

Request for Special Temporary Authority

WSOC Television, LLC (“CMG”), licensee of WAXN-TV, Kannapolis, North Carolina, hereby requests Special Temporary Authority (“STA”) as necessary to allow its current ATSC 1.0 multicast programming streams to be hosted on other stations in the Charlotte, North Carolina market. CMG requests authorization to allow WAXN-TV’s non-primary programming streams to be aired in an ATSC 1.0 format, with no ATSC 3.0 simulcast, on two other stations in the market, WSOC(TV) and WCNC(TV). CMG also requests that for purposes of enforcement and application of the Commission’s rules, WAXN-TV be treated as if it is airing the multicast streams over WSOC(TV) and WCNC(TV) and be the responsible party under the Act and Commission rules and regulations akin to the manner that the Commission treats ATSC 1.0 primary simulcast streams under the NextGen TV rules.

WAXN-TV proposes to serve as an ATSC 3.0 lighthouse station and transmit ATSC 3.0 programming streams for other in-market stations as well as for itself. In an application to transition to the ATSC 3.0 standard that is being filed contemporaneously herewith, WAXN-TV proposes to (1) transition its current primary ATSC 1.0 independent programming to WBTV(TV), owned by Gray Television Licensee, LLC and (2) commence ATSC 3.0 operations from its current facility. Additionally, to ensure no loss of over-the-air programming to the general public, CMG proposes to transition WAXN-TV’s three secondary/multicast program streams to two other stations in the market. Specifically, CMG will move two of WAXN-TV’s ATSC 1.0 subchannels – 64.2 Get TV and 64.3 Court TV Mystery – to WAXN-TV’s sister station, co-owned WSOC(TV), Charlotte, North Carolina. The third WAXN-TV ATSC 1.0 subchannel – 64.4 Laff – will be moved to WCNC(TV), Charlotte, North Carolina, which is owned by TEGNA, Inc. WSOC(TV) and WCNC(TV) will accommodate WAXN-TV’s three ATSC 1.0 programming streams along with their existing ATSC 1.0 primary and secondary multicast program streams. To comply with the Commission’s requirements, applications for WSOC(TV), WBTV(TV), WCNC(TV) and also WJZY-TV, owned by Nexstar Media, Inc., to be carried in 3.0 format on WAXN-TV are being filed contemporaneously with the WAXN-TV application and this STA request.

Because of ATSC 1.0 capacity constraints, WAXN-TV is not able to air its multicast streams on WBTV, its primary ATSC 1.0 simulcast host. Furthermore, due to ATSC 3.0

capacity and other constraints attendant with the multi-station coordination needed for a successful ATSC 3.0 deployment in Charlotte, it is not feasible for CMG to simulcast WAXN-TV's multicast streams in an ATSC 3.0 format without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations of transitioning to ATSC 3.0. Simulcasting those streams in ATSC 3.0 would reduce capacity available to NexGen stations for offering consumers the improved services that ATSC 3.0 enables. The types of services and improvements that would be precluded would include enhanced video feature 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 if WAXN-TV were to carry multicast program streams as the ATSC 3.0 lighthouse. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WAXN-TV's multicast streams in ATSC 3.0 and ATSC 1.0 formats. Obtaining, installing and testing that equipment would, at a minimum, delay rollout of ATSC 3.0 in the Charlotte market.

As discussed above, in order to minimize the loss of over-the-air programming to its current ATSC 1.0 viewers resulting from the station's transition to ATSC 3.0, CMG will transition WAXN-TV's three secondary/multicast program streams to two other stations in the market and maintain the PSIP virtual channels for those streams pursuant to Annex B.1.7 of ATSC A/321:2016 (as incorporated in the Commission's rules in Section 73.8000). WSOC(TV) and WCNC(TV) will accommodate WAXN-TV's three ATSC 1.0 multicast streams along with their existing ATSC 1.0 primary and secondary multicast program streams. For clarity, WAXN-TV's multicast streams will be hosted in 1.0 as follows:

Network	RF Channel of 1.0 Host(s)	Virtual Channel (No Change)
Get TV	19.3	64.2
Court TV Mystery	19.4	64.3
Laff	24.6	64.4

The hosting arrangements with WSOC(TV) and WCNC(TV) will serve the public interest by enabling over-the-air viewers to continue to have access to WAXN-TV's multicast streams. Absent the arrangements with WSOC(TV) and WCNC(TV), over-the-air viewers would lose access to WAXN-TV's multicast streams. Additionally, the arrangement preserves access to those WAXN-TV multicast streams for viewers who are receiving them via MVPDs.

As shown in the attached coverage maps, 100% of the viewers that currently receive WAXN-TV's Get TV and Court TV Mystery multicast streams over-the-air from the current WAXN-TV ATSC 1.0 facility will retain access to these multicast streams from WSOC(TV). Further, 99.68% of viewers with over-the-air reception will retain access to the multicast stream for Laff from WCNC(TV). In both cases, all of the WAXN-TV multicast streams will continue to serve the station's community of license. Absent these arrangements with WSOC(TV) and WCNC(TV), and without the clarity that a grant of the instant request for special temporary authority would provide, CMG may not be able to continue to provide WAXN-TV's non-primary multicast streams over-the-air, which would result in a complete loss of service to all of the over-the-air viewers of these streams.

Although CMG has agreed to indemnify TEGNA from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on CMG's program streams using WCNC(TV)'s facilities, CMG is requesting the instant authorization to make clear that CMG will remain responsible for the streams' compliance with the Communications Act and the Commission's rules and regulations. As discussed above, to alleviate any viewer confusion, the PSIP (virtual) channels for each of WAXN-TV's program streams will remain unchanged and will be identified as being associated with WAXN-TV. In addition, CMG confirms that WAXN-TV does not currently, and does not intend to, rely on its multicast streams for compliance with the Commission's Children's Television Programming requirements, as WAXN-TV averages at least three hours per week of core programming on its primary stream. As such, neither WAXN-TV's compliance with the Commission's Children's Television Programming requirements nor viewers' access to the station's required core programming will be affected by the proposed changes.

WAXN-TV 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 WAXN-TV's ATSC 1.0 programming streams. CMG also provided

notice to the relevant MVPDs of its proposed multicast ATSC 1.0 signal relocations when it provided the requisite notice regarding relocation of WAXN-TV's primary stream ATSC 1.0 signal.

To the extent necessary, CMG respectfully requests grant of this STA request to broadcast the WAXN-TV ATSC 1.0 multicast streams on host stations as described above. CMG also requests that the virtual channel mapping for the WAXN-TV ATSC 1.0 channel streams as described above appear on the face of any license(s) issued based on the instant application. Grant of this STA will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving WAXN-TV's ability to air each of its programming streams in the ATSC 1.0 format. It will also make clear that CMG's WAXN-TV is an authorized user of a portion of WSOC(TV) and WCNC(TV)'s channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.