

Request for Special Temporary Authority

Hearst Stations Inc. (“Hearst”), licensee of KQCA(DT), Stockton, CA (Facility ID No. 10242) (“KQCA”), hereby requests special temporary authority in connection with the deployment of KQCA as a NextGen TV broadcast facility in the Sacramento-Stockton-Modesto market, which is scheduled to launch on June 15, 2021.¹

Specifically, Hearst hereby requests special temporary authority to air KQCA’s non-primary multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast, on KCRA-TV, Sacramento, CA, (FCC Facility ID Number 33875) (“KCRA-TV”), which is also licensed to Hearst, and KTFK-DT, Stockton, CA (Facility ID No. 20871) (“KTFK”), which is licensed to Unimas Sacramento LLC (a subsidiary of Univision Communications, “Univision”), 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) the subject non-primary multicast streams are KQCA’s FCC-authorized programming streams and KQCA is considered the responsible station 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.²

As indicated in KQCA’s NextGen TV license granted on May 6, 2021, in FCC File No. 0000143769, Hearst plans to operate KQCA’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, to simulcast KQCA’s primary programming stream in the ATSC 1.0 standard as a guest on KCRA-TV.

In addition to its primary programming stream (which is affiliated with MyNetworkTV), KQCA currently broadcasts two non-primary multicast streams, Heroes & Icons and Estrella TV, and KQCA plans to commence a third non-primary multicast stream³ in the near future.

While Hearst plans to broadcast two of KQCA’s multicast streams using the ATSC 1.0 facility of co-owned KCRA-TV, because of ATSC 1.0 capacity constraints, KCRA-TV is not able

¹ The launch was originally scheduled for June 1, but has been moved to June 15, 2021.

² While 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 KCRA-TV given that Hearst owns both KCRA-TV and KQCA, clarification that the multicast streams are KQCA’s FCC-authorized programming streams may be pertinent to certain contractual relationships.

³ Information about the planned third non-primary multicast stream is currently confidential and proprietary. Hearst will provide this information if necessary to the Commission upon request, subject to Hearst’s right to ask that the information be held in confidence and not be made available for public inspection pursuant to applicable rules and policies of the Commission that restrict public access to confidential and proprietary information.

to broadcast all three of KQCA's non-primary multicast streams together with KQCA's primary ATSC 1.0 programming stream.⁴ Accordingly, Hearst is entering into a written hosting agreement with Univision to broadcast the Estrella TV multicast stream using the ATSC 1.0 facility of KTFK. KQCA's primary programming stream and three multicast streams, as broadcast on the ATSC 1.0 facilities of KCRA-TV and KTFK, in the aggregate, will not exceed the number of programming streams that KQCA could otherwise broadcast on KQCA's current ATSC 1.0 facility.

As among KQCA's three multicast streams, the Estrella TV stream is the best fit for KTFK to host because both KTFK, as a UniMás affiliate, and Estrella TV serve Spanish-language viewers. As part of the same arrangement, Hearst will provide Univision capacity for KTFK as an ATSC 3.0 guest station on KQCA's ATSC 3.0 facility.

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 KQCA's ATSC 3.0 facility to simulcast KQCA'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. KQCA's ATSC 3.0 facility will be hosting six NextGen TV stations (KQCA, KCRA, KTXL, KXTV, KOVR, and KTFK), and simulcasting KQCA'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 KQCA's ATSC 3.0 facility to simulcast KQCA'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 KQCA'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 will enable Hearst to continue providing its multicast streams in the Sacramento market. As shown in KQCA's NextGen TV license application in FCC File No. 0000143769, more than 100 of the total viewers who currently can receive KQCA's non-primary multicast streams over-the-air from KQCA's ATSC 1.0 current facility will be able to access to KQCA's Heroes & Icons stream and KQCA's new multicast stream from KCRA's ATSC 1.0 facilities. Further, as shown in the composite coverage map attached as Exhibit A, 99.5 percent of viewers within the Sacramento market, and nearly 70 percent of the total viewers, who currently can receive KQCA's Estrella TV non-primary multicast stream over-the-air from KQCA's ATSC 1.0 current facility will be able access to KQCA's Estrella TV stream from KTFK's ATSC 1.0 facilities, which will also continue to serve KQCA's community of license. As noted above, both KTFK and KQCA's Estrella TV stream serve Spanish-language viewers. Absent these arrangements, 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 KQCA's 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.

⁴ In addition to broadcasting KQCA's guest programming streams, KCRA-TV will continue to broadcast its NBC and MeTV programming streams.

Hearst has provided notice to the relevant MVPDs of its plan to relocate its ATSC 1.0 non-primary multicast streams to the KTFK and KCRA-TV ATSC 1.0 facilities in connection with the requisite notices regarding the relocation of KQCA'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 non-primary multicast streams over-the-air or via alternative delivery methods. Hearst does not expect there to be any adverse impact on MVPD viewers.

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

Hearst'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."⁵

Hearst's request herein to clarify that the non-primary multicast streams are KQCA's FCC-authorized programming streams and that KQCA is considered the responsible station for compliance with any obligations under the Communication Act of 1934, as amended, and the Commission's rules and regulations, is, with respect to KCRA, consistent with the fact that Hearst owns and is the licensee of both KQCA and KCRA, and with respect to KTFK, consistent with the arrangements between Hearst and Univision, in connection with which Hearst will indemnify Univision from all liabilities or claims resulting from the airing of KQCA's Estrella TV stream over KTFK's 1.0's facility.

Hearst understands that grant of the instant request will make clear that Hearst is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to KQCA's 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, KQCA 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, KQCA'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 multicast streams from KCRA's and KTFK's ATSC 1.0 facilities.

⁵ *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).

For the foregoing reasons, Hearst respectfully requests special temporary authority to authorize KQCA's broadcast of KQCA's non-primary multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast as follows:

- Estrella TV on KTFK's ATSC 1.0 facility;
- Heroes & Icons on KCRA's ATSC 1.0 facility; and
- New Multicast on KCRA's ATSC 1.0 facility.

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

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EXHIBIT A

(Attached)



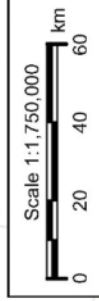
Chesapeake RF Consultants, LLC

Radiofrequency Consulting Engineers
Digital Television and Radio

KQCA Stockton, CA
KTFK-DT Stockton, CA
FCC Coverage Contours

prepared for
Hearst Stations Inc.

May, 2021



Population (2010 Census) Within FCC Contour (NLSQ)	Total	Within DMA
KQCA Ch. 23	9,676,976	3,875,940
KTFK-DT Ch. 26	6,825,106	3,899,926
KTFK-DT Overlap of KQCA	6,751,152	3,858,013
	(69.8% of KQCA)	(99.5% of KQCA)