



# PUBLIC NOTICE

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## **MEDIA BUREAU ANNOUNCES THAT IT WILL BEGIN ACCEPTING NEXT GENERATION TELEVISION (ATSC 3.0) LICENSE APPLICATIONS IN THE COMMISSION'S LICENSING AND MANAGEMENT SYSTEM ON MAY 28, 2019**

### **GN Docket No. 16-42**

1. By this Public Notice, the Media Bureau (Bureau) announces that it will accept applications for Next Generation Television (Next Gen TV or ATSC 3.0) licenses through the Commission's Licensing and Management System (LMS) beginning on **May 28, 2019**. On November 16, 2017, the Commission adopted rules authorizing television broadcasters to use the Next Gen TV transmission standard on a voluntary, market-driven basis;<sup>1</sup> however, before accepting applications for Next Gen TV licenses, the Bureau needed to revise the Form 2100 and modify LMS to accommodate the filing of such applications. This work has now been completed. The Bureau has revised FCC Form 2100, Schedule B (full service television stations), Schedule D (low power and television translator stations), and Schedule F (Class A television stations), so that broadcasters may now file applications for modification of licenses to authorize the transmission of Next Gen TV broadcast signals. All licensed full power, Class A, low power television (LPTV), and TV Translator stations, with the exception of licensed channel sharing stations,<sup>2</sup> may begin filing the Next Gen TV license applications in LMS beginning on May 28, 2019.

2. In addition to reviewing this Public Notice, applicants are encouraged to review the Commission's *Next Gen TV Report and Order* and the Commission's ATSC 3.0 rules prior to filing a license application in order to familiarize themselves with requirements for airing an ATSC 1.0 simulcast signal and providing ATSC 3.0 service.<sup>3</sup> Such requirements include, but are not limited to the Commission's local simulcasting requirement,<sup>4</sup> the requirement to enter into written local simulcasting

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<sup>1</sup> *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 (2017) (*Next Gen TV Report and Order and FNPRM*).

<sup>2</sup> With respect to licensed channel sharing stations, the Bureau is in the process of completing the necessary changes in LMS for these stations to use the new forms and has established an interim process that will allow such stations to deploy ATSC 3.0 services immediately as well. Additional details about the interim application process for channel sharing stations is provided below.

<sup>3</sup> See generally *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd 9930 (2017); 47 CFR § 73.3801 et. seq. (full power television simulcasting during the ATSC 3.0 transition); 47 CFR § 73.6029 (Class A television simulcasting during the ATSC 3.0 transition); 47 CFR § 74.782 (LPTV and TV Translator simulcasting during the ATSC 3.0 Transition).

<sup>4</sup> Under the Commission's rules, LPTV and TV Translators are exempt from the local simulcasting requirement. 47 CFR § 74.782(b). This exemption is currently subject to a pending Petition for Reconsideration. Petition for Reconsideration of American Television Alliance, GN Docket No. 16-142, at 5-8 (filed Mar. 6, 2019), <https://ecfsapi.fcc.gov/file/10305036256436/ATVA%20Petition%20for%20Recon%203-5.pdf>. Furthermore, the

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agreements,<sup>5</sup> ATSC 1.0 simulcast and ATSC 3.0 signal coverage requirements, and viewer and MVPD notice requirements. LMS filing instructions are provided in the attached Appendix.

3. ***ATSC 3.0 Streamlined Licensing Application Process.*** The Commission has adopted a one-step streamlined licensing approach that differs from the Commission's traditional broadcast licensing process.<sup>6</sup> Under this streamlined licensing approach, a broadcaster interested in voluntarily transmitting an ATSC 3.0 signal from its authorized facility or the facility of another broadcaster is required to file only a modification of license application with the Commission.<sup>7</sup> A station must file and receive Commission approval, prior to: (1) moving its ATSC 1.0 simulcast signal to a temporary ATSC 1.0 simulcast host station, moving its ATSC 1.0 simulcast signal to a different host station, or discontinuing an ATSC 1.0 simulcast signal;<sup>8</sup> (2) commencing the airing of a ATSC 3.0 signal on an ATSC 3.0 host station that has already converted to 3.0 service, moving its 3.0 signal to a different ATSC 3.0 host station, or discontinuing an ATSC 3.0 guest signal on an ATSC 3.0 host station; or (3) converting a station that has transitioned its facility to broadcast in ATSC 3.0 back to ATSC 1.0 service.<sup>9</sup> A station may commence ATSC 1.0 simulcast or ATSC 3.0 operations only after grant of the necessary applications and consistent with any other restrictions placed on the station by the Commission. Stations are not permitted to commence ATSC 3.0 service (including ATSC 3.0 guest service) or ATSC 1.0 simulcast service pursuant to automatic program test authority.<sup>10</sup>

4. When applying for a Next Gen TV license an applicant must choose from one of six application purposes. Based on a licensee's selection, questions in the application will be tailored to the station's specific purpose for filing.<sup>11</sup> The six purposes a licensee must choose from are as follows:

- Purpose 1: Convert an existing ATSC 1.0 facility to ATSC 3.0 service and identify an ATSC 1.0 simulcast host.
  - Who Files: A station commencing ATSC 3.0 service by converting their existing ATSC 1.0 facility to ATSC 3.0 and either identifying a host station for their ATSC

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Commission has sought comment on whether to exempt NCE and/or Class A stations (as a class) from the Commission's local simulcasting requirement or adopt a presumptive waiver standard for such stations. *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9989-90, paras. 122-25. During the pendency of the Petition and FNPRM, LPTV and TV Translators continue to be exempt from the simulcasting requirement and both Class A and all full power stations (including NCE stations) are required, absent a request for waiver, to comply with the Commission's local simulcasting requirement. 47 CFR §§ 73.3801(b) (full power local simulcasting requirement) and 73.6026(b) (Class A local simulcasting requirement); see *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9940-41, para. 18 (discussing waiver of local simulcasting requirement); 47 CFR § 1.3 (waiver for good cause shown).

<sup>5</sup> When adopting its rules, the Commission used the rules for channel sharing agreements as a model. *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9942, para. 21. As such, we find it is appropriate, as in channel sharing, not to require that commonly owned stations enter into or maintain written simulcast agreements. *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, Second Order on Reconsideration, GN Docket No. 12-268 and MB Docket No. 15-137, 30 FCC Rcd. 12016, 12019, n.20 ("An applicant that intends to channel share with a commonly-owned or controlled sharer station does not need to enter into or file a CSA."). However, if additional stations later become part of the simulcast arrangement that are not commonly owned, all stations must enter into a written simulcast agreement.

<sup>6</sup> See *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9953-85, paras. 48-59; 47 CFR §§ 73.3801(f), 73.6029(f), 74.782(g).

<sup>7</sup> *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9956, para. 57.

<sup>8</sup> We note that all Class A and full power stations are required to comply with the ATSC 1.0 local simulcasting requirement. Thus, the only circumstance in which a Class A or full-power station would be permitted to discontinue ATSC 1.0 service, would be pursuant to an approved waiver. See *supra* note 4. In addition, we note that although LPTV and TV translator stations are exempt from the local simulcasting requirement, should they decide to provide an ATSC 1.0 simulcast signal on a voluntary basis, they would use the license application process

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1.0 simulcast signal or seeking waiver of the ATSC 1.0 simulcast requirement.<sup>12</sup>

- Purpose 2: Identify or change an ATSC 1.0 simulcast host station.
  - Who Files: A station that has converted their facility to ATSC 3.0 and is seeking to either (1) change its ATSC 1.0 simulcast host or (2) identify a host for an ATSC 1.0 simulcast signal after having commenced ATSC 3.0 service without initially identifying an ATSC 1.0 simulcast host.<sup>13</sup>
- Purpose 3: Identify or change an ATSC 3.0 host station.
  - Who Files: A station seeking to either (1) commence ATSC 3.0 service by identifying a host station for their ATSC 3.0 guest signal or (2) change its existing ATSC 3.0 host station.
- Purpose 4: Discontinue ATSC 3.0 guest service.
  - Who Files: A station seeking to discontinue ATSC 3.0 guest service currently being aired on an ATSC 3.0 host station and not commence ATSC 3.0 guest service on a new ATSC 3.0 host station at this time.
- Purpose 5: Convert an ATSC 3.0 facility back to ATSC 1.0 service.
  - Who Files: A stations seeking to convert its licensed ATSC 3.0 station back to ATSC 1.0 service. A station converting back to ATSC 1.0 service need not file a separate application to discontinue their ATSC 1.0 simulcast signal (if applicable).<sup>14</sup>
- Purpose 6: Discontinue ATSC 1.0 simulcast service on a host station.<sup>15</sup>

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described herein in the event they decide to discontinue simulcasting. *See infra* notes 12 and 15.

<sup>9</sup> A “host” station is the station whose facilities are being used to transmit programming originated by another station (“guest”). A “guest” station is the station that is licensed to use another station’s facilities (“host”) to transmit its programming. For example, in a reciprocal simulcasting arrangement between Station A and Station B in which Station A will convert to and operate in ATSC 3.0 format, and Station B will continue to operate in ATSC 1.0 format, Station A will be the 3.0 host station for Station B’s guest 3.0 signal and Station B will be the 1.0 host simulcasting host station for Station A’s guest ATSC 1.0 simulcast signal. A station that airs an ATSC 3.0 signal (guest or host) is a “Next Gen TV Broadcaster.”

<sup>10</sup> *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd. at 9956, para. 56 and n.152.

<sup>11</sup> Based on an applicant’s circumstance, LMS will automatically hide from view inapplicable questions.

<sup>12</sup> As noted above, LPTV and TV translator stations are exempt from the local simulcasting requirement and may elect to transition directly to ATSC 3.0 service without providing an ATSC 1.0 simulcast signal. 47 CFR § 74.782(b). If an LPTV or TV translator station elects to voluntarily air an ATSC 1.0 simulcast signal, its ATSC 1.0 simulcast signal must comply with the general requirements applicable to ATSC 1.0 simulcast signals and will be asked to provide information as part of its application relevant to its ATSC 1.0 simulcast signal. 47 CFR § 74.782(c). All Class A and full power stations are required, absent waiver, to comply with the ATSC 1.0 local simulcasting requirement. *See supra* note 4. We note that the Commission has also sought additional comment on whether to provide additional guidance on the Commission should evaluate requests for waiver of the local simulcasting requirement. *Next Gen TV Report and Order and FNPRM*, 32 FCC Rcd at 9989-90, paras. 123-24.

<sup>13</sup> In order to have commenced ATSC 3.0 operation without an ATSC 1.0 simulcast host the station must either be an LPTV/TV Translator station or be a full power or Class A station that was granted a waiver of the local simulcasting rule. *See supra* notes 4 and 8.

<sup>14</sup> Any ATSC 3.0 guests must also file an application under Purpose 4 in order to discontinue their ATSC 3.0 guest service or file under Purpose 3 to change their ATSC 3.0 host station.

<sup>15</sup> This purpose applies to LPTV and TV Translator stations that voluntarily established an ATSC 1.0 simulcast

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- **Who Files:** Stations seeking to discontinue ATSC 1.0 simulcast service currently being aired on an ATSC 1.0 simulcast host station and not commence ATSC 1.0 simulcast service on a new ATSC 1.0 simulcast host station.

5. Depending on a station's current licensed status, only certain purposes will be available for an applicant to select. For example, a station that is currently operating in ATSC 1.0 and does not have an ATSC 3.0 signal will only be permitted to select Purpose 1 (convert its existing facility to ATSC 3.0 and, as applicable, establish an ATSC 1.0 simulcast host) or Purpose 3 (identify an ATSC 3.0 host station).

6. An ATSC 1.0 simulcast host station does not need to file any application to act as an ATSC 1.0 simulcast host so long as the station's facilities would not require any technical changes that would otherwise necessitate the filing of an application for construction permit. Likewise, a station that has already filed for, and been granted, a license to convert its facility to provide ATSC 3.0 service need not file any application to act as an ATSC 3.0 host station. However, if a host station must modify its facilities in a manner that would otherwise require the filing of an application for construction permit, the host station must first apply for and upon grant make all necessary changes to its facilities before a guest station may file an application for modification of license to air an ATSC 1.0 simulcast signal or ATSC 3.0 guest signal over the host's facilities.<sup>16</sup>

7. **Temporary ATSC 3.0 Application Process for Channel Sharing Stations.** The Bureau continues to modify LMS in order to accept for filing Next Gen TV license applications for channel sharing stations. We anticipate those modifications will be complete by the end of Third Quarter of 2019. We will release a subsequent Public Notice announcing when channel sharing stations may commence filing Next Gen TV license applications using Form 2100. In the meantime, the Bureau will use a temporary process by which channel sharing stations may file for authority either to convert their existing facility to ATSC 3.0 (and air an ATSC 1.0 simulcast signal) or air an ATSC 3.0 guest signal by filing for special temporary authority (STA) using a Legal STA. Included with any Legal STA must be all information that would otherwise be required to be included in an applicant's Next Gen TV license application, as detailed in the Commission's *Next Gen TV Report and Order* and the Commission's ATSC 3.0 rules. Channel sharing stations that file using this interim process will need to file a license application once LMS has been modified to accept those applications for filing. For additional information, channel sharing stations that are interested in commencing ATSC 3.0 service under this interim process should contact the appropriate member of the Bureau staff listed in paragraph 9 below.

8. **Stations with Next Gen TV Experimental Authorizations.** While the Bureau was in the process of revising its forms and updating LMS to accept the filing of ATSC 3.0 license applications, the Bureau granted several applications for Experimental Special Temporary Authority to allow stations to commence ATSC 3.0 market trials and engage in product development. Effective May 28, 2019, the Bureau will no longer grant new experimental authorizations or extend existing authorizations, absent unique and compelling circumstances. Stations with experimental authorizations must file a Next Gen  
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signal and are seeking to permanently cease operation of an ATSC 1.0 simulcast signal. Any full power or Class A station that selects this purpose must include with its application a request for waiver of the local simulcasting requirement for evaluation by Bureau staff. Absent grant of a waiver, full power and Class A stations are required to provide an ATSC 1.0 local simulcasting signal. *See supra* notes 4 and 8.

<sup>16</sup> See 47 CFR §§73.3801(f)(3)-(4), 73.6029(f)(3)-(4), 74.782(g)(3)-(4). See also 47 CFR §§ 73.1690, 74.751, and 74.787. For example, a licensee that wants to operate a single frequency network (SFN) under the Commission's Distributed Transmission System (DTS) rules must first file the appropriate construction permit application to modify its existing facility. After its DTS facility is constructed, the licensee would then file an application for license to cover, and upon grant of that application the licensee (as well as any ATSC 3.0 guests) could file the appropriate ATSC 3.0 application(s). If an ATSC 1.0 simulcast host station also plans air an ATSC 3.0 signal on that of its simulcast partner, then an ATSC 1.0 simulcast host station must separately file an application for modification of license to establish an ATSC 3.0 guest station.

TV license application in LMS no later than the expiration date of their current experimental authorization or by that date permanently cease ATSC 3.0 service and as applicable resume ATSC 1.0 service. In order to avoid interruption of service, we advise stations with experimental authorizations to file their Next Gen TV license applications at least 30 days prior to the expiration date to allow sufficient time for staff to process the application.

9. For additional information related to technical matters, please contact Hossein Hashemzadeh of the Video Division, Media Bureau at (202) 418-1658 or by e-mail at [Hossein.Hashemzadeh@fcc.gov](mailto:Hossein.Hashemzadeh@fcc.gov) concerning Class A and LPTV stations, or Kevin Harding of the Video Division, Media Bureau at 202-418-7077 or by e-mail at [Kevin.Harding@fcc.gov](mailto:Kevin.Harding@fcc.gov) concerning full power stations. For all legal matters, please contact Evan Morris of the Media Bureau at 202-418-1656 or by e-mail at [Evan.Morris@fcc.gov](mailto:Evan.Morris@fcc.gov). Press inquiries should be directed to Janice Wise at (202) 418-8165 or by email at [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov). TTY: (202) 418-7172 or (888) 835-5322.

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**APPENDIX****INSTRUCTIONS FOR ACCESSING AND FILING ON LMS****General LMS Log-in Instructions**

1. Access the LMS applicant data entry home page here:  
<https://enterpriseefiling.fcc.gov/dataentry/login.html>
2. Log-in using the FRN associated with the station.
3. For more information and help using the LMS system, contact: (877) 480-3201 TTY, or (717) 338-2824.

**Instructions for Filing Next Gen License Applications**

FCC Form 2100 – Schedule B (Full Power), Schedule D (LPTV) or Schedule F (Class A) (Application for License)

1. Click on “Authorizations” tab on the left top of the page.
2. Click on license authorization.
3. Click on “File an Application” button.
4. Select “modification of license” from drop down menu.
5. Select Next Gen ATSC 3.0 from drop down menu.
6. Select the appropriate “purpose” from drop down menu
7. Complete the application and click “Submit.”

\* Applicants must pay the requisite filing fee where applicable.

**Instructions for Filing Legal STA Applications (Channel Sharing Stations Only)**

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID.
3. Click on “File an application”
4. Select “Legal STA Request” from drop down menu.
5. Complete the application and click “Submit”.

\* Applicants must pay the requisite filing fee where applicable.