

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**REPLY COMMENTS OF
CONSUMER TECHNOLOGY ASSOCIATION**

I. INTRODUCTION

Consumer Technology Association (CTA)¹ respectfully submits these reply comments in response to the Federal Communications Commission’s (Commission’s or FCC’s) Fifth Further Notice of Proposed Rulemaking in the above-captioned proceeding.² The record confirms that heavy-handed mandates are unnecessary and would harm consumers. Commenters representing a broad set of interests joined CTA in explaining that a voluntary framework remains the best way to facilitate a smooth transition to ATSC 3.0 that embraces market-driven demands, fosters technological innovation and offers consumers the power to choose. Consumers should dictate their own television and video choices, not a select group of broadcasters and not the FCC.

Stakeholders agree that a tuner mandate and any flash cut to ATSC 3.0 would harm consumers, including by driving up costs and denying access to important content. CTA reiterates that a mandate dictating specific user interface choices—especially those that would

¹ As North America’s largest technology trade association, CTA® is the tech sector. Our members are the world’s leading innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

² *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. 29, 2025) (*Fifth FNPRM*). Unless otherwise noted, comments referenced herein were filed in GN Docket No. 16-142 on or about January 20, 2026.

preference broadcast—would be counterproductive and unlawful. CTA continues to examine proposals in the record regarding new accessibility features, and CTA’s members are currently focused on implementing the FCC’s new closed captioning display settings. It is therefore premature to consider additional accessibility requirements.

CTA is guided by a consumer-first mindset that maximizes choice, minimizes cost and supports the much-needed introduction of new services by broadcasters without shifting the cost of those services to consumers and other video providers.

II. THE RECORD CONFIRMS THAT A VOLUNTARY TRANSITION FRAMEWORK REMAINS THE RIGHT PATH FORWARD

Commenters concur that the transition to ATSC 3.0 should remain voluntary and driven by market demands, letting consumers continue to dictate their own buying and viewing choices instead of government mandates.³ A voluntary framework also supports innovation by enabling the video ecosystem to respond to actual consumer demand and marketplace needs, rather than regulatory fiat. Notably, the CPAC Foundation observed that by avoiding “government-managed technology transitions—particularly those accompanied by mandates, legacy-preservation requirements, or speculative consumer-protection rationales,” the FCC can avoid the “risk [of] repeating the costly mistakes of prior transitions” such as higher costs, reduced flexibility and stifled innovation.⁴ Indeed, the voluntary approach that the Commission adopted nearly a decade ago is working: any consumer that wants a TV with ATSC 3.0 can purchase one while the vast

³ See, e.g., CTA Comments at *passim*; Center for Regulatory Freedom, CPAC Foundation (CPAC Foundation) Comments at 5 (observing that “the voluntary, market-driven ATSC 3.0 framework has functioned as intended” and “technology transitions are best managed through incentives rather than mandates”); NTCA – The Rural Broadband Association (NTCA) Comments at 3 (“[T]he Commission should let the market, rather than regulatory fiat, drive this transition.”).

⁴ See CPAC Foundation Comments at 2; see also Americans for Tax Reform et al. Comments at 2.

majority of consumers who may not view over-the-air (OTA) content at all can choose a TV that better meets their needs.⁵

A. Consumers Are Telling the Marketplace What They Want—And Only Some Want NEXTGEN TV

A voluntary framework lets adoption follow consumer and market demand, which indicates consumers have priorities other than NEXTGEN TV when selecting their video devices. The National Association of Broadcasters’ (NAB’s) benign neglect of OTA customers has resulted in very few Americans relying on antennas and low awareness of NEXTGEN TV. Multiple sources, including the broadcasters themselves, agree that less than 10% of U.S. households rely on an antenna for TV viewing.⁶ This figure has not changed substantially in years and underscores why it is imperative not to raise costs for all TV purchasers. Further, had broadcasting ATSC 3.0 proponents done their part in promoting NEXTGEN TV, CTA would expect to see substantial awareness among consumers. Instead, in a recent CTA study only 22% of U.S. adults said they had seen the NEXTGEN TV logo before taking the survey.⁷ The remedy is not government intervention in the TV marketplace, an approach Americans do not like. In the same study, 74% of adults agreed that “new product features included within televisions should

⁵ See Advanced Television Broadcasting Alliance Comments at 1-2 (“[C]onsumers are transitioning at a rampant pace away from linear media....”); International Center for Law & Economics (ICLE) Comments at 7 (referring to News Release, Nielsen, *Streaming Reaches Historic TV Milestone, Eclipses Combined Broadcast and Cable Viewing For First Time* (June 2025), <https://www.nielsen.com/news-center/2025/streaming-reaches-historic-tv-milestone-eclipsescombined-broadcast-and-cable-viewing-for-first-time/> (reporting that as of May, 2025, broadcast only accounted for just over 20% of TV viewership, whereas cable, streaming and other accounted for a total of nearly 80%)).

⁶ See Press Release, NAB, *New National Survey: Voters Say Outdated Broadcast Ownership Cap is Unfair to Local Stations* (Feb. 2, 2026), <https://www.nab.org/documents/newsRoom/pressRelease.asp?id=7389>; CTA, *2025 U.S. Consumer Technology Ownership & Market Potential Study* (May 2025), <https://www.cta.tech/research/2025-us-consumer-technology-ownership-market-potential-study>.

⁷ CTA, NEXTGEN TV Consumer Awareness, at 1 (Feb. 2026), available at <https://www.cta.tech/research/nextgen-tv-consumer-awareness>.

be left to consumer demand rather than mandated by the government at the expense of the consumer.”⁸

Consumers do know what they want. In a recently published study, CNET’s TechPulse reported on “what TV shoppers really want,” and found that the list includes a bigger screen, high-quality picture and smart features; but the list does not even mention ATSC 3.0, providing no evidence that consumers seek ATSC 3.0 as a key feature when purchasing a television.⁹ The data simply does not identify ATSC 3.0 as a top priority for consumers.

To address consumer awareness and advance the transition to ATSC 3.0 organically, broadcasters should engage with consumers and allow the market to take care of the rest.¹⁰ Broadcasters, not regulators or equipment manufacturers, “should bear the responsibility of persuading consumers that the new standard merits investment,” and as such, “the FCC’s continued commitment to a voluntary, market-driven transition best protects consumer choice and avoids imposing costs that the market has not yet shown a willingness to bear.”¹¹

B. A Cross Section of Stakeholders Object to a Mandated, Rapid Transition to ATSC 3.0

The wider video ecosystem also objects to a forced transition to ATSC 3.0.¹² Some broadcasters worry that “it is premature for the FCC to establish either a date certain or specific

⁸ *Id.* at 2.

⁹ See Dashia Milden, *Americans Plan to Spend \$1,177 on a New TV. Here’s How to Do It for Less in Time for the Big Game*, CNET (Feb. 5, 2026), <https://www.cnet.com/tech/home-entertainment/tv-survey-2026/>; see also Weigel Broadcasting Comments at 20-21.

¹⁰ See CTA Comments at 2 (explaining that efforts to educate the public and provide nationwide, exciting ATSC 3.0 content by broadcasters to drive consumer demand is the far more productive and market-driven, approach).

¹¹ ICLE Comments at 3.

¹² See, e.g., NTCA Comments at 2 (arguing that the market for 3.0 technology “has yet to develop” and therefore “the Commission should not now force a costly transition....”); Multicultural Media, Telecom and Internet Council (MMTC) Comments at 1 (“Neither consumers nor the market are prepared to face a mandated transition.”).

market conditions for sunsetting ATSC 1.0 service at this time.”¹³ At the same time, due to substantial upgrade costs, cable viewers would pay more or lose access to content.¹⁴

Commenters also expressed caution over an abrupt, rapid sunset of ATSC 1.0, which CTA views could result in a *de facto* ATSC 3.0 tuner mandate.¹⁵ These commenters warn that a flash cut of ATSC 1.0 would disrupt access to local news, public safety information and entertainment¹⁶ while forcing many consumers to purchase new TVs or external tuners.¹⁷ Along with the current widespread use of TVs with ATSC 1.0 tuners, the least expensive new televisions are typically equipped with ATSC 1.0. Thus, as MMTC correctly observed, “[m]andating a transition to this new standard – especially on the arbitrary and accelerated timeline NAB has proposed – would impose significant costs on consumers and disproportionately harm low-income households.”¹⁸

¹³ America’s Public Television Stations and the Public Broadcasting Service (together, PTV) Comments at 6. PTV continues that “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.” *Id.*

¹⁴ See, e.g., NCTA – The Internet & Television Association (NCTA) Comments at 4-5; American Television Alliance (ATVA) Comments at 3 (“MVPDs do not have the technical capacity to carry broadcasters’ ATSC 3.0 signals,” meaning that “to the extent broadcasters use ATSC 3.0 signals to deliver higher-quality video and audio or additional features not currently offered via ATSC 1.0, many MVPD subscribers would not receive them.”). ATVA adds that developing the technical ability necessary to carry that ATSC 3.0 signals would impose substantial costs to MVPDs, which would ultimately likely be passed down to consumers. ATVA Comments at 3.

¹⁵ See, e.g., ATVA Comments at 2; CTA Comments at 14; MMTC Comments at 1; NTCA Comments at 2; NCTA Comments at 1; Public Knowledge et al. Comments at 2-3; ATX Networks Corp. Comments at 1; Weigel Broadcasting Comments at 2 (“Weigel objects to a ‘flash cut’ from ATSC 1.0 to ATSC 3.0 under present circumstances because it believes that such a flash cut would harm viewers and harm broadcasting.”).

¹⁶ See ATX Networks Corp. Comments at 1; MMTC Comments at 1.

¹⁷ See, e.g., Public Knowledge et al. Comments at 3 (“[T]he vast majority of American households remain equipped only for ATSC 1.0 reception,” which means that in the event of a forced transition, they would need to purchase new equipment.); Weigel Broadcasting Comments at 20-21 (estimating that only about 6% of televisions now in American homes have ATSC 3.0 tuners due to a lack of customer interest).

¹⁸ MMTC Comments at 1; *see also* NCTA Comments at 3.

III. UNNECESSARY MANDATES WOULD HARM AMERICANS AND HAMSTRING U.S. BUSINESSES

A. The Record Is Clear that a Tuner Mandate Is Unwarranted and Would Increase Prices

Stakeholders agree that a tuner mandate is unnecessary, ignores the successful history of the development of ATSC 3.0 and would be contrary to this Administration’s deregulatory goals.¹⁹ Any consumer that wants an ATSC 3.0 compatible television may acquire one today. Just as important, consumers who prefer other features or prioritize a lower price point can choose differently. The CPAC Foundation correctly observed that “[a]fter nearly a decade of voluntary deployment, the Commission continues to ask whether mandates are necessary, rather than pointing to evidence that they are. This prolonged uncertainty weighs heavily against the imposition of compulsory measures.”²⁰

An ATSC 3.0 tuner mandate ignores the present marketplace and would raise prices for American consumers, regardless of whether they want the upgrade or even view OTA video. For example, RILA anticipates that a tuner mandate would raise prices by “increas[ing] manufacturing costs across the board by forcing every TV—regardless of price tier, size, or use case—to include additional regulated hardware, patented technologies, and compliance and maintenance support,” harming price-sensitive households and rural communities the most.²¹

A voluntary rollout, on the other hand, incentivizes manufacturers to respond to consumer demands and to compete on price and features. Increased competition, innovation and

¹⁹ See, e.g., CTA Comments at 7-12; CPAC Foundation Comments at 7 (“Equipment mandates impose direct and immediate costs on consumers. Requiring ATSC 3.0 tuners in all new television sets would raise prices for households regardless of whether they value or use over-the-air broadcast services.”); Retail Industry Leaders Association (RILA) Comments at 1; Weigel Broadcasting Comments at 20-21 (noting that a ATSC 3.0 tuner mandate would remove consumer choice and force upon all consumers higher prices, without a clear marketplace demand).

²⁰ CPAC Foundation Comments at 7.

²¹ RILA Comments at 1.

flexibility to respond to consumers benefits all Americans.²² A market-driven approach, in lieu of additional top-down regulation, also aligns with Chairman Carr’s priorities.²³ Simply, a tuner mandate would serve a select group of broadcasters, but not consumers. Further, broadcasters are free to assist consumers in any way they see fit without a regulatory mandate. This can include increased consumer education efforts or making additional equipment like receivers and dongles available to ensure those who want to access OTA ATSC 3.0 signals can do so.

B. Regulation of User Interfaces Is Bad Law and Bad Policy

In today’s highly competitive video marketplace, companies actively seek to attract customers based on, among other things, unique user interface features and functionalities. The quality of the user’s experience is a basic avenue for competition among manufacturers. Therefore, the Commission should reject broadcasters’ proposal to micromanage user interface designs because it would impede manufacturers’ flexibility to compete aggressively, innovate relentlessly and adapt to consumers’ feedback.

At the outset, even NAB concedes that prescriptive user-interface requirements are not necessary because “[m]ost current Next Gen TV devices generally do a good job of making broadcast services accessible to viewers, and manufacturers should be commended for those efforts.”²⁴ The few commenters in the record that nevertheless call for FCC intervention on user

²² See *id.* at 1 (“Layering on new, more burdensome hardware requirements related to broadcast tuners would further erode manufacturer flexibility by forcing a uniform hardware configuration on all televisions regardless of how consumers actually use them.”).

²³ See *Fifth FNPRM* Statement of Chairman Brendan Carr (“Today’s action takes steps to support and accelerate the nation’s ongoing, *market-based* transition to Next Gen TV, to remove *unnecessary regulatory obstacles*, and to give broadcasters flexibility to determine how to best serve their local communities while rolling out innovative 3.0 services.”) (emphasis added).

²⁴ NAB Comments at 13.

interface designs conflate universal access to broadcast with favoritism for it.²⁵ Manufacturers and platform operators have every incentive to meet their customers' needs and desires.

CTA has been clear that the FCC lacks authority to impose user interface design mandates.²⁶ Even if the agency had the requisite authority, however, the FCC should not pursue a regulatory regime that would dictate a static government-designed regime over today's dynamic, highly competitive and ever-evolving customer-led process. Interfering with a manufacturer's user interface via governmental controls will not aid broadcasters; it will only chill innovation, reduce the variety of choice available today and frustrate consumers.

C. Additional Accessibility Mandates Would Be Premature

CTA and its members have long been supportive collaborators with representatives of the disability community and strive for accessibility across the vast consumer technology landscape.²⁷ CTA's standards development process is open, and CTA encourages technical contributions from members of advocacy groups, academia and government.²⁸ Part 79 of the

²⁵ See Pearl TV Comments at 18-20; Gray Local Media, Inc. Comments at 14.

²⁶ CTA Comments at 13. For example, the FCC does not have express, or even implied, statutory authority to grant the broadcasters' request to impose granular user interface design mandates on TVs and other video devices, and therefore may not do so. *See generally Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) (requiring courts apply the "best" interpretation of a statute when assessing statutory authority). Among other things, granting the broadcasters' request to design video user interfaces for manufacturers would require expensive technical changes to *every* TV operating system, requiring clear authority from Congress. *See West Virginia v. EPA*, 597 U.S. 697, 716 (2022) (observing that courts "expect Congress to speak clearly if it wishes to assign to an agency decisions of vast economic and political significance").

²⁷ See, e.g., Bill Schiffmiller, *CES 2026 Put Accessibility Front And Center, Changing Everything.*, Forbes (Jan. 17, 2026), <https://www.forbes.com/sites/billschiffmiller/2026/01/17/ces-2026-put-accessibility-front-and-center-changing-everything>; Comments of CTA, GN Docket No. 16-142, at 6-7 (filed May 7, 2025); Comments of CTA, CG Docket No. 10-213, at 6-7 (filed May 6, 2024). CTA's affiliated CTA Foundation also runs an extensive program at CES, spotlighting accessibility on panels, facilitating conversations among advocates and companies and fostering startups. Press Release, CTA, *CTA Foundation Spotlights Accessibility Leadership and Innovation at CES 2026, Marked by Inaugural Accessibility Stage* (Feb. 2, 2026), <https://www.ces.tech/press-releases/cta-foundation-spotlights-accessibility-leadership-and-innovation-at-ces-2026-marked-by-inaugural-accessibility-stage>.

²⁸ See CTA, Standards, <https://www.cta.tech/standards> (last visited Feb. 18, 2026).

Commission's rules sets forth a robust set of accessibility requirements for apparatus as well as others in the video ecosystem.²⁹ CTA appreciates the suggestions that accessibility organizations have proposed to advance accessibility features³⁰ and looks forward to exploring these possibilities in standards fora and other collaborative settings.

Due to current technological constraints, however, additional features should not be mandated until industry has developed the tools, methods, software and hardware as well as undertaken the necessary testing and development cycles to successfully implement any new ideas and features.³¹ Broad industry participation in such conversations will be critical to ensuring that technically feasible methods are advanced to serve all Americans.³² Given the technical complexity of the ecosystem, including the goal that a wide array of devices will be able to receive ATSC 3.0 signals, continued dialogue and coordination across disability advocates, device manufacturers, broadcasters and platforms to develop workable long-term solutions would be far more productive than near-term prescriptive rules.

CTA members are implementing the recently adopted closed captioning display settings requirements.³³ As such, it would be premature for the Commission to adopt any additional accessibility mandates at least until industry has completed its implementation of the captioned display settings requirements and assessed the technical feasibility of new requirements. If the

²⁹ 47 CFR part 79.

³⁰ See generally Accessibility Researchers at Gallaudet University Comments; Accessibility Organizations Comments.

³¹ See NAB Comments at 29 (asserting that the FCC need not change its accessibility rules at this time).

³² See *id.* (observing that the ATSC 3.0 also offers opportunities to improve accessibility, and industry and the accessibility community are actively exploring these possibilities, but are in the early stages of development).

³³ See *Media Bureau Announces Compliance Date for Closed Captioning Display Setting Requirements*, MB Docket No. 12-108, DA 25-48 (rel. Jan. 15, 2025) (announcing that compliance is required by August 17, 2026).

FCC does pursue new accessibility mandates, any such mandates should be imposed only to the extent they are achievable and should differentiate between apparatus requirements and broadcaster responsibilities. Additionally, the FCC should consider reasonable timelines to allow for the successful implementation of any such features.

IV. CONCLUSION

The Commission's voluntary and market-driven approach to the ATSC 3.0 transition remains the best way to serve consumers and promote competition. It ensures a smooth transition that does not leave any viewers behind, without forcing all consumers into costly purchases. Accordingly, a voluntary framework remains in consumers' best interest. By rejecting calls for a forced transition, the Commission can preserve consumer choice and lay the groundwork for continued flexibility for American businesses to innovate.

Respectfully submitted,

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