

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145.

Today, we consider a declaratory ruling that might best be described as restating current law and policy. To my knowledge, no active NextGen TV industry participant has suggested that today's item is needed as a matter of law, notwithstanding assertions otherwise. To the extent we merely restate a point that is widely agreed upon and supported by the Commission's existing authority, I do not necessarily see a harm in taking this action. Be that as it may, I do question whether this is the best use of our resources when there are many remaining media modernization matters, urgently sought by industry and consumer groups, that need to be addressed and are ripe for action.

At the same time, in response to those who have suggested that today's action moves us in the wrong direction, muddying the proverbial waters of media ownership, let me be clear: any attempt in the future to reverse today's Declaratory Ruling would be ineffective in changing the underlying ownership rules, which have no bearing on ancillary services. To the extent that anyone finds the Declaratory Ruling necessary, I also thank the Chair and my colleagues for accepting my request to similarly clarify that during the transition from 1.0 to 3.0, temporary hosting of one station's simulcast by another will have no effect on ownership considerations.

In a past life, I worked on the Telecom Act of 1996, whose authors anticipated that broadcasters might someday be able to offer new and innovative ancillary services using excess capacity once the digital transition was complete. At the time, no one knew of the yet to be conceived ATSC 3.0 standard or how it might further revolutionize broadcasting. Even today there are still questions regarding how NextGen TV will be monetized as we wait to see how the marketplace treats the technology and its potential functionality. I have written and spoken about these possibilities at length over the past several years, and as someone who has been at the forefront of advocating for this voluntary transition, I can say it is exciting to see more and more stations make the transition this year. Just last week, we saw Las Vegas become the first market to have four major stations broadcasting in ATSC 3.0. There is no doubt that a lot of progress has been made since I visited the first test market in Phoenix years ago to see how many of the beta datacasting efforts were being initiated, followed by a trip to East Lansing to see public broadcasters' vision for NextGen TV.

On that note, as we await further device manufacturing to allow consumers to take full advantage of NextGen TV, we're already seeing the implementation of one kind of service anticipated in today's item—educational datacasting. I have been especially impressed by the work of public television stations to increase access to educational services during the current crisis, one of the most significant challenges our educators have faced in several generations, especially given the real possibility that schools may not be able to fully open in the fall. In particular, my staff and I have personally reviewed the South Carolina Public Television resources being made available for school districts across their state, and I have elsewhere noted that a small investment could help to replicate this model across the country.

Much of the NPRM before us today encapsulates my previous efforts to determine what remaining issues need to be addressed to facilitate implementation of ATSC 3.0. It should be no surprise that I have sought guidance from industry on how to ensure that most of the existing restrictions and limitations imposed on broadcasters do not carry over to the non-primary stream. The inquiry into dynamic spectrum management is an interesting one, although there often seems to be some confusion over what people actually mean when discussing the topic, and it's questionable whether this is the right forum for a lengthy discussion. Somewhere Ronald Coase is having a hearty laugh. In any event, I thank the Chairman for his willingness to work with me to explore the content and timing of an item to further this topic, which is worthy of a deeper discussion, though I am mindful of the extremely busy summer awaiting the Commission staff.

Finally, we probably could have lived without the effort to artificially rebrand the non-broadcast, datacasting services with the questionable term “Broadcast Internet.” Many of the examples cited are one-to-many applications that may very well hold great potential for the future of broadcasting and, indeed, ancillary services, but the term selected by the industry, datacasting, properly captures what this really is. While some are talking about pairing these ancillary downlink services with cellular or other uplinks, it is not the job of the Commission to act as a branding magician in the absence of necessary policy reasons.

This all notwithstanding, we await with great anticipation what the future may hold with regard to NextGen TV, and I look forward to the imminent release of our ATSC 3.0 item, which is currently on circulation. And, I continue to offer to any newly interested individuals a hearty welcome to the discussion, with the hope they find as much promise here as I have over the past many years.

I approve.