

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
APPROVING IN PART, DISSENTING IN PART**

Re: *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, MB Docket No. 16-142.

It was roughly three years ago that the Federal Communications Commission gave the green light for a new television standard known as ATSC 3.0. For most consumers this new technology sounded like a few letters and numbers that wouldn't even make the evening news. But for those of us who remember the effort to transition to digital television, driving this new standard forward was a big deal.

That's because the benefits that this new technology promises are significant. ATSC 3.0 has the potential to deliver Ultra High Definition picture quality and immersive audio, advanced emergency alerts, and interactive services. It could mean real innovation in broadcasting—on par with new services that have emerged on so many of the other screens around us.

But as this standard develops, we need to address how consumers will navigate this transition, just as was done with the digital television transition more than a decade ago. It's important to not lose sight of this because ATSC 3.0 is not compatible with current television devices. That means to see its benefits we will all need to replace our television sets or buy new equipment. That's an expensive problem we need to address because saddling consumers with big costs in this transition is not right.

With this in mind, I think today's effort to revisit this standard gets some things right but others wrong, namely when our actions are likely to raise costs for consumers.

To this end, I am pleased that the agency has declined to authorize the use of vacant channels in the television band for voluntary ATSC 3.0 deployment. By doing so, these channels can be used for white spaces technology and help bring broadband to households that are among the hardest to reach and most difficult to connect. I also am pleased that today's decision affirms that a channel's significantly viewed status does not change as they transition to this new standard and concludes that stations that receive waivers of our simulcasting rules cannot assert mandatory carriage for their new ATSC 3.0 signals. These are sensible outcomes under the law.

Other aspects of today's decision show less regard for consumer disruption. By retaining permission to sunset the existing standard in 2023, the agency is setting a day by which households nationwide could have to replace their televisions in order to continue to watch broadcast programming. That means the FCC is planning to make consumers shoulder the cost of this transition—and that's not right.

But it is not the only way the agency could raise costs for consumers. Today's decision fails to require that patents relevant to the ATSC 3.0 standard are licensed on a reasonable and nondiscriminatory basis. This is a departure from past practice. When the agency adopted the ATSC 1.0 standard, reasonable and nondiscriminatory terms were a part of the package. By failing to follow history here, FCC is conferring special status on those who hold key patents without requiring fair terms in exchange. That means the agency is authorizing billions for essential patent holders that will be paid for by consumers who will need to purchase ATSC 3.0 equipment just to continue to watch television. Again, this is not right.

There remains a lot to be excited about with the next television standard. Innovations are coming our way that could benefit every consumer who counts on this screen for news, entertainment, and more. But several of our decisions today could also mean that consumers are unnecessarily burdened with too much of the cost. I approve in part and dissent in part as a result.