

Request for Special Temporary Authority

KUPN Licensee, LLC (“Licensee”), licensee of KVCW(TV), Las Vegas, NV (Facility ID 10195; RF Channel 29), hereby requests Special Temporary Authority in connection with KVCW(TV)’s transition to the ATSC 3.0 broadcast transmission standard and related broadcast of KVCW(TV)’s non-primary programming streams (“multicast streams”) in ATSC 1.0 format on KSNV(TV), Las Vegas, NV (Facility ID 10179; RF Channel 22), and KLAS-TV, Las Vegas, NV (Facility ID 35042; RF Channel 7) (collectively the “multicast hosts”). Licensee requests that for purposes of enforcement and application of its rules, KVCW(TV) be treated as if it is airing the multicast streams over the multicast hosts’ facilities and be the responsible party under the Act and Commission rules and regulations akin to the manner that the Commission treats ATSC 1.0 primary simulcast streams under the Next Gen TV rules.

As indicated in KVCW(TV)’s Form 2100 application (*see* File No. 0000112811, granted May 15, 2020), Licensee has commenced ATSC 3.0 operations from KVCW(TV)’s current facility and is simulcasting its primary stream in ATSC 1.0 format on KTNV-TV, Las Vegas, NV (Facility ID 74100; RF Channel 13), pursuant to a written hosting agreement. To minimize the loss of over-the-air programming to its current ATSC 1.0 viewers resulting from the station’s transition to ATSC 3.0, Licensee proposed to broadcast its existing MyNetwork multicast stream using the facilities of commonly owned KSNV(TV) and to broadcast its existing TBD, ThisTV, and Comet TV multicast streams using the facilities of KLAS-TV pursuant to a written hosting agreement with Nexstar Broadcasting, Inc. (“Nexstar”).

Because of ATSC 1.0 capacity constraints, KVCW(TV) is not able to air its multicast streams on KTNV-TV, its primary ATSC 1.0 simulcast host. Furthermore, due to ATSC 3.0 capacity and other constraints attendant with the multi-station and multi-market coordination needed for a successful ATSC 3.0 deployment across the country, it is not feasible for Licensee to simulcast KVCW(TV)’s multicast streams in an ATSC 3.0 format without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations of transitioning to ATSC 3.0. Simulcasting those streams in ATSC 3.0 would reduce capacity available to NextGen stations for offering consumers the improved services that ATSC 3.0 enables. The types of services and improvements that would be precluded would include enhanced video featuring High Dynamic Range, Wide Color Gamut and High Frame Rate, immersive and multiple audio channels using Dolby AC-4, Advanced Emergency Alerting and Information functions as part of a broadcast receiver application, and non-real time interactive data delivery. Each of these requires a portion of the ATSC 3.0 capacity that would be unavailable were Licensee to carry multicast program streams as the ATSC 3.0 lighthouse. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast KVCW(TV)’s multicast streams in ATSC 3.0 and ATSC 1.0 formats.

The hosting arrangements with the multicast hosts serve the public interest by enabling the station’s pre-transition over-the-air viewers to continue to have access to KVCW(TV)’s multicast streams. KVCW(TV)’s service contour is contained within the service contours of KSNV(TV) and KLAS-TV. As such, there is no “loss area” population created as a result of the transfer of KVCW(TV)’s multicast streams to the multicast hosts’ stations. *See* attached engineering exhibit. Absent the arrangement with the multicast hosts, all over-the-air ATSC 1.0 viewers would lose access to KVCW(TV)’s multicast streams. Additionally, the arrangement will preserve access to

those KVCW(TV) multicast streams currently received for viewers who are receiving them via MVPDs. As noted above, there is no loss area population because the KVCW(TV) contour is encompassed by the multicast hosts' station contours. Licensee has also communicated with MVPDs that carried KVCW(TV)'s multicast streams prior to the signal relocation to confirm that they will continue to receive a good quality signal of such streams from KSNV(TV) and KLAS-TV over the air or via alternative delivery methods, such as direct fiber feed.

Although Licensee has agreed to indemnify Nexstar from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on Licensee's program streams using KLAS-TV's facilities, Licensee is requesting the instant authorization to make clear that Licensee will remain responsible for these streams' compliance with the Communications Act and the Commission's rules and regulations. To alleviate any viewer confusion, the PSIP (virtual) channels for each of KVCW(TV)'s program streams will remain unchanged and be identified as being associated with KVCW(TV). We also note that Licensee does not currently, and does not intend to, rely on its multicast streams for compliance with the Commission's Children's Television Programming requirements, as KVCW(TV) averages at least three hours per week of core programming on its primary stream. As such, neither KVCW(TV)'s compliance with the Commission's Children's Television Programming requirements nor viewers' access to the station's required core programming will be affected by the relocation of KVCW(TV)'s multicast signals to KSNV(TV)'s and KLAS-TV's facilities. Licensee provided notice to the relevant MVPDs of its proposed multicast ATSC 1.0 signal relocations when it provided the requisite 120-day notice regarding relocation of KVCW(TV)'s primary stream ATSC 1.0 signal. Licensee also aired on KVCW(TV), and posted to its website, consumer notices regarding the station's transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan to continue receiving KVCW(TV)'s signals in the 30 days leading up to the ATSC 3.0 launch date.

Grant of this STA request will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving KVCW(TV)'s ability to air each of its programming streams in the ATSC 1.0 format to ensure that KVCW(TV)'s pre-ATSC 3.0 transition viewers can continue to receive the programming currently available to them. It will also make clear that Licensee is an authorized user of a portion of the multicast hosts' channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.