



# PUBLIC NOTICE

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## MEDIA BUREAU TAKES ACTION TO FACILITATE ATSC 3.0 TRANSITION BY CLARIFYING PROCEDURES

### GN Docket No. 16-142

The FCC has been taking steps to accelerate the transition to ATSC 3.0—the next-generation standard that will enable local broadcasters to offer TV viewers the best possible experience. By this Public Notice, the Media Bureau (Bureau) further encourages this transition by clarifying its processing practices for ATSC 3.0 license applications to ensure that any licensees interested in transitioning to ATSC 3.0 are aware of the regulatory support available.<sup>1</sup> Specifically, we (1) clarify what methods may be used to determine if an application qualifies for expedited processing; (2) reaffirm the Bureau’s commitment to processing non-expedited applications; and (3) remind licensees of the flexibility included in existing rules and precedent.

*Clarification of ATSC 3.0 Predicted Population Loss Calculations.* Commission rules require full-power and Class A stations that transition to ATSC 3.0 to simulcast the station’s primary video programming stream in ATSC 1.0.<sup>2</sup> The rules provide for expedited processing of the applications of transitioning stations that select for simulcasting an ATSC 1.0 host facility that provides service to at least 95 percent of the predicted population within the noise limited service contour (NLSC) of the transitioning station’s original ATSC 1.0 facility.<sup>3</sup> While the rule makes specific reference to the population within the transitioning station’s NLSC, we clarify that the Bureau has and will continue to consider Longley-Rice terrain analysis for purposes of calculating the population within the NLSC in order to determine whether an application qualifies for expedited processing.<sup>4</sup>

*Continued Commitment to Processing of Non-Expedited Applications.* ATSC 3.0 applications that do not meet the 95 percent coverage threshold are processed as “non-expedited” applications. The Bureau can and does process non-expedited applications, and we reaffirm our commitment to do so. Such applications will be considered on a case-by-case basis based on their individual merits and will be

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<sup>1</sup> 47 CFR §§ 73.3801, 73.6029, 74.782.

<sup>2</sup> 47 CFR §§ 73.3801(b), 73.6029(b).

<sup>3</sup> 47 CFR §§ 73.3801(f)(5), 73.6029(f)(5). Applications that meet the standard for expedited processing should be processed within 15 business days after public notice of the filing. *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, 9948 para. 34 (2017) (*First Report and Order*).

<sup>4</sup> See, e.g., Application of Tegna Broadcast Holdings, LLC for Modification of a License for DTV Application, LMS File No. 0000159940 (granted Oct. 5, 2021); Application of Belo TV, Inc. for Modification of a License for DTV Application, LMS File No. 0000203658 (granted Dec. 7, 2022).

processed as expeditiously as the specific facts of the application permit.<sup>5</sup> We encourage licensees that wish to convert their station to ATSC 3.0, but believe they cannot meet the 95 percent threshold for expedited processing, to contact Video Division (Division) staff if further guidance is needed.

As part of our public interest analysis for non-expedited applications, we remind applicants that the Bureau has considered certain elements favorably, including factors that may minimize the impact of a transition on viewers, and we will continue to take such information into account when considering non-expedited ATSC 3.0 applications. For instance, in evaluating the population that is predicted to lose service due to lack of coverage from a transitioning station's ATSC 1.0 host station, the Bureau has offset a portion of the total viewer loss to credit populations that will continue to be served by another station with the same network affiliation as the transitioning station.<sup>6</sup> In addition, the Bureau is able and willing to consider additional factors that could demonstrate that a specific transition has minimal negative viewer impact and is in the public interest.<sup>7</sup> Such applications should clearly describe the impact of the transition on viewers and include supporting information and data, such as relevant contour overlap maps. Such applicants are encouraged to coordinate with Division staff as necessary.<sup>8</sup>

*Existing Flexibility for Transitioning Stations.* We also remind applicants that existing rules and precedent include elements that provide flexibility in order to support stations transitioning to ATSC 3.0.

- ATSC 3.0 stations are only required to simulcast their primary stream in an ATSC 1.0 format; they are not required to simulcast any multicast stream.<sup>9</sup>

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<sup>5</sup> The requirements of non-expedited applications can be found in 47 CFR §§ 73.3801(f)(6)(iii), 73.6029(f)(6)(iii), 74.782(g)(6)(iii). We note that these rules were inadvertently deleted from the Code of Federal Regulations and we have released an order restoring the provisions as the Commission previously directed that they remain applicable. *See Media Bureau Corrects Inadvertent Rule Elimination*, Order, DA 25-761 (2025); *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, 38 FCC Rcd 6409 at 6451, 6453, and 6455 (App. B – Final Rule Changes) (2023) (*Third Report and Order*).

<sup>6</sup> This may include a station with different class of service (e.g., a full power station's loss area is covered by an LPTV station) or a station outside the transitioning station's Designated Market Area (DMA), especially where viewers in the loss area are located in the adjacent DMA and would be unlikely to rely on the transitioning station for service. *See, e.g.*, Application of Gray Television Licensee, LLC for Modification of a License for DTV Application, LMS File No. 0000185199 (granted Apr. 7, 2022); Application of Graham Media Group, San Antonio, Inc. for Modification of a License for DTV Application, LMS File No. 0000238284 (granted May 3, 2024).

<sup>7</sup> For example, an applicant could commit to provide ATSC 3.0 converter boxes to viewers who would otherwise lose service. The Bureau may also take into account whether loss areas are otherwise "well-served," as we do in channel substitution proceedings when evaluating the impact of the proposal on viewers. *See, e.g.*, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking, 22 FCC Rcd. 9478, 9493, para. 38 (2007) ("The Commission is generally most concerned where there is a loss of an area's only network or NCE TV service, or where the loss results in an area becoming less than well served, i.e., served by fewer than five full-power over-the-air signals."); *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Knoxville, Tennessee)*, MB Docket No. 23-244, Report and Order, 38 FCC Rcd 9304 (MB 2023) (finding that viewer loss areas created by the proposed channel substitution are well-served and grant is in the public interest). Full power and Class A stations may also seek waiver to "flash cut" to ATSC 3.0. *See Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Second Report and Order on Reconsideration, 35 FCC Rcd 6793, 6807, para. 28 (2020) (establishing standards for waiver of the simulcast requirement).

<sup>8</sup> The Commission anticipated a 60 business day processing period for non-expedited applications. *First Report and Order*, 32 FCC Rcd at 9947-48, para. 34. The Bureau has and will continue to process well-pled applications in an expeditious manner.

- The “substantially similar” requirement applies only to a station’s primary stream and not to multicast streams, advertisements, promotions for upcoming programs, or programming features that are based on the enhanced capabilities of ATSC 3.0, such as hyper-localized content, interactive or other special programming features, enhanced video formats, or personalization of programming.<sup>10</sup>
- The 95 percent predicted population threshold for expedited treatment does not apply to a station’s multicast streams, except where the multicast stream is being used to satisfy the station’s children’s television programming obligations.<sup>11</sup>
- Stations may utilize more than one ATSC 1.0 host station through a simulcast agreement to reach the 95 percent predicted population threshold for expedited processing.<sup>12</sup>
- Low power television (LPTV) and TV translator stations do not have any simulcast requirements, but may provide simulcasts in ATSC 1.0 on a voluntary basis.<sup>13</sup>
- LPTV and TV translator stations are permitted to host ATSC 1.0 and ATSC 3.0 signals for full-power and Class A stations.<sup>14</sup>

For additional information, contact Andrew Manley, Video Division, Media Bureau at [Andrew.Manley@fcc.gov](mailto:Andrew.Manley@fcc.gov) or (202) 418-0596 (legal); or Mark Colombo, Video Division, Media Bureau at [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov) or (202) 418-7611 (technical).

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<sup>9</sup> 47 CFR §§ 73.3801(b), 73.6029(b); *Third Report and Order*, 38 FCC Rcd at 6411 para. 4. Stations may also voluntarily use MPEG-4 compression when airing a multicast stream over an ATSC 1.0 host in order to more efficiently utilize capacity. The Bureau has approved ATSC 3.0 applications proposing to utilize MPEG-4 compression for ATSC 1.0 multicast streams so long as the applicant agrees to not use those streams to comply with its children’s programming obligations. *See* 47 CFR § 73.671; *see also, e.g.*, Application of CBS Broadcasting Inc. for Modification of a License for DTV Application, LMS File No. 0000185199 (granted Jan. 26, 2024)

<sup>10</sup> 47 CFR §§ 73.3801(b), 73.6029(b). The Commission also has indicated that “demo” programming aired would likely be covered by this exception. *Third Report and Order*, 38 FCC Rcd at 6438-39, para. 44, n.193.

<sup>11</sup> 47 CFR §§ 73.3801(i), 73.6029(i); *Third Report and Order* 38 FCC Rcd at 6431-32, paras. 32-34. ATSC 1.0 multicast streams are only required to cover the transitioning station’s community of license in its entirety. 47 CFR §§ 73.3801(i)(4)(iii), 73.6029(i)(4)(iii).

<sup>12</sup> 47 CFR §§ 73.3801(a), 73.6029(a); *Third Report and Order*, 38 FCC Rcd at 6426, para. 23.

<sup>13</sup> 47 CFR § 74.782(c).

<sup>14</sup> 47 CFR §§ 73.3801(a), 73.6029(a), 74.782(a).