



PUBLIC NOTICE

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MEDIA BUREAU ANNOUNCES THAT ALL NEXT GEN TV “MULTICAST LICENSING” RULES ARE NOW IN EFFECT AND NEXT GEN TV LICENSE APPLICATIONS FOR MULTICAST STREAMS WILL NOW BE ACCEPTED

MB Docket No. 16-142

By this Public Notice, the Media Bureau (Bureau) announces that all Next Generation Television (“Next Gen TV” or “ATSC 3.0”) “multicast licensing” rules adopted in the *Third Next Gen TV Report and Order* are now in effect.¹ We also announce that the Bureau is ready to accept Next Gen TV license applications (FCC Form 2100) that involve simulcast multicast streams and/or non-simulcast 1.0 multicast streams, in accordance with the rules adopted in the *Third Next Gen TV Report and Order*.² Finally, the Bureau will apply a “grace period” by which Next Gen TV stations that were previously authorized by the Bureau to air a multicast stream(s) over a ATSC 1.0 multicast host station may file a license application.

On June 23, 2023, the Commission released the *Third Next Gen TV Report and Order* that, among other things, established a process for a Next Gen TV station to seek modification of its license to include, on a temporary basis, non-primary video programming streams (multicast streams) that are aired as “guest” streams on “host” station(s) as part of the voluntary ATSC 3.0 transition.³ The rules adopted in the *Third Next Gen TV Report and Order* took effect on August 16, 2023, except for parts of 47 CFR §§ 73.3801, 73.6029, and 74.782 which required approval by the Office of Management and Budget (OMB) because they contained information collection requirements.⁴ The Commission submitted these information collection requirements to OMB for review under 47 U.S.C. § 3507(d), and OMB has

¹ *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 23-53 (rel. Jun. 23, 2023) (*Third Next Gen TV Report and Order and Fourth Further Notice*). The following terms are used interchangeably: ‘ATSC 1.0’ is the same as ‘1.0’ and ‘ATSC 3.0’ is the same as ‘3.0.’

² *Id.* Applications that do not contain the information required by the rules and the *Third Next Gen TV Report and Order* will be dismissed (without prejudice).

³ The *Third Next Gen TV Report and Order* concludes that (1) Next Gen TV stations may seek modification of their licenses to include one or more simulcast multicast streams on a host station or stations, whether that guest stream is a 1.0 or 3.0 simulcast (“simulcast” multicast streams) and also that (2) Next Gen TV stations that are broadcasting in 3.0 on their own channels may seek modification of their licenses to include one or more multicast streams aired only in 1.0 format on a host station or stations even if they are not simulcasting that stream in 3.0 (“non-simulcast” 1.0 multicast streams). *Id.* at para. 14. The *Third Next Gen TV Report and Order* also establishes a process, subject to certain requirements, to allow a Next Gen TV station to simulcast its primary stream programming both on a primary stream host and on a multicast stream carried by a different partner station in order to minimize the impact of 1.0 primary service loss. *Id.* at paras. 23-25.

⁴ *Third Next Gen TV Report and Order*, Final Rule, 88 FR 45347 (Jul. 17, 2023); *Effective Date and Comment Dates Set for ATSC 3.0 Third Report and Order Fourth FNPRM*, Public Notice, DA 23-612 (MB rel. July 17, 2023).

approved these collections.⁵ In the *Third Next Gen TV Report and Order*, the Commission stated that these rules will become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.⁶ The Commission has published this notice in the Federal Register announcing today, November 16, 2023, as the effective date of these rules.⁷

Filing instructions for simulcast multicast streams and/or non-simulcast 1.0 multicast streams. Next Gen TV broadcasters applying to license their 1.0 or 3.0 multicast stream(s) must use the Commission's Licensing and Management System (LMS) to file FCC Form 2100 and the relevant schedule based on its class of service ("Form 2100" or "3.0 license application").⁸ Next Gen TV broadcasters will file a single, unified 3.0 license application that covers both their primary and any multicast stream(s).

Stations that choose to transition their facility to ATSC 3.0 operations after the date of this Public Notice must utilize either Purpose 1 of FCC Form 2100 if the station wants to license a simulcast or non-simulcast 1.0 multicast stream on a host station; or Purpose 3 of FCC Form 2100 if the station wants to license a simulcast 3.0 multicast stream. Licensed Next Gen TV broadcasters that have an existing multicast arrangement (*i.e.*, those with special temporary authority (Multicast STAs) or that are airing a 1.0 or 3.0 multicast stream on the same host as their primary stream), that want to initiate a 1.0 or 3.0 multicast stream arrangement, or in the future want to modify their multicast stream arrangement, must utilize Purpose 2 of FCC Form 2100 for 1.0 simulcast or non-simulcast multicast streams; or Purpose 3 of FCC Form 2100 for simulcast 3.0 multicast streams.⁹

A Next Gen TV broadcaster seeking to license its 1.0 multicast stream(s) must attach an exhibit (Host Exhibit) to its Next Gen TV license application that contains the information required by the rules established in the *Third Next Gen TV Report and Order*,¹⁰ which includes (but may not be limited to) the following information:¹¹

- call sign and facility identification number of each host station;
- the channel number (RF and virtual) of each hosted stream;
- the network affiliation (or type of programming if unaffiliated) of each hosted stream;

⁵ See Notice of Office of Management and Budget Action for OMB Control No. 3060-1254 (approved Nov. 7, 2023).

⁶ *Third Next Gen TV Report and Order* at para. 66.

⁷ See 88 FR 78655 (Nov. 16, 2023).

⁸ These FCC Form 2100 schedules are Schedule B for full service television stations; Schedule D for low power and television translator stations; or Schedule F for Class A television stations.

⁹ Any modifications to the authorized multicast or primary stream hosting arrangement requires the filing and approval of a new Next Gen TV license application. However, changes to the affiliation or content of a stream, or the elimination of a stream do not require a new Next Gen TV license application or prior Commission approval. Such changes need only to be reflected in a timely update to the 3.0 Exhibit on its public website or in the applicant's online public inspection file. The licensee must also send an email notice to the Chief of the Media Bureau's Video Division. *Third Next Gen TV Report and Order* at para. 37. Accordingly, notifications may be sent to Barbara Kreisman, Chief of the Video Division at NextGenMulticast@fcc.gov.

¹⁰ See 47 CFR §§ 73.3801, 73.6029, and 74.782; *Third Next Gen TV Report and Order* at paras. 35-38.

¹¹ The information should be provided as a "General Purpose" exhibit to the license application. If a Next Gen TV station's primary stream host will remain the same as the one listed in its current Next Gen TV license, the applicant would list the same primary stream host in its application and answer all other required questions. An applicant may list the date of filing as the day that the station is planning to commence 1.0 or 3.0 multicast services if such programming is already being aired. The applicant may incorporate by reference all documents included with its most recent license application so long as the attachments contained therein are still accurate. However, if the applicant's primary stream host will also be airing multicast streams, a contour overlap map must be provided as part the Host Exhibit.

- the resolution (e.g., 1080i, 720p, 480p, or 480i) of each hosted stream;
- the predicted percentage of population within the noise limited service contour served by the Next Gen TV station's original ATSC 1.0 signal that will be served by the host station, including a contour overlay map identifying areas of service loss and the originating station's community of license;
- whether the stream will be simulcast, and if so, the "paired" stream in the other service;
- show that the applicant station is not seeking to license more capacity on a partner host station(s), in the aggregate, than the applicant station could use if it were still operating its own facility in 1.0.¹² The applicant station must demonstrate compliance with this rule in its Next Gen TV license application by either: (1) showing that it is seeking hosting only for streams it was broadcasting on its own 1.0 facility prior to its transition to 3.0; or (2) by providing an example of another 1.0 station that is carrying or has carried the same or a similar programming lineup to that which it seeks to provide on host stations and at the same resolutions;¹³
- for applicant stations providing children's programming on a multicast stream in order to demonstrate compliance with the Commission's Core Programming requirement, the applicant must show that the multicast stream is either being carried on the same host as the station's primary stream or on a host that serves at least 95 percent of the predicted population served by the applicant station's 1.0 signal;¹⁴ and
- confirm the applicant station has provided the required notifications to viewers and multichannel video programing distributors (MVPDs).¹⁵

A copy of the Host Exhibit must be made available on the applicant station's public website or placed in its online public inspection file if it does not have a dedicated website.¹⁶ A Next Gen TV broadcaster seeking to license its simulcast 3.0 multicast stream(s) does not need to provide any additional information or exhibit beyond that currently required under Purpose 3 of FCC Form 2100.

No New Multicast STAs. Effective immediately, the Bureau will no longer process new requests or extensions of requests for Multicast STAs authorizing a Next Gen TV broadcaster's 1.0 multicast stream(s) to be treated as if it is being originated from its facility, as opposed to the host station's facility. All such requests must now be filed using a 3.0 license application and demonstrate compliance with the rules adopted in the *Third Next Gen TV Report and Order*.¹⁷ Any Multicast STA or request for extension received after the date of this Public Notice will be promptly dismissed by Bureau staff.¹⁸

¹² See *Third Next Gen TV Report and Order* at paras. 18 and 37; 47 CFR §§ 73.3801(i), 73.6029(i), and 74.782(i).

¹³ See *id.*

¹⁴ See 47 CFR §§ 73.3801(i)(3) (full power stations); 73.6029(i)(3) (Class A stations); *Third Next Gen TV Report and Order* at para. 34. See also 47 CFR § 73.671. This showing is only needed if the programming being aired on the station's multicast stream is being counted in order to demonstrate compliance with the Commission's Core Programming requirement. We also note that 47 CFR § 73.671 is only applicable to full power commercial, full power noncommercial educational, and Class A TV stations.

¹⁵ *Third Next Gen TV Report and Order* at para. 31 & n.140 (applying the same rules to simulcast and non-simulcast licensed multicast streams as applied to primary simulcast streams).

¹⁶ *Id.* To the extent the Station is a low power television or TV translator station and does not have a website or on-line public file, the Station should contact Kevin Harding Deputy Chief, Video Division, Media Bureau at Kevin.Harding@fcc.gov or (202) 418-2324 to request the creation of an online public file for the station.

¹⁷ See *id.* at paras. 15-28.

¹⁸ To date, the Bureau has not granted or received any requests for Multicast STAs that would apply to any simulcast 3.0 multicast streams. Any such request would also be dismissed and the Next Gen TV broadcaster would need to file a Next Gen TV application in accordance with the Commission's new multicast licensing rules.

Treatment of Existing Multicast Arrangements. A Next Gen TV broadcaster with a Multicast STA must file a 3.0 license application no later than the expiration date of its current Multicast STA. The Bureau will apply a “grace period” for a Next Gen TV station with a pending request to extend a Multicast STA as of the date of this Public Notice or that is airing a 1.0 or 3.0 multicast stream on the same host as its primary stream until December 18, 2023 to file a 3.0 license application that complies with the Commission’s multicast licensing rules.¹⁹ During this “grace period” the Bureau will consider all Next Gen TV stations with an unexpired Multicast STA, a pending Multicast STA extension, or multicast streams being aired by the same host as its primary stream to be originating those multicast streams for purposes of the Commission’s rules and the Act so long as all operations are in compliance with the rules adopted in the *Third Next Gen TV Report and Order*.²⁰ We find good cause exists to waive all applicable rules and provide this “grace period” in order to ensure that viewers do not lose access to existing 1.0 multicast streams and to establish an orderly process by which the aforementioned Next Gen TV broadcasters can obtain an authorization under the Commission’s new multicast licensing rules.²¹

“Same-Service” Hosting STAs. The Bureau will consider, on a case-by-case basis, requests for special temporary authority to permit 1.0 “same-service” hosting (also known as “lateral” hosting).²² Such requests should be filed in LMS utilizing a request for legal special temporary authority (Legal STA). Given the unique nature and potential complexity of these requests, we encourage applicants to file their Legal STA proposing “same-service” hosting, as well as any related 3.0 license application, at least 60 business days prior to its proposed ATSC 3.0 transition date to ensure timely processing.

For additional information, contact Kevin Harding, Deputy Chief, Video Division, Media Bureau at Kevin.Harding@fcc.gov or (202) 418-2324 (technical issues) or Evan Morris, Associate Bureau Chief, Media Bureau at Evan.Morris@fcc.gov or (202) 418-1656 (legal).

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission’s rules.²³

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¹⁹ This filing deadline applies to all pending extension requests on file as of the date of this Public Notice, regardless of whether the Multicast STA has expired or will expire prior to December 18, 2023. All pending Multicast STA extensions will be dismissed as moot by Bureau staff following action on a Next Gen TV broadcaster’s Next Gen TV license application. As previously noted, the Bureau has not granted or received any requests for Multicast STAs that would apply to any simulcast 3.0 multicast streams. As such this type of arrangement is applicable with regards to the grace period.

²⁰ Next Gen TV stations to which this situation applies must include with their Host Exhibit a certification stating that through the date of filing it has and during the pendency of its 3.0 license application it will continue to comply with all of the Commission’s ATSC 3.0 rules, including those that apply to multicast streams.

²¹ A waiver of the Commission’s rules is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis. See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). Waiver of the Commission’s rules is appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Network IP v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008).

²² *Third Next Gen TV Report and Order* at paras. 27-30

²³ 47 CFR §§ 0.61 and 0.283.