devices is highly competitive, as is the marketplace for video content. Far from serving a “gatekeeper” role,²⁷ manufacturers develop specialized user interfaces as a key way to differentiate themselves and to attract consumer interest. In fact, user interface design/user experience is one of the most innovative areas of the consumer technology industry. Companies also constantly fine-tune and improve user interfaces as their products, and services change over time in response to emerging trends, research on user experience, and user testing and feedback. Indeed, video manufacturers benefit when consumers can get easy access to the video content of their choice, and broadcast content is widely available and easily accessible to consumers. Interfering with a manufacturer’s user interface via a government mandate will not aid broadcasters; it will only chill innovation and frustrate consumers.

Finally, as CTA previously explained, the Commission lacks the statutory authority to exert wide-ranging authority over devices’ interfaces or over how consumers interact with devices to select what content to watch.²⁸ More, NAB’s request for highly prescriptive government control over interfaces would constitute bad policy. As a general matter, picking winners and losers in the marketplace only chills innovation and taxes both consumers and

²⁵ *Id.*; see NAB Petition at 19-20 (“Broadcasters ask the Commission to consider adopting a requirement that television receivers make broadcast services available to a consumer in the same or fewer steps needed to access any other video content on the same device.”).

²⁶ NCTA Comments at 17

²⁷ Pearl TV Comments at 7.

²⁸ CTA Comments at 12-13.

entrepreneurs by forcing them to pay to include technology that consumers may not use. Further, entertaining NAB's request would fly in the face of the administration's goals of identifying and removing anti-competitive regulation from the federal government's books.²⁹

III. CONCLUSION

Initial comments demonstrated that a voluntary approach to the ATSC 3.0 transition is best for all stakeholders and for the U.S. economy and the public. The Commission should eschew heavy-handed and potentially inflationary regulation and maintain this common-sense approach, especially with respect to tuner and user interface mandates.

Respectfully submitted,

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²⁹ See *Executive Order 14267 of April 9, 2025: Reducing Anti-Competitive Regulatory Barriers*, 90 Fed. Reg. 15629 (Apr. 15, 2025); Press Release, FTC, FTC and DOJ Issue Letter Seeking Identification of Anticompetitive Regulations Across the Federal Government (May 5, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/05/ftc-doj-issue-letter-seeking-identification-anticompetitive-regulations-across-federal-government>.