

# **Request for Special Authority**

**WRBW**

**April 23, 2021**

Fox Television Stations, LLC (“FTS”), licensee of WRBW, Orlando Florida (Facility ID 54940) (“Station”) hereby requests special temporary authority in connection with the deployment of the Station as a NextGen TV broadcast facility in the Orlando market, which is scheduled to launch on June 22, 2021.

Specifically, FTS requests special temporary authority to air the Station’s non-primary multicast streams using the ATSC 1.0 standards, with no ATSC 3.0 simulcast, on WFTV (Facility ID 72076) and WRDQ (Facility ID 55454), Orlando Florida, licensed to WFTC, LLC (a subsidiary of Cox) (herein “Cox Stations”), and WKMG-TV (Facility ID 72193 ), Orlando, Florida, licensed to Graham, Media Group, Orlando, Inc. (“Graham Station”), for purposes of confirming and clarifying that:

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

As indicated in the Station’s NextGen TV license application, which FTS is simultaneously filing herewith, FTS plans to operate the Station’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, to simulcast the Station’s primary programming stream in the ATSC 1.0 standard as a guest on WOFL (Facility ID 41225).<sup>1</sup>

In addition to its primary programming stream, the Station broadcasts three non-primary multicast streams: Heroes & Icons, Movies!, and TheGrio-TV. In order to avoid the loss of the Station’s over-the-air non-primary multicast streams to its ATSC 1.0 viewers, FTS is entering into written hosting agreements with the Cox Stations and the Graham Station to broadcast those streams using the ATSC 1.0 facilities of the Cox Stations and the Graham Station respectively. As part of that same arrangement, FTS will provide the Cox Stations and the Graham Station capacity as ATSC 3.0 guest stations on the Station’s ATSC 3.0 facility.

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<sup>1</sup> WOFL is also owned by Fox Television Stations, LLC and is a FOX O&O network station. The Station is a MyNetworkTV network station.

Due to ATSC 1.0 capacity constraints, the Station is not able to air its nonprimary multicast streams on the same host station (WOFL) as its primary ATSC 1.0 programming stream. 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 the Station's ATSC 3.0 facility to simulcast the Station'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 transitioning to ATSC 3.0. The Station's ATSC 3.0 facility is hosting five NextGen TV stations – the Station, WOFL, the Cox Stations and the Graham Station. Simulcasting the Station'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 be 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 require a portion of the ATSC 3.0 capacity that would be unavailable were the Station's ATSC 3.0 facility to simulcast the Station'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 the Station'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 hosting arrangements with the Cox Stations and the Graham Station will enable FTS to continue providing these streams in the Orlando market. As shown in the composite coverage maps attached below, more than 98 percent of the viewers that currently receive the Station's non-primary multicast streams over-the-air from the Station's ATSC 1.0 current facility will retain access to the Station's multicast streams from the Cox Stations, and 96 percent of Station's ATSC 1.0 viewers will retain access to the Station's multicast stream from the Graham Station's ATSC 1.0 facilities, which, in each case, will also continue to serve the Station's community of license. Absent this arrangement, and without the clarity that a grant of the instant request for special temporary authority would provide, FTS may not be able to continue to provide the Station's non-primary multicast streams over-the-air, which would request in a complete loss of service to all of the over-the-air viewers of these streams.

FTS has provided notice to the relevant MVPDs, of its plan to relocate its ATSC 1.0 non-primary multicast streams to other stations in the market when it provided the requisite notices regarding the relocation of the Station's ATSC 1.0 primary programming stream.<sup>2</sup> FTS will coordinate

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<sup>2</sup> The original MVPD notifications were sent on December 7, 2020. Due to equipment issues, the planned March 9, 2021 launch date was postponed until June. We sent subsequent notice to the MVPDs that we would be delayed and noted that we would provide additional information regarding the non-primary multicast streams. As the market plan has just been finalized to include a June 22, 2021 launch of a second ATSC 3.0 station (WESH), simultaneous to this filing we will be updating the MVPDs with the final Station configuration for the coordinated market launch.

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. FTS does not expect there to be any adverse impact on MVPD viewers.

The Station will also air 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 the Station's ATSC 1.0 programming streams. In order to alleviate any viewer confusion, the PSIP (virtual) channels for each of the Station's program streams will remain unchanged and are identified as being associated with the Station.

FTS'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 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>3</sup>

FTS's request herein to clarify that the Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations, is consistent with the arrangements between FTS and each of the Cox Stations and the Graham Station, in connection with which FTS will indemnify the Cox Stations and the Graham Station from all liabilities or claims resulting from the airing of the Station's non-primary streams over their ATSC 1.0 facilities.

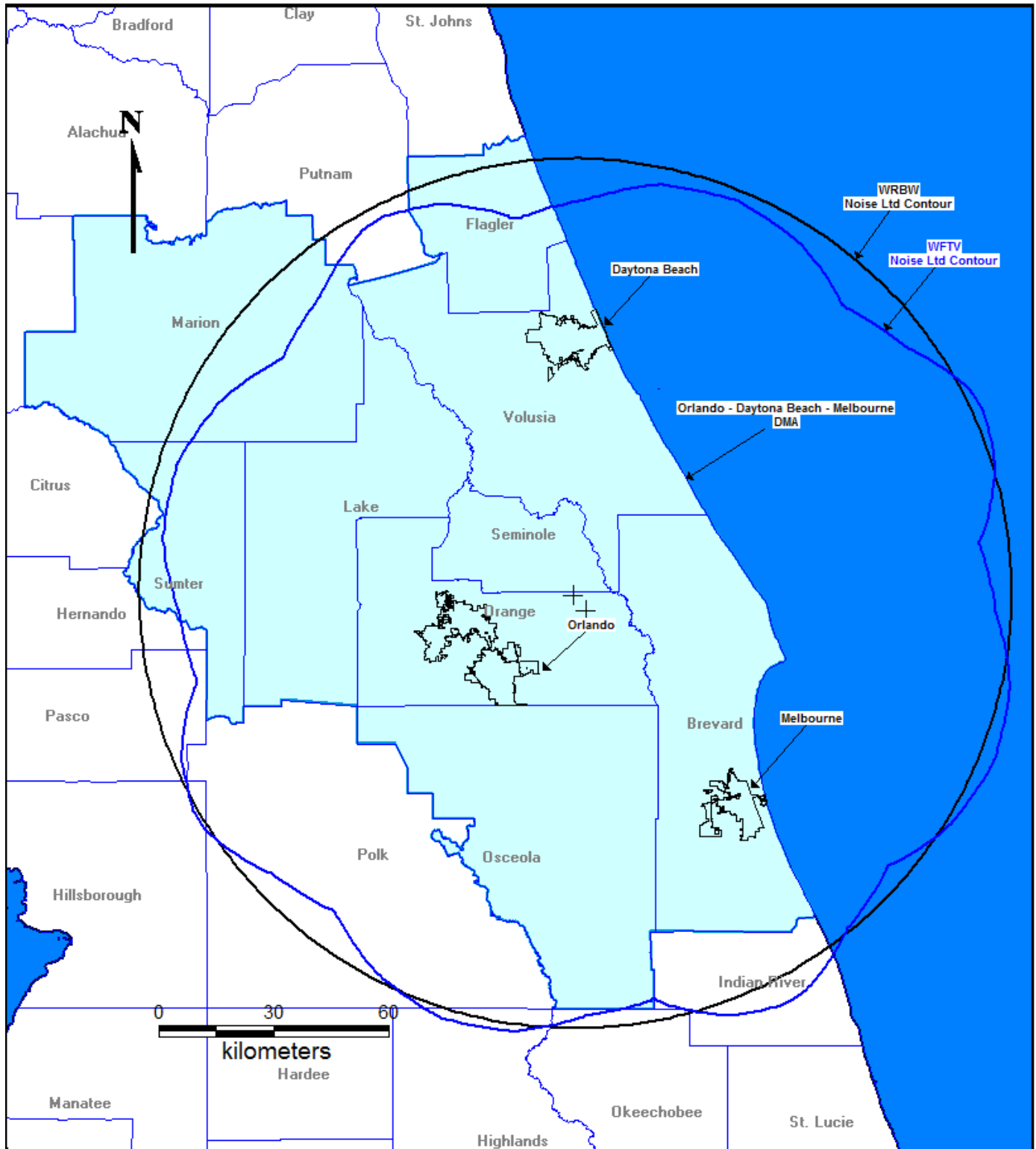
FTS understands that grant of the instant request will make clear that FTS is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to the Station's non-primary multicast streams, including the Commission's rules regarding political broadcasting, 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, the Station schedules two hours per week of core programming on its simulcast primary programming stream, and thus intends to rely on its non-primary multicast streams for compliance with the Commission's television programming requirements.

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 NextGen deployment, and promote the continued over-the-air transmission of the Station's non-primary multicast streams in the ATSC 1.0 standard.

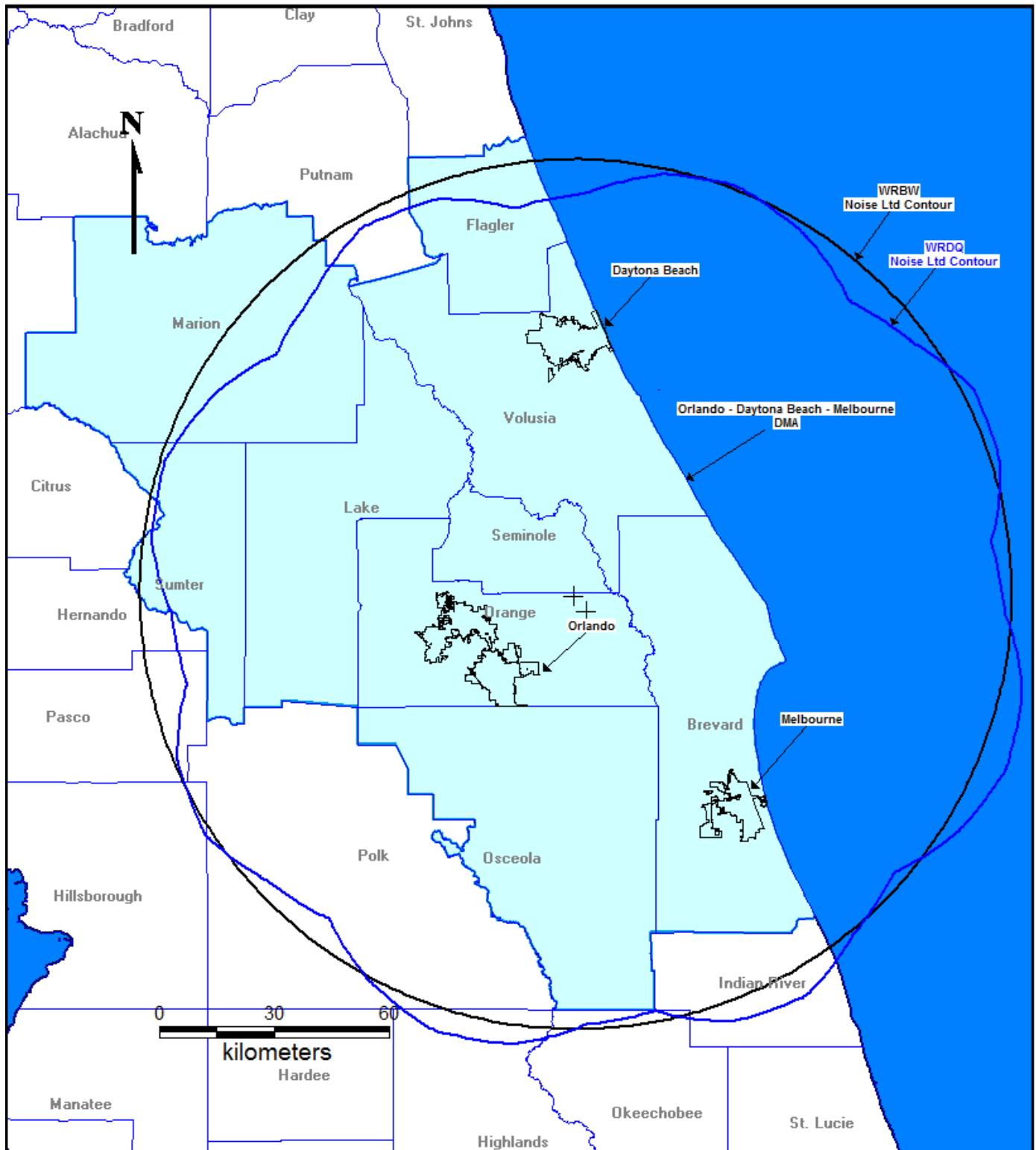
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<sup>3</sup> *Next Gen TV Report and Order*, 32 FCC Rcd at 9972, para. 80, n.237. See also *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-73, para. 15 (rel. Jun. 9, 2020).

**Coverage Contour Comparison**  
**Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan**  
**WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT**  
**WFTV, Ch. 35, Orlando, FL, 1000kW ERP, Directional, 489m HAAT**



**Coverage Contour Comparison**  
**Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan**  
**WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT**  
**WRDQ, Ch. 27, Orlando, FL, 1000kW ERP, Directional, 490m HAAT**



**Coverage Contour Comparison**  
**Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan**  
**WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT**  
**WKMG-TV, Ch. 26, Orlando, FL, 1000kW ERP, Directional, 515.4m HAAT**

