

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

In the Matter of

Authorizing Permissive Use of the “Next
Generation” Broadcast Television Standard

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

MB Docket No. 16-142

**COMMENTS OF
CONSUMER TECHNOLOGY ASSOCIATION**

J. David Grossman
Vice President, Policy & Regulatory Affairs

Brian Markwalter
Senior Vice President, Research & Standards

Rachel S. Nemeth
Senior Director, Regulatory Affairs

Consumer Technology Association
1919 S. Eads St.
Arlington, VA 22202

May 7, 2025

Table of Contents

I. INTRODUCTION AND SUMMARY2

II. CTA IS A FULL PARTNER IN DEVELOPING THE ATSC 3.0 STANDARD AS A VOLUNTARY TRANSITION BY BROADCASTERS AND THE CONSUMER TECHNOLOGY INDUSTRY.....4

 A. As a Co-Founding Member of ATSC, CTA Supports ATSC 3.0 as a Voluntary Standard to Facilitate Video Technologies—Not Force Them.....4

 B. NEXTGEN TV Has Been a Partnership to Benefit Consumers, Broadcasters and Manufacturers5

III. THE MARKETPLACE IS WORKING AND CONSUMERS CHOOSE TO VIEW VIDEO PROGRAMMING ON MULTIPLE PLATFORMS AND DEVICES.....7

IV. THE FCC SHOULD NOT IMPOSE ANY MANDATES ON MANUFACTURERS TO SUPPORT ATSC 3.0 OR OTHER BROADCAST TECHNOLOGIES10

V. CONCLUSION.....14

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

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

**COMMENTS OF
CONSUMER TECHNOLOGY ASSOCIATION**

Consumer Technology Association (CTA)^{®1} respectfully submits these comments in response to the Public Notice seeking comment on the Petition for Rulemaking and Future of Television Initiative Report filed by the National Association of Broadcasters (NAB).² CTA urges the Federal Communications Commission (Commission or FCC) to maintain its rules allowing for the voluntary inclusion of NEXTGEN TV and other technologies in consumer devices. There is no basis whatsoever for heavy-handed and risky government intervention to justify a regulatory mandate when the marketplace is working. Doing so would impose real costs for consumers, stifle innovation and levy unneeded regulations contrary to this Administration’s goals without a guarantee that consumers will tune into more broadcast video.³

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 world’s most powerful tech event.

² *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, MB Docket No. 16-142, DA 25-314 (MB Apr. 7, 2025).

³ See, e.g., *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 Fed. Reg. 9065 (Feb. 6, 2025) (Unleashing Prosperity Through Deregulation EO).

I. INTRODUCTION AND SUMMARY

CTA supports market-driven innovation and consumer choice and opposes government mandates that increase costs and limit competition and choice in technology design. In 2016, CTA together with NAB, America's Public Television Stations (APTS) and the AWARD Alliance submitted a groundbreaking, cooperative petition requesting that the FCC authorize voluntary use of the Next Generation TV transmission standard.⁴

The key element of the 2016 Joint Petition was the *voluntary* nature of the transition. However, the NAB Petition now requests for the Commission to require the inclusion of both ATSC 1.0 *and* ATSC 3.0 tuners on all new TV broadcast receivers.⁵ Not only would such a mandate remove manufacturer and consumer choice, but it also represents NAB's unilateral reversal from the joint CTA, NAB, APTS, and AWARD Alliance position, which correctly observed that "[a]doption of a tuner mandate would be counterproductive and unnecessary."⁶

Without any regulatory mandate, the consumer technology industry has done and continues to do its part. CTA members led the development of the ATSC 3.0 suite of standards and CTA partnered with broadcasters on the NEXTGEN TV name and logo. As a co-founder of ATSC and longtime supporter of the ATSC 3.0 standards, CTA has supported the development of recommended practices and promoted the standard over many CES conferences. CTA is proud that ATSC 3.0/NEXTGEN TV offers new capabilities to both broadcasters and to consumers, such as advances in accessibility.

⁴ Joint Petition for Rulemaking of America's Public Television Stations et al., GN Docket No. 16-142 (Apr. 13, 2016), <https://www.fcc.gov/ecfs/document/60001667342/1> (2016 Joint Petition).

⁵ NAB proposes that the ATSC 1.0 tuner mandate eventually sunset, after all full-power and class A broadcasters cease transmitting in ATSC 1.0. Petition for Rulemaking of the National Association of Broadcasters, GN Docket No. 16-142, at 18 (Feb. 26, 2015) (NAB Petition).

⁶ Comments of America's Public Television Stations et al., GN Docket No. 16-142, at 22 (May 9, 2017).

A voluntary transition to ATSC 3.0 for both broadcasters and manufacturers is important because it recognizes the importance of consumer choice and the role of a functioning marketplace. Today, consumers are watching video programming from many sources and on many types of devices. The Commission should not mandate tuners, especially when doing so would be principally targeted at the small sliver of consumers that still use over-the-air reception even as the mandate would impose costs more broadly across the entire video programming market. A tuner mandate does not ensure a successful transition to ATSC 3.0; high-value content driving consumer demand and adoption does.

In any event, it is premature to impose a mandate because manufacturers are meeting marketplace demand for ATSC 3.0 tuners without regulatory intervention. The FCC should first require broadcasters to demonstrate clear, nationwide adoption and promotion of NEXTGEN TV and only then determine whether there is a market failure in the availability of devices with such tuners. But, as explored in greater detail below, the evidence demonstrates there is no such market failure.

The bottom line is that regulatory intervention to mandate broadcast reception capabilities in consumer devices remains unnecessary and counterproductive. Significantly, 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). Gary Shapiro, CEO and Vice Chair of CTA, explained that a tuner mandate “will impose large percentage increase in costs at a time when the TV set has proved to be the rare deflationary product.”⁷ Instead, the Commission should stay the course by

⁷ Press Release, CTA, CTA CEO: Stop NAB’s Mandate Madness (Feb. 26, 2025), <https://www.cta.tech/press-releases/cta-ceo-stop-nabs-mandate-madness>.

ensuring that the ATSC 3.0 transition remains voluntary and market-based, which will help the consumer technology industry remain focused on delivering real value and choice to consumers, rather than spending money merely to comply with government mandates.

II. CTA IS A FULL PARTNER IN DEVELOPING THE ATSC 3.0 STANDARD AS A VOLUNTARY TRANSITION BY BROADCASTERS AND THE CONSUMER TECHNOLOGY INDUSTRY

CTA members led the development of the groundbreaking ATSC 3.0 standard with broadcasters, and CTA partnered with broadcasters to petition to allow broadcasters to transmit in ATSC 3.0 on a voluntary basis. This history is important because it reflects years of work and a consensus path to drive ATSC 3.0 forward. CTA continues to fully support the ATSC 3.0 standard and the NEXTGEN TV branding. However, CTA objects to the NAB Petition’s new call for a tuner mandate that would abandon the agreement among the original petitioners and represented to the Commission nearly a decade ago: that the transition should be “without mandatory timelines for either broadcasters or receiver manufacturers to adopt the new standard.”⁸

A. As a Co-Founding Member of ATSC, CTA Supports ATSC 3.0 as a Voluntary Standard to Facilitate Video Technologies—Not Force Them

CTA has long supported industry standards,⁹ including ATSC 3.0 as an industry-led, voluntary, consensus standard. Voluntary, consensus-based, global standards have been proven to be best for innovation because they promote interoperability and provide a clearer path along which video technologies can evolve. Moreover, voluntary standards enable cost-effective introduction of new technologies while helping drive competition that powers the U.S. economy.

⁸ 2016 Joint Petition at iv.

⁹ As an American National Standards Institute (ANSI) accredited standards development organization, CTA has played a key role in advancing industry-driven solutions for over a century. See *Standards*, CTA, <https://www.cta.tech/about/standards/> (last visited May 6, 2025).

As an example of its commitment to both standards and television technologies, CTA helped charter and found ATSC to develop “the prompt, efficient and effective development of a coordinated set of standards ... essential to foster new generations of television service” over forty years ago.¹⁰ More recently, CTA was an active participant (along with many CTA members) in the Future of Television Initiative, a public-private collaboration led by NAB to create an orderly roadmap for the ATSC 1.0 to 3.0 transition.¹¹ Consistent with the collaboration around ATSC 3.0 to date, the Future of TV Initiative Report did not recommend a tuner mandate.¹²

B. NEXTGEN TV Has Been a Partnership to Benefit Consumers, Broadcasters and Manufacturers

NEXTGEN TV, powered by the groundbreaking ATSC 3.0 standard, has been a partnership between broadcasters and the consumer technology industry, with the consumer technology industry contributing substantial resources to its success. For example, CTA was a proud leader in the launch of ATSC 3.0 by leading the development and release of the NEXTGEN TV name and logo for ATSC 3.0-enabled devices. CTA’s Gary Shapiro explained that “[t]he NEXTGEN TV name and logo are the products of teamwork and innovation across sectors—from U.S. broadcasters to global tech device manufacturers to ATSC leadership.”¹³ It

¹⁰ Bylaws of Advanced Television Systems Committee, Inc., at 2 (May 1, 2023), https://www.atsc.org/wp-content/uploads/2023/05/B-2-2023-05-01_BYLAWS.pdf.

¹¹ See Press Release, FCC, FCC Chairwoman Announces Launch of ‘Future of Tv’ Public-Private Initiative Focused on Transition to NextGen TV (Apr. 17, 2023), <https://docs.fcc.gov/public/attachments/DOC-392605A1.pdf>.

¹² See Future of Television Initiative Report, at 19 (consensus recommendations of Working Group 2 – Conditions for Completing Transition) (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).

¹³ Press Release, CTA, New Industry-Approved “NEXTGEN TV” Name, Logo Will Distinguish ATSC 3.0-Enabled Tech Devices (Sept. 26, 2019), <https://www.cta.tech/press-releases/new-industry-approved-nextgen-tv-name-logo-will-distinguish-atsc-30-enabled-tech-devices>.

was CTA’s Video Division Board that approved the NEXTGEN TV name and logo for consumer technology products that are optimized for the new standard. CTA manages the logo and testing program for NEXTGEN TVs, and licensees have access to a test specification, tests, assertions, test materials, and an issue tracking tool.¹⁴ The release of the NEXTGEN TV name and logo, which resulted from an iterative research and stakeholder engagement process, gained support from across the technology and broadcasting sectors.

CTA’s standards committee and working groups have also developed a full suite of standards and recommended practices for fully realizing the benefit of ATSC 3.0. For example, CTA published CTA-CEB32, a series of recommended practices for ATSC 3.0 Television Sets that has guided the industry in producing the millions of NEXTGEN TVs already purchased by American consumers:

- CTA CEB32.1-B, *Recommended Practice for ATSC 3.0 Television Sets, System Issues*, November 2024
- CTA CEB32.2-B, *Recommended Practice for ATSC 3.0 Television Sets, Physical Layer*, November 2024
- CTA CEB32.3-C, November 2024 *Recommended Practice for ATSC 3.0 Television Sets, Logical Layer*
- CTA CEB32.4-C, November 2024 *Recommended Practice for ATSC 3.0 Television Sets, Video*
- CTA CEB32.5-C, December 2024 *Recommended Practice for ATSC 3.0 Television Sets, Audio*
- CTA CEB32.6-C, December 2024 *Recommended Practice for ATSC 3.0 Television Sets, Advanced Emergency Information*
- CTA CEB32.8-C, December 2024 *Recommended Practice for ATSC 3.0 Television Sets, Application Run-time Environment*
- CTA CEB32.9-A, December 2024 *Recommended Practice for ATSC 3.0 Television Sets, Security and Protected Services*

¹⁴ See, e.g., CTA-CEB32-C, *Recommended Practice for ATSC 3.0 Television Sets, Overview*, CTA at 6-7, Nov. 2024 (CTA-CEB32-C).

- CTA CEB32.10-A, December 2024 *Recommended Practice for ATSC 3.0 Television Sets, Watermarking and Content Recovery*.

One of the positive results of the ATSC 3.0 standard is its support for accessibility enhancements. For example, the AC-4 audio codec enables broadcasters to carry multiple audio streams in a single broadcast single, which opens the door for simulcasting both audio description and secondary language tracks with superior quality.¹⁵ Currently, there is only one secondary audio stream for both audio description and alternative languages. In addition, ATSC 3.0 enables multiple language closed captioning, picture-in-picture, user-selectable sign language interpretation and improved loudness control.¹⁶ Although CTA celebrates the accessibility enhancements of ATSC 3.0, these features should not be mandated.¹⁷

III. THE MARKETPLACE IS WORKING AND CONSUMERS CHOOSE TO VIEW VIDEO PROGRAMMING ON MULTIPLE PLATFORMS AND DEVICES

There is no need for government intervention in the functioning marketplace. Broadcast television is one of many video platforms available to consumers and, increasingly, consumers are choosing to watch video on multiple platforms and devices.

The consumer technology industry continues to bring innovative video products to consumers on the multiple platforms and devices they prefer. CTA’s research found that nearly all adults in the United States have access to *multiple devices* in the home that provide them with video content. These devices include TVs (77%) and smartphones (80%) as well as tablets, laptops, PCs, and portable gaming devices. CES 2025, as in the past, demonstrated the most

¹⁵ See FOTVI Report at 31.

¹⁶ *Realizing the Full Benefits of ATSC 3.0 Broadcasts in the U.S.*, ATSC: The Broadcast Standards Association, at 3 (Feb. 2025), <https://www.atsc.org/wp-content/uploads/2025/03/ATSC-White-Paper-US-ATSC3-Transition-2025-02-28.pdf>.

¹⁷ See FOTVI Report at 30 (observing that public interest participants suggested that, among other things, the FCC should “consider mandating” for broadcasters the accessibility enhancements of ATSC 3.0).

innovative ways to watch video: televisions,¹⁸ smart screens and projectors,¹⁹ in-vehicle entertainment²⁰ and mobile devices. And consumers have embraced consumer technology for watching video. An astonishing 94% of adults indicated that they watched video content on a consumer device in the past three months.²¹

Among the devices and services available to consumers are myriad devices with over-the-air broadcast tuners, but over-the-air broadcast television is only a small percentage of consumers' video programming diet. According to Horowitz Research, consumers subscribe to MVPDs (44% of homes), SVODs (81% of homes), and vMVPDs (23% of homes) in addition to viewing free streaming services (70% of homes).²² Further, the latest data, according to Horowitz Research, indicates that homes with TV antennas dropped to 19% in 2025,²³ and CTA found fewer than 10% of Americans *rely* exclusively on antennas for television viewing.²⁴

Nonetheless, since the Commission authorized over-the-air broadcast ATSC 3.0 service in November 2017, the availability of NEXTGEN TV-enabled products has been growing and

¹⁸ *CES Innovation Awards® – 2025: Video Displays*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=Video+Displays> (last visited May 6, 2025).

¹⁹ *CES Innovation Awards® – 2025: Video Displays Content & Entertainment*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=Video+Displays%2CContent+%26+Entertainment> (last visited May 6, 2025).

²⁰ *CES Innovation Awards® – 2025: In Vehicle Entertainment*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=In-Vehicle+Entertainment> (last visited May 6, 2025).

²¹ *The Video Ecosystem: The Future of TV*, CTA (Dec. 2024), <https://shop.cta.tech/collections/research/products/the-video-ecosystem-the-future-of-tv>.

²² George Winslow, *Survey: Share of Homes With TV Antennas Falls to 19%*, TV Tech (Apr. 10, 2025), <https://www.tvtechnology.com/news/survey-homes-with-tv-antennas-falls-to-19-percent-in-2025>.

²³ *Id.*

²⁴ Press Release, CTA, CTA CEO: Stop NAB's Mandate Madness (Feb. 26, 2025), <https://www.cta.tech/press-releases/cta-ceo-stop-nabs-mandate-madness>.

meeting marketplace demand.²⁵ Innovators showcased new NEXTGEN TV devices and ATSC 3.0 receivers at CES 2025, as well. As of CES 2025, six manufacturers offered NEXTGEN TV sets, and ATSC anticipated nearly 100 different receiver models including the introduction of USB-style receivers.²⁶ Consumers have purchased more than 14 million television sets capable of displaying NEXTGEN TV.²⁷ CTA’s market research shows that, on a voluntary, market-driven basis, the majority of TVs shipped in the United States in 2028 will be ATSC 3.0 enabled.

Adding ATSC 3.0 support is not without its cost to consumers. CTA staff recently conducted a search for 55-inch, 4K resolution, “mini-LED QLED” TVs from one nationwide retailer.²⁸ The search resulted in eight models, five of which had ATSC 1.0 tuners and three with ATSC 1.0 and 3.0 tuners. Among these televisions, the average price of those with only ATSC 1.0 tuners was \$676, while the average price of televisions with ATSC 3.0 support was \$833. The two most expensive televisions cost significantly more than the others. Removing the “higher end” two models resulted in an average price among these TVs with ATSC 1.0 tuners of \$520, and the average price with ATSC 3.0 support at \$600. Given this sample, in addition to other known factors, such as patent licensing costs, it is reasonable to conclude that consumers would be forced to pay more if all televisions were mandated to include an ATSC 3.0 tuner.²⁹

²⁵ Ryan Epps, *ATSC 3.0 Tuners — do you really need one on your 2024 TV?*, Tom’s Guide (Aug. 21, 2024), <https://www.tomsguide.com/tvs/atsc-30-tuners-do-you-really-need-one-on-your-2024-tv>.

²⁶ Press Release, ATSC: The Broadcast Standards Association, *New Nextgen TV Receivers, Expanded Services Launched at CES 2025 to Spur Deeper Adoption of Next-Generation Television Broadcasting* (Jan. 6, 2025), <https://www.atsc.org/news/new-nextgen-tv-receivers-expanded-services-launched-at-ces-2025-to-spur-deeper-adoption-of-next-generation-television-broadcasting>.

²⁷ Ryan Epps, *ATSC 3.0 Tuners — do you really need one on your 2024 TV?*, Tom’s Guide (Aug. 21, 2024), <https://www.tomsguide.com/tvs/atsc-30-tuners-do-you-really-need-one-on-your-2024-tv>.

²⁸ Ex Parte Letter from J. David Grossman et al, Vice President, Policy & Regulatory Affairs, CTA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 16-142, at 2 (Mar. 17, 2025).

²⁹ *See, e.g.*, Comments of LG Electronics USA Inc., GN Docket No. 16-142, at 2-4 (Sept. 15, 2023) (discussing the role of patents and patent licensing when manufacturers incorporate ATSC 3.0).

IV. THE FCC SHOULD NOT IMPOSE ANY MANDATES ON MANUFACTURERS TO SUPPORT ATSC 3.0 OR OTHER BROADCAST TECHNOLOGIES

An ATSC 3.0 tuner mandate remains unnecessary,³⁰ and imposing one at this time would run directly counter to the FCC’s (and the Administration’s) strong policy preference to focus on deregulation.³¹ As CTA previously explained, a tuner mandate or a chip mandate to receive broadcasts, either now or at any time in the future, would be counterproductive and costly and should be rejected.³² Likewise, CTA requests that the Commission reject NAB’s suggestions for mandates with respect to device user interfaces.³³ The FCC recently opened a proceeding with the purpose of “alleviating unnecessary regulatory burdens” in order to “facilitate and encourage American firms’ investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities.”³⁴ Rather than eliminate unnecessary rules, NAB’s proposal here constitutes precisely the kind of hyper-regulatory approach that would “stand in the way of deployment, expansion, competition, and technological innovation.”³⁵

The ATSC 3.0 transition is underway and should continue without mandates for broadcasters or manufacturers of tuners and other devices.³⁶ The Commission during President Trump’s first term embraced a voluntary transition for manufacturers in 2017, and the FCC

³⁰ See NAB Petition at 3, 18-19.

³¹ See, e.g., Unleashing Prosperity Through Deregulation EO; *In re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219 (rel. Mar. 12, 2025) (*Delete PN*).

³² Reply Comments of the Consumer Technology Association, GN Docket No. 16-142, at 5-8 (June 8, 2017).

³³ 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.”).

³⁴ *Delete PN* at 1.

³⁵ *Id.*

³⁶ See, e.g., Letter from Frank Copsidas, President and Founder, LPTV Broadcasters Association, Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-142 (Apr. 28, 2025) (“LPTV Stations [do] not want to be forced to switch to ATSC 3.0 due to expense and a very unclear final purpose/business plan.”).

should stay the course now.³⁷ Setting aside the larger question of whether a technology mandate is ever necessary, it certainly is not necessary here, where the relevant sectors are incentivized to transition and have a proven history of meeting consumer demand. Without regulatory intervention, devices continue to incorporate new technologies from high-dynamic range video and AI-enabled picture improvements to audio enhancements and more. This market-led transition is unlike the government-led DTV transition, which was mandated by Congress with federal dollars directly supporting the consumer device transition, for example. A voluntary path is more appropriate. CTA observes that HC2 recently requested that the FCC authorize 5G Broadcast as a voluntary transmission standard for Low Power TV stations. HC2 specifically did not request any mandate for compatible chips in devices.³⁸ Indeed, the Commission should refrain from mandating ATSC 3.0 or other broadcast technology be incorporated in mobile devices as this would cost consumers more money and potentially negatively affect the consumer experience.

Heavy-handed government regulation in the form of tuner mandates is unnecessary and will frustrate consumers, particularly those who do not intend to consume over-the-air broadcast signals and those in markets where ATSC 3.0 signals are not yet available. As a general matter, picking winners and losers in the marketplace only chills innovation and taxes both consumers and entrepreneurs by forcing them to pay to include technology that consumers may not use. Here, a tuner mandate would be even more misguided because a mandate would be in place

³⁷ See *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, 9973 ¶ 83 (2017) (“We revise our rules to make clear that there is no Next Gen TV tuner mandate.”); *id.* 9974 ¶ 84 (“We also agree with commenters that the incorporation of ATSC 3.0 tuners into smartphones and other mobile devices should be driven by consumer demand.”).

³⁸ Petition for Rulemaking of HC2 Broadcasting Holdings Inc. (HC2), RM-____, at 11-12 (Mar. 28, 2025), <https://www.fcc.gov/ecfs/document/1032891915435/1>.

before broadcasters have adopted and promoted NEXTGEN TV on a nationwide basis, and thus before there is adequate indication of consumer interest or demand.

Consumer demand should continue to drive tuners' inclusion and adoption. To spur consumer demand, broadcasters must actively promote their new and unique NEXTGEN TV services.³⁹ As evidenced by years of analog tuner waivers, locking manufacturers into a standard adds more paperwork and slows innovation in response to changing technologies and consumer tastes.⁴⁰ Additional Commission rules mandating technology that consumers already can readily access would not be beneficial and would merely expand regulatory underbrush like that which the Commission is striving to remove from its rules.⁴¹

Finally, CTA also vigorously opposes any design mandates, especially with respect to a device's user interface, as NAB suggests.⁴² First and foremost, 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. This would be the kind of anti-competitive regulation the administration is trying to identify and remove from the federal

³⁹ See, e.g., Press Release, Pearl TV, Broadcasters Expanding Reach of NEXTGEN TV Features with Enhanced Video, Audio, Interactivity, and New Content (Apr. 3, 2025), <https://pearlrv.com/news/broadcasters-expanding-reach-of-nextgen-tv-features-with-enhanced-video-audio-interactivity-and-new-content>.

⁴⁰ See, e.g., *EchoStar Technologies L.L.C.; Hauppauge Computer Works, Inc. Petitions for Waiver of Section 15.117(b) of the Commission's Rules*, Memorandum Opinion and Order, 31 FCC Rcd 12770 (MB 2016) (allowing EchoStar and Hauppauge to import, market, and sell innovative digital tuner products which do not include the ability to analog broadcast signals); *EchoStar Technologies L.L.C.; Funai Electric Co., Ltd.; Petition for Waiver of Section 15.117(b) of the Commission's Rules*, Memorandum Opinion and Order, 28 FCC Rcd 14000 (MB 2013); *TiVo, Inc. Petition for Waiver of Sections 15.117(b), 15.118(b), 15.123(b)(1), 15.123(c), and 15.123(d) of the Commission's Rules*, Memorandum Opinion and Order, 28 FCC Rcd 12181 (MB 2013).

⁴¹ See, e.g., *Delete PN*.

⁴² See NAB Petition at 20 (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.”).

government's books.⁴³ More, NAB's request for highly-prescriptive government control over interfaces would constitute bad policy.

The diverse array of user interfaces available across a wide range of consumer technology devices today reflects an industry actively working to meet the desires and needs of consumers in a highly competitive marketplace. User interface design/user experience is one of the most innovative areas of the consumer technology industry. Companies develop specialized user interfaces as a key way to differentiate themselves from one another and to attract consumer interest. 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 extensive user testing and feedback. The FCC should not risk locking in user interface designs that are likely to change in ways beneficial to consumers in the future, nor should the government seek to force businesses away from pro-consumer initiatives for the sake of complying with new regulation.

The Commission should reject NAB's call to micromanage the way consumers discover and interact with content and its corresponding request to favor broadcast content over all other speakers. Acceding to NAB's demand would result in the government selecting 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.

⁴³ 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>.

V. CONCLUSION

CTA's members are providing a wide range of devices and services and will continue to do so in the future. 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 regulation and maintain this common-sense approach.

Respectfully submitted,

CONSUMER TECHNOLOGY ASSOCIATION

By: /s/ J. David Grossman

J. David Grossman
Vice President, Policy & Regulatory Affairs

 /s/ Brian Markwalter

Brian Markwalter
Senior Vice President, Research & Standards

 /s/ Rachel Nemeth

Rachel Nemeth
Senior Director, Regulatory Affairs

Consumer Technology Association
1919 S. Eads St.
Arlington, VA 22202

May 7, 2025