

**Exhibit in Support of
Processing Pursuant To Rule 73.3801(f)(6)(iii)**

The University of North Carolina, licensee of WUNK-TV, Greenville, North Carolina (“applicant” or “PBS North Carolina”) files this exhibit in support of the instant application and under the Commission’s “case-by-case” processing standard for ATSC 3.0 applications that do not meet the 95% standard for expedited processing. 47 C.F.R. § 73.3801(f)(6)(iii)(B).

As set forth in the instant application, WUNK-TV’s primary programming stream will be simulcast in the ATSC 1.0 standard as a guest on commonly-owned WUNM-TV, Jacksonville, North Carolina (FCC Facility ID Number 69444). Both WUNM-TV and WUNK-TV are licensed to the applicant and are assigned to the same Designated Market Area (“DMA”) of Greenville – New Bern – Washington.

As demonstrated by the accompanying technical exhibit prepared by Chesapeake RF Consultants, LLC (“Chesapeake”),¹ the noise limited service contour (“NLSC”) of WUNM-TV’s ATSC 1.0 signal covers 997,843 (i.e., 53.5%) of the 1,866,448 predicted population covered by the NLSC of WUNK-TV’s ATSC 1.0 signal. Thus WUNM-TV, as the ATSC 1.0 simulcast host, does not on its own satisfy the 95% coverage standard for expedited processing of the instant application. See 47 C.F.R. §§ 73.3801(f)(6)(ii), (iii).

However, as explained in further detail below, due to the applicant’s statewide network of television stations, the entire population within WUNK-TV’s NLSC will continue to receive over-the-air access to the same ATSC 1.0 programming that will be provided in WUNK-TV’s ATSC 1.0 simulcast signal. Accordingly, the applicant requests grant of the accompanying application under the Commission’s case-by-case processing standard.

I. There Is No Other Possible ATSC 1.0 Host Station in the DMA

The applicant has explored hosting arrangements with other stations located within the same DMA (WCTI-TV, WYDO(DT), WNCT-TV, WITN-TV, and WEPX-TV). However, WUNM-TV is currently the best available option.

WCTI-TV, WYDO(DT), and WNCT-TV are each licensed to entities who are members of BitPath,² who in turn has indicated to the applicant that it is focusing on ATSC 3.0 deployments in the top 100 TV markets and therefore has no current plans for the Greenville – New Bern – Washington DMA. WITN-TV lacks sufficient bandwidth to host WUNK-TV’s ATSC 1.0 simulcast, given that WITN-TV currently carries 1 HD program stream and 5 SD program streams. And, the NLSC of the only other in-market station—WEPX-TV—reaches fewer members of

¹ The technical exhibit prepared by Chesapeake demonstrates each of the categories of information set out in 47 C.F.R. § 73.3801(f)(6), including a contour overlap map demonstrating areas of service loss.

² See *The BitPath Mission*, BitPath (2020), <https://www.bitpath.com/about/> (listing Sinclair and Nexstar as members and explaining plans for ATSC 3.0 rollout).

WUNK-TV's service population than that of WUNM-TV, thus making WUNM-TV the superior simulcast host.

In short, there are no other "possible host station(s) in the market that would result in less service loss to existing viewers," thus making WUNM-TV the best available simulcast host. See 47 C.F.R. § 73.3801(f)(6)(iii)(A)(1) (emphasis added).

II. There Will Be No Practical Impact of the Service Loss Because Viewers in the Loss Area Will Continue To Receive WUNK-TV's ATSC 3.0 Programming From the Applicant's Other Stations

WUNK-TV and WUNM-TV are only two of PBS North Carolina's 12 full power TV stations (and approximately two-dozen TV translator stations) that broadcast PBS North Carolina's programming across the state of North Carolina. Each of PBS North Carolina's 12 full power TV stations broadcasts the same program services.³ And—as demonstrated by the second page of the Chesapeake Exhibit—the signals of several of those full power TV stations⁴ sufficiently overlap to ensure that PBS North Carolina's ATSC 1.0 programming will continue to be received over-the-air by 100% of WUNK-TV's existing service population. Indeed, viewers will have access to multiple ATSC 1.0 signals carrying PBS North Carolina's programming that is the same as WUNK-TV's ATSC 1.0 programming throughout the limited area where WUNM-TV's ATSC 1.0 simulcast will not reach.⁵ Accordingly, there will be no practical impact of the service loss because the same programming will continue to be available to ATSC 1.0 over-the-air viewers.

III. Grant of This Application Is in the Public Interest

The benefits of granting this application far outweigh any potential harms, thus making a grant in the public interest. See 47 C.F.R. § 73.3801(f)(6)(iii)(A)(3). As an initial matter, and as demonstrated above, the harm to existing viewers is negligible given that WUNK-TV's entire over-the-air viewing population will continue to have access to the same free, over-the-air, ATSC 1.0 programming via multiple other full power TV stations licensed to the applicant. And because those multiple other full power TV stations are also licensed to the applicant, service disruptions are only likely to occur in the event of unavoidable technical issues, rather than due to any

³ See, e.g., *Schedule, Tune In or Stream Statewide*, PBS North Carolina (last visited Mar. 29, 2021), https://dlqbemlbhjecig.cloudfront.net/prod/filer_public/unctv/PBSNC-Main/9613a5dfca_2021_PBSNC_Channel%20Locations.pdf.

⁴ Those additional applicant-licensed stations are: (1) WUNJ-TV, Wilmington, North Carolina (FCC Facility ID Number 69332); (2) WUNC-TV, Chapel Hill, North Carolina (FCC Facility ID Number 69080); (3) WUNU(DT), Lumberton, North Carolina (FCC Facility ID Number 69416); (4) WUNP-TV, Roanoke Rapids, North Carolina (FCC Facility ID 69397); and (5) WUND-TV, Edenton, North Carolina (FCC Facility ID 69292).

⁵ The second page of the Chesapeake Exhibit shows that the following station pairings provide overlapping coverage throughout the majority of the limited area within WUNK-TV's NLSC where the WUNM-TV simulcast will not reach: (1) WUND-TV and WUNP-TV; (2) WUNP-TV and WUNC-TV; and (3) WUNC-TV and WUNU.

uncertainty that might result were the stations licensed to different entities. At the same time, the benefits that would flow from granting this application are significant. As previously noted, three of the stations that might otherwise be most likely to deploy ATSC 3.0 service to viewers within WUNK-TV's NSLC have affirmatively indicated to the applicant that they have no current plans to deploy ATSC 3.0 service in the market. Accordingly, without WUNK-TV's proposed 3.0 deployment the Greenville – New Bern – Washington DMA might not receive ATSC 3.0 services for some time (if at all). Further, PBS North Carolina's extensive broadcasting experience, NCE status, North Carolina focus, and commitment to ATSC 3.0 development⁶ all militate in favor of granting this application. The licensee fully intends to use ATSC 3.0 to enhance localism and further the applicant's NCE vision and mission: to "spark lifelong curiosity and wonder, empower [North Carolina] communities and enrich the lives of all North Carolinians" and to "[p]rovide transformational experiences and trusted content to educate, inform, entertain and inspire the people of North Carolina."⁷

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In sum, although the applicant's local simulcast host—WUNM-TV—will not on its own be able to satisfy the 95% coverage standard for expedited processing of the instant application, WUNM-TV is the best available simulcast host, 100% of WUNK-TV's current service population will continue to receive the same OTA ATSC 1.0 programming provided by PBS North Carolina's statewide network of television stations, and granting this application would be in the public interest given that the harms are negligible and the benefits are significant.

For the foregoing reasons, the applicant respectfully requests the grant of the instant application to authorize WUNK-TV to commence broadcasting with an ATSC 3.0 signal.

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⁶ PBS North Carolina was recently granted authority to begin ATSC 3.0 broadcasting on WUNC-TV, which serves North Carolina's Triangle region and educational and business hub. *See* LMS File No. 0000138116.

⁷ *See, e.g., About*, PBS North Carolina (2021) (further noting that PBS North Carolina is "North Carolina's only statewide public media network"), <https://www.pbsnc.org/about/>.