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October 5, 2026

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20054

Re: Authorizing the Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16-142)

Dear Ms. Dortch,

ATSC 3.0 Viewer Access for the November 17 Nationwide EAS Test

Silicondust USA, Inc. submits this written ex parte presentation in GN Docket No. 16-142 concerning viewer access to the November 17, 2026 nationwide Emergency Alert System (EAS) test. On channels where digital rights management (DRM) encryption is used, the EAS audio and visual message carried within the television service is also encrypted. Access to that emergency message therefore depends on private decryption authorization available only to products the A3SA approves of.

The FCC has announced that FEMA, in coordination with the Commission, will conduct the nationwide EAS test on November 17, 2026 at 2:20 p.m. Eastern Time, with December 3, 2026 as the backup date.¹ This test provides an opportunity to examine whether emergency information carried on ATSC 3.0 television services reaches the viewing public.

Section 11.51(c) of the Commission's rules requires digital television stations to transmit EAS messages on all program streams. Section 11.51(d) specifies the audio and visual presentation requirements for television alerts, including the nationwide test.²

Congress has expressly directed that the integrated public alert and warning system be designed, to the extent technically feasible, to provide alerts to "the largest portion of the affected population feasible."³ Removing access barriers caused by DRM encryption during the nationwide test would advance that statutory objective.

1 Public Safety and Homeland Security Bureau Announces Nationwide Test of the Emergency Alert System (EAS) on November 17, 2026, Public Notice, DA 26-989, at 1 (Sept. 16, 2026), <https://docs.fcc.gov/public/attachments/DA-26-989A1.pdf>

2 47 C.F.R. § 11.51(c)–(d), <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-11/subpart-D/section-11.51>

3 6 U.S.C. § 321o(c)(3)(A); Integrated Public Alert and Warning System Modernization Act of 2015, Pub. L. No. 114-143, § 2(a), 130 Stat. 327, 328 (2016), <https://www.govinfo.gov/content/pkg/PLAW-114publ143/pdf/PLAW-114publ143.pdf>

A station may receive the national test and retransmit the required message within its ATSC 3.0 service while DRM encryption blocks some viewers from seeing or hearing that message. That exclusion raises a substantial question whether the station has fulfilled its EAS obligations. Stations should not assume that records showing insertion and transmission of the message resolve that question.

The availability of the same station's programming and EAS message through an ATSC 1.0 simulcast does not establish successful delivery through its ATSC 3.0 service.

Public Knowledge and five other public-interest organizations have argued in this docket that encrypted ATSC 3.0 transmissions requiring A3SA-approved devices likely fall outside the Communications Act's definition of broadcasting. Their comments identify the exclusion of otherwise functional receivers as a consequence of making reception subject to private authorization.⁴

Broadcasters can voluntarily disable DRM encryption for the nationwide test without waiting for resolution of the broader DRM encryption issues in this proceeding.

Silicondust asks each station group to disable DRM encryption at least 7 days before the scheduled test, allowing receivers and viewers to confirm reception, and to leave DRM encryption disabled through completion of the test. The same timing should apply if the test is rescheduled. Appendix A lists identified encrypted services by station group.

During the nationwide test, Silicondust intends to observe selected ATSC 3.0 services and document whether receiving systems receive the service and present the EAS audio and visual message. Silicondust expects to submit a factual follow-up in this docket describing those observations, including any access barriers caused by DRM encryption encountered.

Silicondust respectfully requests that the Commission remind broadcasters of their obligation to transmit EAS messages on all program streams and emphasize the importance of removing access barriers caused by DRM encryption before the November 17 nationwide test. Representatives of Silicondust are available to answer questions and assist with confirming reception after DRM encryption is disabled.

Sincerely,

Nicholas J Kelsey, President
Silicondust USA, Inc.

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⁴ Comments of Public Knowledge, Access Humboldt, Consumer Reports, Electronic Frontier Foundation, Media Council Hawaii, and Open Technology Institute at New America (May 7, 2025), Docket 16-142, Submission ID 105071750416733, printed page numbers 23–24: <https://www.fcc.gov/ecfs/document/105071750416733/1>

Appendix A

Stations Identified as Transmitting DRM Encrypted ATSC 3.0 Television Services

Observations current as of October 4, 2026, grouped by station-group owner. Locations identify the television market.

Gray — 35 callsigns	
Callsign	City or market
KCTV	Kansas City, Missouri
KGMB	Honolulu, Hawaii
KHNL	Honolulu, Hawaii
KMOV	St. Louis, Missouri
KOLD-TV	Tucson, Arizona
KOLO-TV	Reno, Nevada
KPDX	Portland, Oregon
KPHO-TV	Phoenix, Arizona
KPTV	Portland, Oregon
KSCW-DT	Wichita, Kansas
KSLA	Shreveport, Louisiana
KSMO-TV	Kansas City, Missouri
KWQC-TV	Davenport, Iowa
KYTV	Springfield, Missouri
WANF	Atlanta, Georgia
WAVE	Louisville, Kentucky
WBAY-TV	Green Bay, Wisconsin
WBRC	Birmingham, Alabama
WBTW	Charlotte, North Carolina
WCSC-TV	Charleston, South Carolina
WFLX	West Palm Beach, Florida
WFSB	Hartford, Connecticut
WHNS	Greenville, South Carolina
WNDU-TV	South Bend, Indiana
WNEM-TV	Flint, Michigan
WOIO	Cleveland, Ohio
WOWT	Omaha, Nebraska
WPCH-TV	Atlanta, Georgia
WQCW	Huntington, West Virginia

WSAZ-TV	Huntington, West Virginia
WSMV-TV	Nashville, Tennessee
WUPV	Richmond, Virginia
WVUE-DT	New Orleans, Louisiana
WWBT	Richmond, Virginia
WXIX-TV	Cincinnati, Ohio

Nexstar — 27 callsigns	
Callsign	City or market
KARK-TV	Little Rock, Arkansas
KFOR-TV	Oklahoma City, Oklahoma
KLAS-TV	Las Vegas, Nevada
KOIN	Portland, Oregon
KSEE	Fresno, California
KSNW	Wichita, Kansas
KTAL-TV	Shreveport, Louisiana
KTSM-TV	El Paso, Texas
KXAN-TV	Austin, Texas
WAVY-TV	Norfolk, Virginia
WBTW	Myrtle Beach, South Carolina
WCBD-TV	Charleston, South Carolina
WCIA	Champaign, Illinois
WDTN	Dayton, Ohio
WFLA-TV	Tampa, Florida
WFRV-TV	Green Bay, Wisconsin
WFXQ-CD	Springfield, Massachusetts
WHO-DT	Des Moines, Iowa
WIAT	Birmingham, Alabama
WIVB-TV	Buffalo, New York
WKRQ-TV	Mobile, Alabama
WNCN	Raleigh, North Carolina
WOOD-TV	Grand Rapids, Michigan
WOWK-TV	Huntington, West Virginia
WROC-TV	Rochester, New York
WSPA-TV	Greenville, South Carolina
WTTK	Indianapolis, Indiana

Hearst — 22 callsigns	
Callsign	City or market
KCCI	Des Moines, Iowa
KCRA-TV	Sacramento, California
KCWE	Kansas City, Missouri
KETV	Omaha, Nebraska
KMBC-TV	Kansas City, Missouri
KOAT-TV	Albuquerque, New Mexico
KOCO-TV	Oklahoma City, Oklahoma
KQCA	Sacramento, California
WBAL-TV	Baltimore, Maryland
WCVB-TV	Boston, Massachusetts
WDSU	New Orleans, Louisiana
WESH	Orlando, Florida
WKCF	Orlando, Florida
WLKY	Louisville, Kentucky
WLWT	Cincinnati, Ohio
WMOR-TV	Tampa, Florida
WMTW	Portland, Maine
WPBF	West Palm Beach, Florida
WTAE-TV	Pittsburgh, Pennsylvania
WVTM-TV	Birmingham, Alabama
WXII-TV	Greensboro, North Carolina
WYFF	Greenville, South Carolina

TEGNA — 22 callsigns	
Callsign	City or market
KARE	Minneapolis, Minnesota
KENS	San Antonio, Texas
KGW	Portland, Oregon
KHOU	Houston, Texas
KING-TV	Seattle, Washington
KMSB	Tucson, Arizona
KONG	Seattle, Washington
KPNX	Phoenix, Arizona
KSDK	St. Louis, Missouri
KTHV	Little Rock, Arkansas

KUSA	Denver, Colorado
KXTV	Sacramento, California
WCNC-TV	Charlotte, North Carolina
WGRZ	Buffalo, New York
WHAS-TV	Louisville, Kentucky
WKYC	Cleveland, Ohio
WTHR	Indianapolis, Indiana
WTSP	Tampa, Florida
WUPL	New Orleans, Louisiana
WUSA	Washington, District of Columbia
WWL-TV	New Orleans, Louisiana
WXIA-TV	Atlanta, Georgia

Scripps — 18 callsigns

Callsign	City or market
KASW	Phoenix, Arizona
KGUN-TV	Tucson, Arizona
KMGH-TV	Denver, Colorado
KMTV-TV	Omaha, Nebraska
KNXV-TV	Phoenix, Arizona
KSHB-TV	Kansas City, Missouri
KTNV-TV	Las Vegas, Nevada
WCPO-TV	Cincinnati, Ohio
WEWS-TV	Cleveland, Ohio
WFTS-TV	Tampa, Florida
WGBA-TV	Green Bay, Wisconsin
WKBW-TV	Buffalo, New York
WMAR-TV	Baltimore, Maryland
WPTV-TV	West Palm Beach, Florida
WTVF	Nashville, Tennessee
WTVR-TV	Richmond, Virginia
WXMI	Grand Rapids, Michigan
WXYZ-TV	Detroit, Michigan

NBCUniversal — 17 callsigns

Callsign	City or market
KEJT-CD	Salt Lake City, Utah

KHRR	Tucson, Arizona
KNBC	Los Angeles, California
KNSO	Fresno, California
KNTV	San Francisco, California
KTDO	El Paso, Texas
KTMD	Houston, Texas
KVDA	San Antonio, Texas
WBTS-CD	Boston, Massachusetts
WCAU	Philadelphia, Pennsylvania
WMAQ-TV	Chicago, Illinois
WNBC	New York City, New York
WNJU	New York City, New York
WRC-TV	Washington, District of Columbia
WSCV	Miami, Florida
WTVJ	Miami, Florida
WVIT	Hartford, Connecticut

Fox — 16 callsigns	
Callsign	City or market
KCPQ	Seattle, Washington
KDFW	Dallas/Fort Worth, Texas
KMSP-TV	Minneapolis, Minnesota
KSAZ-TV	Phoenix, Arizona
KTBC	Austin, Texas
KTVU	San Francisco, California
KUTP	Phoenix, Arizona
KZJO	Seattle, Washington
WAGA-TV	Atlanta, Georgia
WFLD	Chicago, Illinois
WJBK	Detroit, Michigan
WOFL	Orlando, Florida
WRBW	Orlando, Florida
WTTG	Washington, District of Columbia
WTVT	Tampa, Florida
WTXF-TV	Philadelphia, Pennsylvania

CBS — 11 callsigns	
Callsign	City or market
KCBS-TV	Los Angeles, California
KOVR	Sacramento, California
KPIX-TV	San Francisco, California
KYW-TV	Philadelphia, Pennsylvania
WBBM-TV	Chicago, Illinois
WBZ-TV	Boston, Massachusetts
WCBS-TV	New York City, New York
WCCO-TV	Minneapolis, Minnesota
WFOR-TV	Miami, Florida
WPSG	Philadelphia, Pennsylvania
WWJ-TV	Detroit, Michigan

Cox Media Group — 8 callsigns	
Callsign	City or market
KIRO-TV	Seattle, Washington
WAXN-TV	Charlotte, North Carolina
WFTV	Orlando, Florida
WFXT	Boston, Massachusetts
WHIO-TV	Dayton, Ohio
WRDQ	Orlando, Florida
WSB-TV	Atlanta, Georgia
WSOC-TV	Charlotte, North Carolina

TelevisaUnivision — 6 callsigns	
Callsign	City or market
KDTV-DT	San Francisco, California
KSTR-DT	Dallas/Fort Worth, Texas
KUVN-DT	Dallas/Fort Worth, Texas
WLTV-DT	Miami, Florida
WUNI	Boston, Massachusetts
WUVP-DT	Philadelphia, Pennsylvania

Allen Media Group — 1 callsign	
Callsign	City or market
KVOA	Tucson, Arizona

Bonneville — 1 callsign	
Callsign	City or market
KSL-TV	Salt Lake City, Utah
Circle City — 1 callsign	
Callsign	City or market
WRTV	Indianapolis, Indiana
Graham Media Group — 1 callsign	
Callsign	City or market
KSAT-TV	San Antonio, Texas
Mission Broadcasting — 1 callsign	
Callsign	City or market
KOLR	Springfield, Missouri