

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

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

**COMMENTS OF  
CONSUMER TECHNOLOGY ASSOCIATION**

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**COMMENTS OF  
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Consumer Technology Association (CTA)<sup>1</sup> respectfully submits these 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.<sup>2</sup> As the Commission embarks on the latest chapter of this proceeding regarding the transition to ATSC 3.0, the agency should look to first principles to embrace steps to “accelerate the nation’s ongoing *market-based* broadcast television transition to ATSC 3.0”<sup>3</sup> and avoid heavy-handed mandates or other unnecessary regulatory requirements. A voluntary and smooth transition to ATSC 3.0 should be the goal, one that is not compelled by regulatory fiat and does not leave consumers behind or saddled with the bill.

**I. INTRODUCTION AND SUMMARY**

A voluntary transition to ATSC 3.0 for both broadcasters and manufacturers continues to be the appropriate and best course because consumers watch video programming from many

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<sup>1</sup> 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.

<sup>2</sup> *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Fifth Further Notice of Proposed Rulemaking, GN Docket No. 16-142, FCC 25-72 ¶ 2 (rel. Oct. 29, 2025) (*Fifth FNPRM*).

<sup>3</sup> *Id.* at ¶ 2 (emphasis added).

sources and on many types of devices. In particular, the Commission should avoid unnecessary regulation because doing so would impose costs across the entire video programming market while only potentially affecting the viewing experience of the subset of consumers that still use over-the-air (OTA) reception.<sup>4</sup> The best approach is to let the marketplace continue to work unimpeded by regulation in order to meet consumer demand for ATSC 3.0 tuners.

The consumer technology industry is proud to provide consumers with cutting-edge options for video programming, such as NEXTGEN TV-enabled devices. In fact, 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 a longtime supporter of the ATSC 3.0 standards, CTA has supported the development of recommended practices and promoted the standard over many CES conferences. In fact, this month's CES 2026 featured NEXTGEN TV devices, including new converter boxes and home gateways that are expected to come to market later this year.<sup>5</sup> The takeaway is clear: manufacturers are innovating and meeting marketplace demand for ATSC 3.0 tuners all without regulatory intervention.

An ATSC 3.0 tuner mandate would be counterproductive and unnecessary; far more productive for the adoption of ATSC 3.0-capable TVs would be more action on the part of broadcasters to educate the public and provide nationwide, exciting ATSC 3.0 content consumers want. Government mandates for ATSC 3.0 tuner technologies will increase consumer prices by requiring all devices to include tuner technology regardless of consumer need or intended use

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<sup>4</sup> See Comments of CTA, GN Docket No. 16-142 at 3, 8 (filed May 7, 2025) (CTA May 2025 Comments); Reply Comments of CTA, GN Docket No. 16-142 (filed June 6, 2025).

<sup>5</sup> See, e.g., Phil Kurz, *ATSC To Showcase Latest NextGen TV Developments At CES 2026*, TVTech (Jan. 2, 2026), <https://www.tvtechnology.com/platform/broadcast/atsc-to-showcase-latest-nextgen-tv-developments-at-ces-2026> (ATSC CES 2026 Showcase Article); Phil Kurz, *ATSC 3.0 Home Gateways To Appear At CES 2026*, TV Tech (Jan. 7, 2026), <https://www.tvtechnology.com/business/atsc-3-0-home-gateways-to-appear-at-ces-2026>.

(and for which only some consumers may be interested). Further, the government lacks the authority to mandate the user interface of devices to provide preferential visibility for broadcast signals—and such a mandate would be bad policy. CTA CEO and Executive Chair Gary Shapiro explained, “[w]e oppose mandates because they hurt American consumers by forcing them to buy something they don’t want. More, they diminish the product or feature by removing all reasons for retailers or manufacturers to market the feature or product as a feature a competitor may not have.”<sup>6</sup>

Instead, the Commission should focus its efforts to help consumers by facilitating a smooth transition to ATSC 3.0 that does not leave consumers behind with equipment that fails to deliver the free OTA television they think their television tuners can receive. For example, a runway, rather than a short-term flash-cut, allowing broadcasters to transition away from ATSC 1.0 remains important for consumers that continue to rely on 1.0-only television and 1.0 OTA signals. Immediately discontinuing the ATSC 1.0 transmitting requirement would be a *de facto* ATSC 3.0 tuner mandate, with all the adverse consumer effects as a *de jure* ATSC 3.0 tuner mandate. Preserving meaningful access to ATSC 1.0 service during a transition period is essential to ensuring that consumer choice and demand—rather than regulatory or structural pressure—determines the pace and scope of ATSC 3.0 tuner adoption. In addition, the A/322 broadcast requirement, which specifies the allowable waveforms for ATSC 3.0 signals, has provided stability and much-needed certainty for consumer technology manufacturers as they continue responding to the demand for NEXTGEN TV. This requirement should continue while allowing broadcasters to transmit using the updated 2025 A/322 standard. Finally, CTA

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<sup>6</sup> Gary Shapiro, *Last week, Pearl TV called CTA Out by Name*, LinkedIn (July 17, 2025), <https://www.linkedin.com/pulse/last-week-pearl-tv-called-cta-out-name-gary-shapiro-w6nke>.

appreciates the Commission's attention and monitoring of Digital Rights Management (DRM) issues, while requesting the FCC stay mindful of its limited jurisdiction.

## **II. MAINTAINING THE COMMISSION'S CURRENT APPROACH TO THE VOLUNTARY INCLUSION OF ATSC 3.0 AND OTHER TECHNOLOGIES IS BEST FOR CONSUMERS**

The transition to ATSC 3.0 should remain voluntary, a course the Commission embraced beginning in the first Trump Administration. As the Commission charts forward with this next step in the proceeding, CTA applauds the agency's focus on building an accurate record around consumer costs, technical feasibility and paths to a voluntary transition to NEXTGEN TV. This is especially important because changing course by pursuing a mandatory transition to ATSC 3.0 through a tuner mandate or other unnecessary regulation would add burdensome red-tape, stifle innovation and impose real costs on consumers and the video ecosystem.

The consumer electronics industry and CTA have been integral players in the ATSC 3.0 standard and the NEXTGEN TV partnership. CTA has partnered with broadcasters on both the development of the groundbreaking ATSC 3.0 standard<sup>7</sup> as well as the petition to allow broadcasters to transmit in ATSC 3.0 on a voluntary basis.<sup>8</sup> CTA was a co-founder of ATSC and has supported the development of ATSC standards and recommended practices.<sup>9</sup> Looking ahead, CTA continues to fully support the ATSC 3.0 standard and the NEXTGEN TV branding.

Since the Commission authorized OTA broadcast ATSC 3.0 service in November 2017, the availability of NEXTGEN TV-enabled products has been meeting marketplace demand and

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<sup>7</sup> CTA was a co-founding member of ATSC, and its standards committee and working groups have developed a full suite of standards of recommended practices for realizing the benefit of ATSC 3.0.

<sup>8</sup> 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>.

<sup>9</sup> See, e.g., CTA May 2025 Comments at 6-7 (providing details on CTA-CEB32, a series of recommended best practices for ATSC 3.0 Television sets).

growing. Today, dozens of NEXGEN TV models are available from a variety of manufacturers.<sup>10</sup> Innovators showcased several NEXTGEN TV sets and new ATSC 3.0 receivers at CES 2026.<sup>11</sup> Moving forward, CTA has projected that millions of NEXTGEN TV sets will ship in each of the next few years.<sup>12</sup>

All of this activity points to the reality that there is no need for government intervention in the functioning consumer electronics marketplace. Without any regulatory mandate, the consumer technology industry has done and continues to do its part to promote and advance ATSC 3.0. If broadcasters are concerned about market demand for ATSC 3.0 tuners, they need to do their part with consumer education, promotion and providing content to drive demand rather than seeking a technology mandate. The partnership, and the Commission's 2017 authorization, is grounded in a shared understanding that the transition would proceed without mandatory timelines for either broadcasters or receiver manufacturers to adopt the new standard.

The consumer technology industry continues to bring innovative video products to consumers on the multiple platforms and devices they prefer. Broadcast television is one of many video platforms available to consumers and, increasingly, consumers are choosing to watch video on multiple platforms and devices. CTA market research shows that nearly all U.S.

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<sup>10</sup> Press Release, ATSC, ATSC Highlighting Benefits of Next-Generation Broadcasting With New Solutions for Consumers and Broadcasters: The Broadcast Standards Association Showcasing New Technologies at CES 2026 (Jan. 2, 2026), <https://www.atsc.org/news/atsc-highlighting-benefits-of-next-generation-broadcasting-with-new-solutions-for-consumers-and-broadcasters/> (ATSC CES 2026 Press Release); James K. Willcox, *Best Indoor TV Antennas, Tested and Reviewed*, Consumer Reports (Nov. 18, 2025), <https://www.consumerreports.org/electronics-computers/tv-antennas/tv-antenna-review-top-picks-from-consumer-reports-latest-tests-a2799732155/>.

<sup>11</sup> See ATSC CES 2026 Press Release; Phil Kurz, *ATSC to Showcase Latest NextGen TV Developments at CES 2026*, TVTech (Jan 2, 2026), <https://www.tvtechnology.com/platform/broadcast/atsc-to-showcase-latest-nextgen-tv-developments-at-ces-2026>.

<sup>12</sup> See Future of Television Initiative Report at 6 (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, GN Docket No. 16-142 (Jan. 17, 2025).

adults have access to multiple devices in the home that provide video content. Consumers report the greatest ownership of smartphones and TVs.<sup>13</sup> CES 2026, as in the past, demonstrated the most innovative ways to watch video: TVs,<sup>14</sup> smart screens and projectors,<sup>15</sup> in-vehicle entertainment<sup>16</sup> and mobile devices and laptops.<sup>17</sup>

Ultimately, consumers choose to view video programming on multiple platforms and devices. Yet as explored below, OTA broadcast television is only a small percentage of consumers' video programming diet. As a result, it would be inequitable and harmful to consumers to mandate that all TVs add an ATSC 3.0 tuner because of the increased manufacturing cost to implement for all a feature that only some want. More, government intervention in the vibrant and functioning video marketplace would chill innovation and tax both consumers and entrepreneurs by forcing them to pay to include technology that consumers may not use.

### **III. INSTEAD OF MANDATING TECHNOLOGY, CTA URGES THE COMMISSION TO CONTINUE TO FOSTER MARKET-DRIVEN INNOVATION AND CONSUMER CHOICE**

Continuing the market-driven and voluntary approach to the ATSC 3.0 transition serves consumers, broadcasters, and the consumer technology industry best. Although the *Fifth NPRM*

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<sup>13</sup> *The Video Ecosystem: The Future of TV*, CTA (Feb. 2025), <https://www.cta.tech/research/the-video-ecosystem-the-future-of-tv/>.

<sup>14</sup> *CES Innovation Awards® – Video Displays*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=Video+Displays> (last visited Jan. 13, 2026).

<sup>15</sup> *CES Innovation Awards® – Video Displays; Content & Entertainment; XR & Spatial Computing*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=Video+Displays%2CContent+%26+Entertainment> (last visited Jan. 13, 2026).

<sup>16</sup> *CES Innovation Awards® – In-Vehicle Entertainment*, CTA, <https://www.ces.tech/ces-innovation-awards/?category=In-Vehicle+Entertainment> (last visited Jan. 13, 2026).

<sup>17</sup> See, e.g., Official Best of CES 2026 Awards: 22 Winners and Best Overall, Awarded by CNET Group, CNET (last visited Jan. 13, 2026) <https://www.cnet.com/best-of-ces-2026>; Tom's Guide CES 2026 Awards: The top 27 new gadgets, Tom's Guide (last updated Jan. 7, 2026), <https://www.tomsguide.com/tech-events/best-of-ces-2026-awards-the-top-25-new-gadgets>.



embraces the concept of “eliminat[ing] regulatory barriers that are hindering adoption of ATSC 3.0 technology,” it simultaneously seeks comment on establishing an ATSC 3.0 tuner mandate.<sup>18</sup> 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.

**A. An ATSC 3.0 Tuner Mandate Remains Unnecessary, and Imposing One at This Time Would Run Directly Counter to the Administration’s Strong Policy Preference to Focus on Deregulation**

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. As an initial matter, CTA objects to a tuner mandate that would abandon the agreement between the founding parties to allow broadcasters to broadcast in ATSC 3.0 and represented to the Commission nearly a decade ago: the transition should be “without mandatory timelines for either broadcasters or receiver manufacturers to adopt the new standard.”<sup>19</sup> More recently, 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.<sup>20</sup> This history is important because it reflects years of work and a consensus path to drive ATSC 3.0 forward. Indeed, 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. More, voluntary standards enable cost-effective introduction of new technologies while helping drive competition that powers the U.S. economy.

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<sup>18</sup> *Fifth FNPRM* ¶¶ 28-35.

<sup>19</sup> Joint Petition for Rulemaking of America’s Public Television Stations, AWARN Alliance, Consumer Technology Association, and National Association of Broadcasters, GN Docket No. 16-142, at iv (Apr. 13, 2016).

<sup>20</sup> *See* FOTVI Report at 19.

A tuner mandate would also represent a departure from the deregulatory goals of this Administration. President Trump has made clear a national policy to “alleviate unnecessary regulatory burdens placed on the American people,” given the “ever-expanding morass of complicated Federal regulation [that] imposes [] costs on the lives of millions of Americans.”<sup>21</sup> Further, the Commission embraced a “voluntary and market-driven” transition that will be driven by “consumer demand” during the first Trump Administration in 2017.<sup>22</sup> There is no need or compelling justification to pursue an about-face to these policies now, especially when doing so would impose significant costs on consumers and the video ecosystem. As described above, evidence shows that the marketplace is working as intended—the availability of NEXTGEN TV-enabled products has been growing and meeting marketplace demand.<sup>23</sup>

The record demonstrates that an ATSC 3.0 tuner mandate would impose undue costs on consumers and the video ecosystem. Just last spring, a chorus of commenters joined CTA in expressing concern over NAB’s proposals to mandate ATSC 3.0 tuners and other technologies in consumer video devices. Along with describing the legal and policy infirmities of the proposal, commenters observed that the NAB proposal to force ATSC 3.0 tuners into all new TV broadcast receivers would be very costly to consumers, broadcasters<sup>24</sup> and MVPDs.<sup>25</sup> Notably,

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<sup>21</sup> See *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 Fed. Reg. 9065 (Feb. 6, 2025).

<sup>22</sup> 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).

<sup>23</sup> See CTA May 2025 Comments at 8-9.

<sup>24</sup> See, e.g., Comments of the National Television Association, GN Docket No. 16-142, at 4 (May 7, 2025); Comments of Mississippi Public Broadcasting, GN Docket No. 16-142, at 1 (May 7, 2025); Comments of Weigel Broadcasting Co., GN Docket No. 16-142, at 1 (May 7, 2025) (Weigel Broadcasting Co. Comments).

<sup>25</sup> See, e.g., Comments of the American Television Alliance, GN Docket No. 16-142, at 11-14 (May 7, 2025) (ATVA Comments) (describing substantial costs MVPDs will have to incur to purchase new

commenters explained that the costs of such a mandate would fall squarely on the shoulders of consumers who would be forced to purchase new televisions or converter boxes.<sup>26</sup> As REC Networks observed, this will present a stark choice for vulnerable consumers: “either purchase a shiny new ATSC-3 TV or converter box, or pay the rent.”<sup>27</sup>

Indeed, a tuner mandate would have sweeping consequences for all viewers yet be targeted at a slim portion of those viewers, including some of the most vulnerable consumers. CTA market research shows that approximately 8% of video content viewers rely on a TV antenna as the only source of video content.<sup>28</sup> According to Nielsen data, just over 18% of U.S. TV households had at least one TV set able to receive OTA television (they may also watch streaming/other content).<sup>29</sup> Therefore, if ATSC 3.0 is mandated, over 80% of households that do not use OTA television will have to bear the incremental cost associated with the tuner mandate. Increased costs will also likely be a key consideration for households that rely on OTA: according to Nielsen data, the median income of OTA-only households (with no video-on-demand) is just over \$24,000.<sup>30</sup> Whether those consumers should be required to bear this additional cost (and whether they even can) is questionable. Put simply, heavy-handed government regulation in the form of a tuner mandate is unnecessary and will frustrate

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transcoders, receivers, demultiplexers, and set-top boxes for consumers); Comments of NCTA – The Internet & Television Association, GN Docket No. 16-142, at 3-5 (May 7, 2025) (NCTA Comments).

<sup>26</sup> See, e.g., ATVA Comments at 16; Weigel Broadcasting Co. Comments at 1; Comments of Public Knowledge et al., GN Docket No. 16-142, at 5 (May 7, 2025); NCTA Comments at 2.

<sup>27</sup> Comments of REC Networks, GN Docket No. 16-142, at 4 (May 7, 2025).

<sup>28</sup> 2025 U.S. Consumer Technology Ownership & Market Potential Study, CTA (May 2025), <https://www.cta.tech/research/2025-us-consumer-technology-ownership-market-potential-study/>.

<sup>29</sup> *Beyond big data: The audience watching over the air*, The Nielsen Company (US) (Jan. 2024), <https://www.nielsen.com/insights/2024/beyond-big-data-the-audience-watching-over-the-air>.

<sup>30</sup> *Id.*

consumers, particularly those who do not intend to consume OTA broadcast signals and those in markets where ATSC 3.0 signals are not yet available.

At the same time, the price of TVs with ATSC 3.0 tuners continues to be much greater than ATSC 1.0.<sup>31</sup> CTA already has documented costs differences between ATSC 1.0 and 3.0 television sets in the record.<sup>32</sup> CTA members report that the cost difference is attributable to the ATSC 3.0 demodulator chip, greater processing power requirements necessitating a more powerful chip, additional software development (including drivers and middleware), certification and testing fees, ATSC 3.0 patent licensing fees, and potential future patent litigation costs. Greater scale can reduce the fixed portion of R&D, certification and testing costs, but will not significantly narrow the gap or significantly reduce the cost of ATSC 3.0 televisions. It will also spread out the cost to more consumers, most of whom will not utilize the ATSC 3.0 feature they will have just bought.

Not only is a tuner mandate unwarranted, the Commission's authority to compel this television transition is also questionable. Congress adopted the 1962 All Channel Receiver Act

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<sup>31</sup> Although lower cost converter boxes were announced prior to the start of CES 2026, exact details are still unknown. *See, e.g.,* Jim Kimble, *Pearl TV Promotes "Affordable" NEXTGEN TV Converter Boxes, Leaves Key Consumer Questions Unanswered*, Antenna Land (Jan. 7, 2026), <https://www.antennaland.com/pearl-tv-nextgen-tv-converter-box-program>.

<sup>32</sup> To demonstrate the potential impact of an ATSC 3.0 tuner mandate, in March 2025, CTA staff conducted a search for 55 inch, 4K resolution, "mini-LED QLED" TVs from one nationwide retailer. 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 pay more if all televisions were mandated to include an ATSC 3.0 tuner. *See* CTA May 2025 Comments at 9.

over 60 years ago to ensure that televisions could tune into analog broadcast signals.<sup>33</sup> Whatever authority the All Channel Receiver Act may afford the Commission today, the sweeping and immediate ATSC 3.0 mandate suggested by NAB is ultimately a major question for Congress to decide.<sup>34</sup> For example, Congress took action twice to extend the DTV transition in the early 2000s.<sup>35</sup> Indeed, the record shows that other stakeholders have similarly raised significant legal questions regarding mandating ATSC 3.0.<sup>36</sup>

If, despite the overwhelming reasons not to adopt an ATSC 3.0 tuner mandate, the Commission nevertheless proceeds with such a requirement, then the consumer technology industry will require a reasonable implementation period—for example, no fewer than 36 months—to source and incorporate ATSC 3.0 tuners.<sup>37</sup> Incorporating an FCC technology mandate will require product planning, product development, licensing, testing, factory production, product distribution, inventory clearance, and product promotion—all affecting hundreds of models.

The *Fifth NPRM* also asks if an information labeling requirement should be adopted alongside a possible ATSC tuner 3.0 mandate.<sup>38</sup> The answer is no. If and when broadcasters

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<sup>33</sup> 47 U.S.C. § 303(s) (codifying the All Channel Receiver Act (ACRA) of 1962, Pub. L. No. 87-529, 76 Stat. 150).

<sup>34</sup> See *West Virginia v. Env’l Prot. Agency*, 597 U.S. 697 (2022).

<sup>35</sup> See Digital Television Transition and Public Safety Act of 2005 incorporated into the Deficit Reduction Act of 2005, Pub. L. No. 109-171, tit. 3, 120 Stat. 4, 21-27 (codified at 47 U.S.C. § 309 note); DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009) (codified at 47 U.S.C. § 609 note).

<sup>36</sup> ATVA Comments at 6 (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”); NCTA Comments at 7 (“[M]andatory carriage requirements for 3.0 would be unconstitutional twice over”); CTA May 2025 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).

<sup>37</sup> The DTV transition can provide important lessons learned, including its phased implementation, whole-of-government approach and public awareness campaigns.

<sup>38</sup> *Fifth FNPRM* ¶ 33.

develop compelling content to drive consumer adoption of ATSC 3.0, consumers already have information available to them to make informed choices. In particular, the NEXTGEN TV logo already signals to consumers that a tuner is included in the device. Consumers can therefore access information about NEXTGEN TV, making an additional mandate for labeling ATSC 1.0 TVs unnecessary. In other words, televisions without the NEXTGEN TV logo are clearly ATSC 1.0. An additional labeling requirement would be costly and cause consumer confusion, with little to no benefits. For example, it would be burdensome to redesign packaging, manuals and shelf labels plus multi-language production, as well as modifications to e-commerce and retail systems. Compounding these costs, the implementation difficulty is considerable, involving hundreds of models and tens of thousands of stores.

**B. CTA Requests That the Commission Reject NAB’s Suggestions to Impose a Mandate Micromanaging Device User Interfaces**

The diverse array of user interfaces available across a wide range of consumer technology devices today reflects an industry innovating to meet the desires and needs of consumers in a highly competitive marketplace. In light of this evolving and competitive marketplace, NAB’s proposal to micromanage user interface designs is both bad policy and beyond the Commission’s jurisdictional reach.<sup>39</sup>

Companies develop specialized user interfaces as differentiators. 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 be wary of any invitation to upset this feedback loop, which benefits consumers. Put differently, the Commission should not risk locking in user interface designs

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<sup>39</sup> *Id.* ¶ 34.

because those designs are likely to change in consumer-friendly ways in the future. Highly prescriptive government control over interfaces is also bad policy because it forces industry to focus on complying with new regulations instead of innovating those interfaces to consumers' benefit. Regulation of consumer device user interfaces would also bring little to no benefits, while potentially raising costs and risking innovation in the long run. As discussed above, few consumers rely on OTA tuners and, for those that do, most current NEXTGEN TVs can already easily access broadcast content.

In addition, the Commission lacks the statutory authority to exert wide-ranging control over devices' interfaces or over how consumers interact with devices to select what content to watch. While the *Fifth NPRM* acknowledges CTA's position that the legal authority to sustain such a proposal is lacking, it offers no path that provides such authority, nor can it.<sup>40</sup>

Finally, the *Fifth NPRM* recognizes NAB's own statements that concede that there is no market failure or immediate need for regulatory action.<sup>41</sup> If anything, the record already reflects the self-serving nature of NAB's request and its potential to distort the marketplace by putting the Commission in a place to pick winners and losers.<sup>42</sup> This would be the kind of anti-competitive regulation the Administration is seeking to remove across the federal government.<sup>43</sup> The best solution for broadcasters concerned about market demand for ATSC 3.0 content and

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.* ("NAB itself acknowledges that the 'Next Gen TV devices currently on the market, for the most part, do provide an easy method for viewers to access television' and that 'the Commission need not resolve this concern prior to moving forward.'").

<sup>42</sup> *Id.* n.120; NCTA Comments at 17 ("The Commission should not hinder innovation and skew the marketplace by granting broadcast television stations automatic preferential placement on TVs or remote controls.").

<sup>43</sup> See *Executive Order 14267 of April 9, 2025: Reducing Anti-Competitive Regulatory Barriers*, 90 Fed. Reg. 15629 (Apr. 15, 2025); Press Release, FTC, FTC Recommends Anticompetitive Regulations for Deletion or Revision (Sept. 17, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-recommends-anticompetitive-regulations-deletion-or-revision>.

tuners remains broadcaster-led consumer education and promotion, rather than technology mandates.

#### **IV. TARGETED MEASURES CAN AID A SMOOTH TRANSITION TO ATSC 3.0 AND AWAY FROM ATSC 1.0 WITHOUT DISENFRANCHISING VIEWERS**

Certain common-sense regulatory measures can ensure a smooth transition to ATSC 3.0. First, today, the embedded base of most TVs in consumer homes continue to only be capable of receiving ATSC 1.0. At the same time, consumers continue to purchase TVs with only ATSC 1.0 for their OTA needs, in part because such TVs are much cheaper.<sup>44</sup> As a result, a transition period, rather than a short-term flash-cut, would be appropriate if the Commission sunsets its ATSC 1.0 transmitting requirements.<sup>45</sup> An immediate sunset of the ATSC 1.0 transmitting requirement would be a *de facto* ATSC 3.0 tuner mandate for those consumers seeking access to free OTA content. As noted above, CTA remains against any tuner mandate because a mandate would harm consumers and cause significant compliance costs to industry.

Next, the A/322 standard provides stability to the television manufacturing marketplace without harming broadcaster innovation. The A/322 standard is foundational technology that provides broadcasters with the flexibility to bring new offerings to market like 4K and HDR. In designing A/322, the Advanced Television Systems Committee incorporated broadcasters' needs for flexibility and futureproofing. As a result, more than 10,000 different emission parameters are possible with the waveform and coding choices available within A/322. CTA appreciates that the FCC extended the A/322 waveform requirement until mid-2027.<sup>46</sup> To ensure stability for

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<sup>44</sup> See CTA May 2025 Comments at 9.

<sup>45</sup> See *Fifth FNPRM* ¶ 61.

<sup>46</sup> *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 38 FCC Rcd 6409, 6440-42 (2023); see also Comments of CTA, GN Docket No. 16-142 (Aug. 8, 2022).



manufacture and deployment, the Commission should further extend this requirement and recognize the latest version of the standard.<sup>47</sup>

Third, permitting simulcasting stations to encode multicast 1.0 streams using MPEG-4 would lead to adverse consequences for consumers.<sup>48</sup> As the Commission recognizes, this proposal is not without risk because “some viewers with older TV equipment could lose access to 1.0 service if broadcasters choose to use MPEG-4.”<sup>49</sup> CTA understands that this would happen because some TV platforms today do not have video decoders capable of supporting MPEG-4 for all types of ingested video. Even when 1.0 TV sets and equipment are manufactured to include decoding capability for MPEG-4, this does not mean that the capability of decoding MPEG-4 *through the tuner* was originally designed, tested for or will functionally work in all circumstances.<sup>50</sup> Adding MPEG-4 decoding functionality through the tuner could require more memory, which would risk adding costs.

Finally, CTA appreciates the Commission’s attention to DRM issues, while requesting the agency stay mindful of its limited jurisdiction.<sup>51</sup> CTA members report different experiences and expectations for the future of DRM in the ATSC 3.0 context, where DRM is the product of commercial negotiations between parties. On the one hand, DRM can act as an obstacle to NEXTGEN TV implementation and device availability, but on the other hand, it can potentially serve an important copyright-protection role. Although many devices in the marketplace have

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<sup>47</sup> In particular, the reference to the ATSC A/322 standard contained in 47 C.F.R. §§ 73.682(f)(2)(ii) and 73.8000(a)(6) should allow transmissions in the updated ATSC A/322:2025 “Physical Layer Protocol” (July 28, 2025) form.

<sup>48</sup> *Fifth FNPRM* ¶¶ 24-26 (proposing to allow simulcasting stations to encode multicast ATSC 1.0 streams using MPEG-4 and incorporate the standard into the Commission’s rules).

<sup>49</sup> *Id.* ¶ 25.

<sup>50</sup> *See id.* (noting that 1.0 TV sets have some MPEG-4 decoding capabilities)

<sup>51</sup> *Id.* ¶¶ 36-45.

navigated implementation of DRM in the NEXTGEN TV context, the record reflects some companies encountering challenges.<sup>52</sup> Against this backdrop, CTA recommends the Commission continue to monitor the intersection of DRM and the ATSC 3.0. Government intervention in private negotiations is only warranted in the most egregious cases of market failure and when statutory authority is clear. Neither is present currently.

## V. CONCLUSION

CTA's members provide a wide range of entertainment 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 while considering limited measures to assist with the overall transition to ATSC 3.0 and away from ATSC 1.0.

Respectfully submitted,

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<sup>52</sup> See, e.g., Letter from Nicholas J. Kelsey, President, Silicondust USA, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 16-142 (filed Aug. 1, 2025),