

### **Request for Special Temporary Authority**

Scripps Broadcasting Holdings LLC (“Scripps Broadcasting”), licensee of WMYD(TV), Detroit, Michigan (Facility ID No. 74211) (“WMYD”), hereby requests special temporary authority in connection with the deployment of WMYD as a NextGen TV broadcast facility in the Detroit market, which is scheduled to launch on December 7, 2020.

Specifically, Scripps Broadcasting hereby requests special temporary authority to air WMYD’s non-primary multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast, on WDIV-TV, Detroit, Michigan (Facility ID No. 53114) (“WDIV-TV”), licensed to Graham Media Group, Michigan, Inc. (“Graham”), and WJBK(TV), Detroit, Michigan (Facility ID No. 73123) (“WJBK”), licensed to New World Communications of Detroit, Inc. (a subsidiary of Fox Corporation and referred to herein as “Fox”), 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) WMYD is the licensee originating the non-primary multicast streams 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.

As indicated in WMYD’s NextGen TV license application, which Scripps Broadcasting is simultaneously filing herewith, Scripps Broadcasting plans to operate WMYD’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, to simulcast WMYD’s primary programming stream (affiliated with MyNetworkTV) in the ATSC 1.0 standard as a guest on WXYZ-TV, Detroit, Michigan (Facility ID No. 10267), which is also owned by Scripps Broadcasting.

In addition to its primary programming stream, WMYD broadcasts two non-primary multicast streams: Antenna TV and Court TV Mystery. In order to avoid the loss of WMYD’s over-the-air non-primary multicast streams to its ATSC 1.0 viewers, Scripps Broadcasting is entering into written hosting agreements with Graham and Fox to broadcast those streams using the ATSC 1.0 facilities of WDIV-TV and WJBK respectively. As part of the same arrangement, Scripps Broadcasting will provide Graham and Fox capacity for WDIV-TV and WJBK as ATSC 3.0 guest stations on WMYD’s ATSC 3.0 facility.

Because of ATSC 1.0 capacity constraints, WMYD is not able to air its non-primary multicast streams on the same host station as its primary ATSC 1.0 programming stream, which is being hosted on WXYZ-TV.

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 WMYD’s ATSC 3.0 facility to simulcast WMYD’s non-primary

multicast streams in the ATSC 3.0 standard without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations of transitioning to ATSC 3.0. WMYD's ATSC 3.0 facility is hosting four NextGen TV stations (in addition to WMYD), and simulcasting WMYD's non-primary multicast streams in ATSC 3.0 would reduce capacity available for the NextGen TV stations to offer 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 WMYD's ATSC 3.0 facility to simulcast WMYD's non-primary multicast streams in ATSC 3.0. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WMYD's non-primary multicast streams using ATSC 3.0 and ATSC 1.0 standards. Obtaining, installing and testing that equipment would delay and distract from the testing and deployment of improved services that ATSC 3.0 enables.

The ATSC 1.0 non-primary multicast stream hosting arrangements with WDIV-TV and WJBK will enable Scripps Broadcasting to continue providing these streams in the Detroit market. As shown in the composite coverage map attached as Exhibit A, more than 90 percent of the viewers that currently receive WMYD's non-primary multicast streams over-the-air from WMYD's ATSC 1.0 current facility will retain access to these multicast streams from WDIV-TV's and WJBK's respective ATSC 1.0 facilities, which also continue to serve WMYD'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 WMYD's non-primary multicast streams over the air, which could result in a complete loss of service to all of the over-the-air viewers of these streams.

Scripps Broadcasting provided notice to the relevant MVPDs of its plan to relocate its ATSC 1.0 non-primary multicast streams to the WDIV-TV and WJBK 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 the non-primary multicast streams over-the-air or via alternative delivery methods. Scripps Broadcasting does not expect there to be any adverse impact on MVPD viewers.

WMYD also is airing the requisite consumer notices regarding the station's transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan their television sets in order to continue to receive WMYD's ATSC 1.0 programming streams. In order to alleviate any viewer confusion, the PSIP (virtual) channels for each of WMYD's program streams will remain unchanged and are identified as being associated with WMYD.

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."<sup>1</sup>

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<sup>1</sup> *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).

Scripps Broadcasting's request herein to clarify that WMYD is the licensee originating the non-primary multicast streams 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 each of Graham and Fox, in connection with which Scripps Broadcasting will indemnify Graham and Fox from all liabilities or claims resulting from the airing of WMYD's non-primary multicast streams over WDIV-TV's and WJBK 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 WMYD's non-primary multicast streams, 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, WMYD schedules at least three-hours per week of core programming on its simulcast primary programming stream, and therefore does not currently, and does not intend to, rely on its non-primary multicast streams for compliance with the Commission's children's television programming requirements. Accordingly, WMYD'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 non-primary multicast streams from WDIV-TV's and WJBK's ATSC 1.0 facilities.

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 WMYD's non-primary multicast streams in the ATSC 1.0 standard.

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EXHIBIT A  
(Attached)

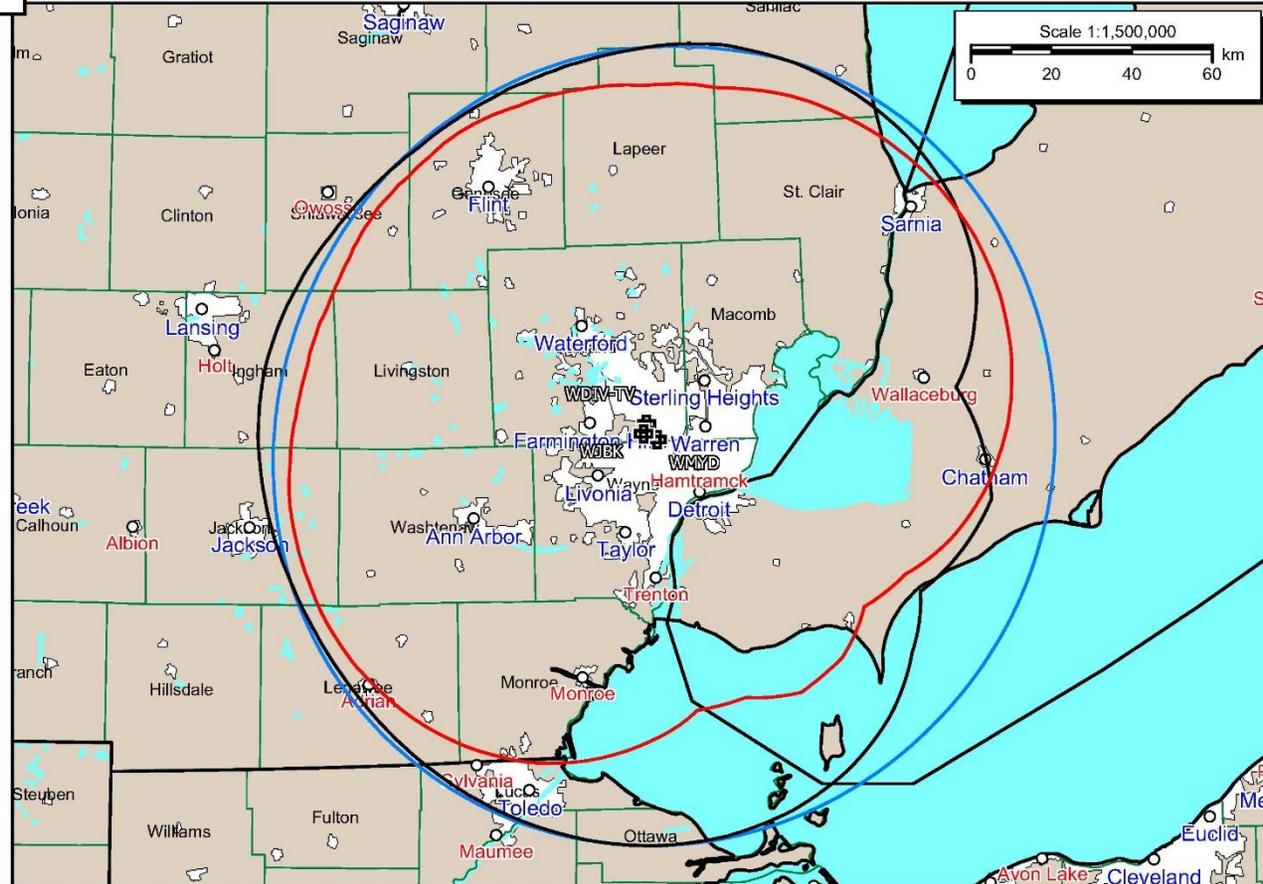
**Mid-State Consultants**

**WMYD**  
 0000081119  
 Latitude: 42-26-52.50 N  
 Longitude: 083-10-23.10 W  
 ERP: 935.00 kW  
 Channel: 31  
 Frequency: 575.0 MHz  
 AMSL Height: 523.3 m

**WDIV-TV**  
 0000107487  
 Latitude: 42-28-58 N  
 Longitude: 083-12-19 W  
 ERP: 1000.00 kW  
 Channel: 32  
 Frequency: 581.0 MHz  
 AMSL Height: 465.0 m

**WJBK**  
 BLCDT-20090813ABG  
 Latitude: 42-27-38 N  
 Longitude: 083-12-50 W  
 ERP: 27.20 kW  
 Channel: 7  
 Frequency: 177.0 MHz  
 AMSL Height: 520.4 m

**Predicted Noise Limited Contour of WMYD (Black) vs. Noise Limited Contour of WDIV-TV (Red) and Noise-Limited Contour of WJBK (Blue)**



**Contour Population Comparison: 2010 Census Data**  
 WMYD (ATSC 3.0 Host): 5,748,424  
 WDIV-TV (ATSC 1.0 Host): 5,275,764  
 Common Population with WMYD: 5,275,764

**WMYD Loss Area Population: 472,660 (8.22%)**  
**WMYD Gain Area Population: 0**

**Contour Population Comparison: 2010 Census Data**  
 WMYD (ATSC 3.0 Host): 5,748,424  
 WJBK (ATSC 1.0 Host): 5,748,167  
 Common Population with WMYD: 5,728,469

**WMYD Loss Area Population: 19,955 (0.35%)**  
**WMYD Gain Area Population: 19,698**