

Request for Special Temporary Authority

Scripps Broadcasting Holdings LLC (“Scripps Broadcasting”), WXYZ-TV, Detroit, Michigan (Facility ID No. 10267) (“WXYZ-TV”) (affiliated with ABC), hereby requests special temporary authority in connection with the deployment of NextGen TV in the Detroit market, which is scheduled to launch on December 7, 2020.

Specifically, Scripps Broadcasting hereby requests special temporary authority to air WXYZ-TV’s non-primary Laff multicast stream using the ATSC 1.0 standard on WKBD-TV, Detroit, Michigan (Facility ID No. 51570) (“WKBD-TV”), licensed to Detroit Television Station WKBD Inc. (a subsidiary of the CBS Corporation and referred to herein as “CBS”), for purposes of confirming and clarifying that:

- (1) the broadcast ownership rules do not apply to the extent this arrangement would otherwise result in a potential violation of those rules; and
- (2) WXYZ-TV is the licensee originating the Laff multicast stream and considered the responsible party for compliance with obligations under the Communication Act of 1934, as amended, and the Commission rules and regulations in the same manner as an ATSC 1.0 primary simulcast stream is treated under the Commission’s ATSC 3.0 rules and regulations.

Scripps Broadcasting plans deploy NextGen TV in the Detroit market by operating WXYZ-TV’s co-owned station, WMYD(TV), Detroit, Michigan (Facility ID No. 74211) (“WMYD”) using the ATSC 3.0 standard, as indicated in WMYD’s pending NextGen TV license application, which Scripps Broadcasting is simultaneously filing herewith. As required under the Commission’s ATSC 3.0 rules, Scripps Broadcasting will simulcast WMYD’s primary programming stream (affiliated with MyNetworkTV) in the ATSC 1.0 standard as a guest on WXYZ-TV.

Because of ATSC 1.0 capacity constraints, WXYZ-TV is not able to host WMYD’s primary programming stream and continue to air all of WXYZ-TV’s non-primary multicast streams. Accordingly, in order to avoid the loss of WXYZ-TV’s over-the-air Laff multicast stream to its ATSC 1.0 viewers, Scripps Broadcasting plans to enter into written hosting agreements with CBS to broadcast the Laff multicast stream using the ATSC 1.0 facility of WKBD-TV. As part of the same arrangement, Scripps Broadcasting will provide CBS capacity for WKBD-TV’s co-owned station, WWJ-TV, Detroit, Michigan (Facility ID No. 72123) as an ATSC 3.0 guest station on WMYD’s ATSC 3.0 facility.

The ATSC 1.0 multicast stream hosting arrangement with WKBD-TV will facilitate the deployment of NextGen TV in the Detroit market and the development of improved services that ATSC 3.0 enables, while also enabling Scripps Broadcasting to continue providing WXYZ-TV’s Laff multicast stream. As shown in the composite coverage map attached as Exhibit A, nearly 90 percent of the viewers that currently receive WXYZ-TV’s Laff multicast stream over-the-air from WXYZ-TV’s ATSC 1.0 current facility will retain access to that programming stream from

WKBD-TV's ATSC 1.0 facilities, which also continue to serve WXYZ-TV's community of license given that the community of license for each station is Detroit. Absent this arrangement, and without the clarity that a grant of the instant request for special temporary authority would provide, Scripps Broadcasting may not be able to continue to provide WXYZ-TV's Laff multicast stream over the air, which could result in a complete loss of service to all of the over-the-air viewers of that programming stream.

Scripps Broadcasting provided notice to the relevant MVPDs of its plan to relocate WXYZ-TV's Laff multicast stream to the WKBD-TV ATSC 1.0 facilities when it provided the requisite notices regarding the relocation of WMYD's ATSC 1.0 primary programming stream. Scripps Broadcasting will coordinate with potentially affected MVPDs as applicable to ensure they continue to receive a good quality signal of WXYZ-TV's Laff multicast stream over-the-air or via alternative delivery methods. Scripps Broadcasting does not expect there to be any adverse impact on MVPD viewers.

WXYZ-TV also is airing consumer notices regarding the need for over-the-air viewers to rescan their television sets in order to continue to receive WXYZ-TV's Laff multicast stream. In order to alleviate any viewer confusion, the PSIP (virtual) channel for the Laff multicast stream will remain unchanged and is identified as being associated with WXYZ-TV.

Scripps Broadcasting's request herein to clarify that the broadcast ownership rules do not apply to this arrangement is consistent with the Commission's decision and underlying basis to "not apply the broadcast ownership rules in any situation where airing an ATSC 3.0 signal or an ATSC 1.0 simulcast on a temporary host station's facility would result in a potential violation of those rules."¹

Scripps Broadcasting's request herein to clarify that WXYZ-TV is the licensee originating the Laff multicast stream and considered the responsible party for compliance with any obligations under the Communication Act of 1934, as amended, and the Commission rules and regulations, is consistent with the arrangements between Scripps Broadcasting and CBS, in connection with which Scripps Broadcasting will indemnify CBS from all liabilities or claims resulting from the airing of WXYZ-TV's Laff multicast stream over WKBD-TV's ATSC 1.0's facilities.

Scripps Broadcasting understands that grant of the instant request will make clear that Scripps Broadcasting is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to WXYZ-TV's Laff multicast stream, including the Commission's rules regarding political broadcasting, children's programming, equal employment opportunities, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.

With respect to children's programming, WXYZ-TV schedules at least three-hours per week of core programming on its primary programming stream, and therefore does not currently, and does not intend to, rely on its non-primary multicast streams, including the Laff stream, for compliance with the Commission's children's television programming requirements. Accordingly, WXYZ-TV's compliance with the Commission's children's television programming requirements and viewers' access to the station's core programming will not be affected by the broadcast of its Laff multicast stream from WKBD-TV's ATSC 1.0 facilities.

¹ *Next Gen TV Report and Order*, 32 FCC Rcd at 9972, para. 80, n.237. See also *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-73, para. 15 (rel. Jun. 9, 2020).

Grant of this STA request will serve the public interest as it will advance the Commission's ATSC 3.0 policy goals, facilitate the deployment of ATSC 3.0 in light of the evolving nature of ATSC 3.0 deployment, and promote the continued over-the-air transmission of WXYZ-TV's Laff multicast stream in the ATSC 1.0 standard.

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EXHIBIT A
(Attached)

Mid-State Consultants

WXYZ-TV

0000107637
Latitude: 42-28-14 N
Longitude: 083-15-01 W
ERP: 765.00 kW
Channel: 25
Frequency: 539.0 MHz
AMSL Height: 516.1 m

WKBD-TV

0000074932
Latitude: 42-29-01 N
Longitude: 083-18-44 W
ERP: 285.00 kW
Channel: 34
Frequency: 593.0 MHz
AMSL Height: 522.2 m

Predicted Noise Limited Contour of WXYZ-TV (Black) vs. Noise Limited Contour of WKBD-TV (Red)

