

Request for Special Temporary Authority

Hearst Properties Inc. (“Hearst”), licensee of WESH(DT), Daytona Beach, FL (Facility ID No. 25738) (“WESH”), hereby requests special temporary authority in connection with the deployment of WESH as a NextGen TV broadcast facility in the Orlando-Daytona Beach-Melbourne market, which is scheduled to launch on June 22, 2021.

Specifically, Hearst hereby requests special temporary authority to air WESH’s non-primary MeTV multicast stream using the ATSC 1.0 standard, with no ATSC 3.0 simulcast, on WKCF(DT), Clermont, FL (FCC Facility ID Number 53465) (WKCF), which is also licensed to Hearst, for purposes of confirming and clarifying that the MeTV multicast stream is WESH’s FCC-authorized programming stream. Clarification with respect to the applicability of the broadcast ownership rules and FCC compliance responsibility is not necessary as a practical matter with respect to the instant request given that Hearst owns and is the licensee of both WESH and WKCF. However, clarification that the subject multicast stream is WESH’s FCC-authorized programming stream may be pertinent to certain contractual relationships.

As indicated in WESH’s NextGen TV license granted on May 6, 2021, in FCC File No. 0000143773, Hearst plans to operate WESH’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, to simulcast WESH’s primary programming stream in the ATSC 1.0 standard as a guest on WKCF.

In addition to its primary programming stream (which is affiliated with NBC), WESH currently broadcasts one non-primary multicast stream—MeTV. Hearst also plans to broadcast WESH’s MeTV stream in the ATSC 1.0 standard as a guest on WKCF.

However, 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 WESH’s ATSC 3.0 facility to simulcast WESH’s MeTV stream 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. WESH’s ATSC 3.0 facility will be hosting WESH, WKCF, and the University of Central Florida’s noncommercial television station WUCF-TV, Orlando, FL (FCC Facility ID Number 12855), and simulcasting WESH’s MeTV stream 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 WESH’s ATSC 3.0 facility to simulcast WESH’s MeTV stream in ATSC 3.0. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WESH’s MeTV multicast stream 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 arrangement will enable Hearst to continue providing its MeTV multicast stream in the Orlando market. As shown in WESH's NextGen TV license application in FCC File No. 0000143773, 97.4 percent of the total viewers who currently can receive WESH's MeTV multicast stream over-the-air from WESH's ATSC 1.0 current facility will be able to access to WESH's MeTV stream from WKCF's ATSC 1.0 facilities, which will also continue to serve WESH's community of license. Absent this arrangement, and without the clarity that a grant of the instant request for special temporary authority would provide, Hearst may not be able to continue to provide WESH's multicast stream over the air, which could result in a complete loss of service to all of the over-the-air viewers of this stream.

Hearst has provided notice to the relevant MVPDs of its plan to relocate its ATSC 1.0 MeTV stream to the WKCF ATSC 1.0 facilities in connection with the requisite notices regarding the relocation of WESH's ATSC 1.0 primary programming stream. Hearst will coordinate with potentially affected MVPDs as applicable to ensure they continue to receive a good quality signal of the MeTV multicast stream over-the-air or via alternative delivery methods. Hearst does not expect there to be any adverse impact on MVPD viewers.

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

Hearst understands that grant of the instant request will make clear that WESH is the station responsible for ensuring compliance with all statutory and regulatory requirements with regards to WESH's MeTV 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, WESH 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 MeTV multicast stream for compliance with the Commission's children's television programming requirements. Accordingly, WESH'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 MeTV stream from WKCF's ATSC 1.0 facilities.

For the foregoing reasons, Hearst respectfully requests special temporary authority to authorize WESH's broadcast of WESH's non-primary MeTV multicast stream on WKCF using the ATSC 1.0 standard, with no ATSC 3.0 simulcast.

Grant of this request for special temporary authority 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 WESH's non-primary multicast stream in the ATSC 1.0 standard.

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