

**Venture Technologies Group, LLC
KBKF-LD (Facility ID 127882), San Jose, CA**

Request for Engineering STA

Venture Technologies Group, LLC (“Licensee”), licensee of LPTV station KBKF-LD, San Jose, CA (FID 127882) (the “Station”), hereby requests, to the extent necessary, special temporary authority to operate an analog FM audio carrier as an ancillary or supplementary service within the Station’s assigned digital channel frequencies while the current rulemaking on this issue remains pending.

In its October 2014 *LPTV Third NPRM*, the Commission asked, among other things, “whether to allow LPTV stations on digital television channel 6 (82- 88 MHz) to operate analog FM radio-type services on an ancillary or supplementary basis pursuant to section 73.624(c) of the rules.”¹ Although the record developed in response to the NPRM overwhelmingly supported this approach, the agency took no action in its *Third Report and Order and Fourth Notice of Proposed Rulemaking*, declaring in a footnote: “We intend to issue a decision on whether to permit digital LPTV stations to operate analog FM radio type services on an ancillary or supplementary basis at a later date.”² The Commission refreshed the record in 2020, but has yet to issue a decision.

The Licensee believes that under the FCC’s existing rules, it is permitted to offer an audio signal available at 87.7 FM on an ancillary or supplementary basis. *See* 47 C.F.R. § 73.624(c) (permitting DTV stations to use spectrum “to offer services of any nature, consistent with the public interest, convenience, and necessity, on an ancillary or supplementary basis” provided that such services “do not derogate DTV broadcast stations’ obligations” to offer at least one over-the-air video stream at no direct charge to viewers); 47 C.F.R. § 74.790(i) (incorporating Section 73.624(c) for digital LPTV stations).³ Nevertheless, out of an abundance of caution, it requests Special Temporary Authority *nunc pro tunc* to offer an analog FM audio stream on an ancillary or supplementary basis.

¹ *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement*, Third Notice of Proposed Rulemaking, 29 FCC Rcd. 12536 ¶ 47 (2014).

² *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement*, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd. 14927 ¶ 4 n. 12 (2015).

³ Section 73.624(c) specifically authorizes the provision of ancillary or supplementary “aural messages” and “audio signals” on a broadcast, point-to-point, or point-to-multipoint basis. 47 C.F.R. § 73.624(c).

As permitted under the ATSC A/322 standard, the Station's ATSC 3.0 signal is configured to occupy 5.509 MHz of the Station's digital channel.⁴ The Station uses this signal to transmit video programming originated locally in Santa Clara, California, at no direct charge to viewers. This video programming can be satisfactorily viewed on consumer receiving equipment based on the ATSC 3.0 standard. *See* 47 C.F.R. § 74.795(b); 47 C.F.R. § 73.790(g)(3).⁵ The ancillary or supplementary audio signal occupies a portion of the remaining bandwidth assigned to the Station as part of its DTV channel. The audio signal does not derogate the Station's obligations under Section 74.790(g)(3) of the FCC's Rules, 47 C.F.R. § 74.790(g)(3).

The Station utilizes a complete transmitter system designed by Broadcast Engineering/Elenos and SYES with a single transmission line and the antenna system set forth in the Station's license. The Licensee provided notice to all potentially affected channel 5, channel 6, 87.7 FM, and 88.1 FM stations in San Jose-San Francisco-Oakland and adjoining DMAs that it was beginning digital service with ATSC 3.0 video and an ancillary audio signal. In the more than three months since KBKF-LD commenced operations with this configuration, no station has reported any interference or other issues to the Licensee. Should any unexpected interference occur, the Licensee will promptly take remedial action, including termination of all or part of the Station's signal, if necessary.

⁴ *See* 47 C.F.R. § 73.682(f) (permitting operations that comply with the standards set forth in ATSC A/322:2017); Advanced Television Systems Committee, *ATSC Standard: Physical Layer Protocol (A/322)* 69, Table 7.1 (June 6, 2017).

⁵ Although Section 74.795(b) references the DTV standard in Section 73.682(d), Section 73.682(f) permits the use of ATSC 3.0 "[a]s an alternative to broadcasting only an ATSC 1.0 signal," 47 C.F.R. § 73.682(f), and Section 74.782 permits LPTV stations to operate exclusively using the ATSC 3.0 standard, *id.* § 74.782(c).