

Request for Revision to Special Temporary Authority (Multicast Host Authorization)

TEGNA Inc. (“TEGNA”), on behalf of its subsidiary KONG-TV, Inc. (“Licensee”), licensee of television station KONG, Everett, Washington (“KONG”), hereby requests to revise its existing Legal Special Temporary Authority regarding the hosting of KONG’s ATSC 1.0-formatted multicast channels¹ to allow the station to serve over-the-air viewers with an additional KONG-originated multicast channel.

KONG converted its broadcast transmission to the Next Gen Television (ATSC 3.0) standard on December 15, 2020.² KONG transmits ATSC 3.0-formatted versions of its own primary channel, the primary channel of its sister station KING-TV, Seattle, Washington (“KING”),³ and the primary channels of KCPQ, Tacoma, Washington (“KCPQ”) and KZJO, Seattle, Washington (“KZJO”), both licensed to Fox Television Stations, LLC (“Fox”).⁴

In accordance with the Commission’s Next Gen Television rules,⁵ KONG broadcasts an ATSC 1.0 simulcast of KONG’s primary channel via KING’s facilities.⁶ At the time KONG converted to Next Gen Television operation, KONG also broadcast two multicast channels, affiliated with the Bounce and This TV networks.⁷ Because KING does not have sufficient bandwidth capacity to host KONG’s multicast channels in ATSC 1.0, and KONG does not have sufficient capacity to transmit ATSC 3.0 versions of these multicast channels, the Commission granted Licensee Special Temporary Authority for the KONG-originated multicast channels to be broadcast, in ATSC 1.0 only, via the facilities of KCPQ and KZJO, pursuant to a channel sharing agreement between Licensee and Fox.⁸ The Commission recognized that this arrangement would “promote continued transmission of KONG’s non-primary multicast programming streams to viewers” while “mak[ing] clear that KONG is responsible for the content of those signals from a regulatory compliance and enforcement perspective.”⁹

As noted in Licensee’s Legal STA request, Licensee’s channel sharing agreement with Fox provides for KZJO to host KONG’s Bounce multicast channel and for KCPQ to host KONG’s This TV multicast channel, while allocating sufficient bandwidth for KONG to broadcast up to one additional stream of SD-formatted content at KONG’s option.¹⁰ Licensee now seeks to revise its Legal STA to allow for the launch of this additional KONG-originated multicast stream via KCPQ’s facilities, without requiring KONG to simulcast this multicast stream in ATSC 3.0. KONG’s additional multicast channel will be affiliated with TEGNA’s new Twist national network. Twist, TEGNA’s third multicast network, is “a women-oriented channel featuring lifestyle and reality programming” that will serve the growing over-

¹ See *KONG-TV, Inc.*, Letter, LMS File No. 0000127063 (MB Vid. Div. Dec. 11, 2020) (“*KONG Multiple Host Grant*”).

² See LMS File No. 0000127044.

³ KING is licensed to King Broadcasting Company, also a subsidiary of TEGNA.

⁴ *KONG Multiple Host Grant* at 1-2.

⁵ 47 C.F.R. § 73.3801(b).

⁶ *KONG Multiple Host Grant* at 1-2.

⁷ *Id.* at 2.

⁸ *Id.* at 2-3.

⁹ *Id.* at 3.

¹⁰ LMS File No. 0000127063, at “KONG Multicast Host Authorization STA Exhibit.”

the-air audience “by offering quality reality programming for women who are currently underserved through multicast channels.”¹¹

As under KONG’s existing Legal STA, Licensee would remain “the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to” all three of the KONG-originated multicast channels, including without limitation with respect to “political broadcasting, children’s programming, equal employment opportunities, public inspection files, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.”¹² To avoid viewer confusion, each of KONG’s current multicast channels would retain its existing PSIP virtual channel, and upon launch KONG’s Twist-affiliated stream broadcast via KCPQ’s facilities would be associated with KONG’s PSIP major channel, as set forth below.

Table A: Transmission of KONG Streams in ATSC 1.0

PSIP	Affiliation	Host	Host RF Channel	ATSC 3.0 Simulcast
16.1	Independent (Primary)	KING	25	Yes (KONG)
16.2	Bounce TV	KZJO	36	No
16.3	This TV	KCPQ	13	No
16.4	Twist	KCPQ	13	No

Grant of the modified authority requested herein is in the public interest because it would allow KONG, KING and the Fox stations to continue offering advanced Next Gen Television service to viewers while also enabling KONG to fully serve the needs and interests of its community by expanding over-the-air viewers’ programming choices in the current ATSC 1.0 format. In granting KONG’s existing Legal STA, the Commission recognized that “this temporary measure” would “help facilitate the deployment of ATSC 3.0 ... in light of the evolving nature of ATSC 3.0 deployment and related agreements.”¹³ Likewise, allowing KONG to modify its hosting arrangements as requested herein would facilitate Next Gen Television deployment by affirming that a station can volunteer as a Next Gen Television lighthouse without giving up its ability to keep innovating in how it serves ATSC 1.0 viewers as conditions evolve.

Notably, the grant of KONG’s request would not enable the station to broadcast, “in the aggregate, more programming than [KONG] could broadcast on its own facilities based on the then-current state of the art for television broadcasting as evidenced by other television stations” operating in ATSC 1.0.¹⁴ KONG’s sister station, KING, currently broadcasts from its own ATSC 1.0 facilities both its own primary channel and KONG’s primary channel in 1080i HD format, in addition to two multicast channels in 480i SD format. Had KONG not transitioned to Next Gen Television service, the station’s

¹¹ “TEGNA Announces Twist, a New Multicast Entertainment Network for Women,” <https://www.tegna.com/tegna-announces-twist-a-new-multicast-entertainment-network-for-women/> (Feb. 24, 2021).

¹² *KONG Multiple Host Grant*, at 3 (footnote omitted).

¹³ *Id.* at 4.

¹⁴ See Reply Comments of the National Association of Broadcasters, MB Docket No. 16-142, at 7 (filed Jan. 25, 2021).

facilities easily could have accommodated KONG's own HD primary channel and three SD multicast channels.

Nor would the grant of Licensee's request burden any party. As the National Association of Broadcasters notes in its petition asking the Commission to clarify (or if necessary codify) the permissibility of multiple-host arrangements, allowing a station like KONG to use multiple ATSC 1.0 hosts to transmit its multicast streams (whether or not simulcast in Next Gen Television format) "create[s] no new carriage rights for multicast streams, which are not entitled to must-carry carriage," and "create[s] no new station licenses or alienable interests," as all streams would continue to be broadcast under the originating station's single broadcast license.¹⁵ This is as true of the multicast channel KONG proposes to launch as it is of the multicast channels KONG broadcast at the time of its transition. Licensee seeks the Commission's recognition of its revised multi-host arrangements simply to provide needed clarity (1) that the hosting arrangements do not implicate the broadcast ownership rules, and (2) that KONG, as the originator of each multicast stream at issue, and "not the host, would be the sole party responsible for ensuring compliance with statutory and regulatory requirements regarding hosted multicast streams."¹⁶

Licensee notes that KONG fulfills all of its children's programming requirements by airing core E/I programming on the station's primary stream. KONG does not, and does not intend to, rely on any programming broadcast on any of its multicast streams for compliance with the Commission's children's programming requirements.

Licensee will continue to coordinate with MVPDs in the Seattle-Tacoma DMA that carry KONG's program streams to confirm these MVPDs will continue to receive a good-quality signal over-the-air or, if necessary, by alternative delivery methods.

For the reasons set forth above, the Commission should grant forthwith Licensee's request to revise its Special Temporary Authority, to the extent required, to broadcast its ATSC 1.0-formatted multicast channels via the facilities KZJO and KCPQ as described herein.

¹⁵ National Association of Broadcasters, "Petition for Declaratory Ruling and Petition for Rulemaking," GN Docket No. 16-142, at 6 (filed Nov. 9, 2020) ("NAB Petition").

¹⁶ See *id.*