

Request for Special Authority

Amended Narrative

KTXH

November 16, 2021

Fox Television Stations, LLC (“FTS”), licensee of KTXH, Houston, Texas (Facility ID 51569) (“Station”) hereby requests special temporary authority in connection with the deployment of the Station as a NextGen TV broadcast facility in the Houston market, which is scheduled to launch on December 2, 2021.

Specifically, FTS requests special temporary authority to air the Station’s non-primary multicast streams using the ATSC 1.0 standards, with no ATSC 3.0 simulcast, on (1) KRIV, Houston, Texas (Facility ID 22204); (2) KXLN-DT (Facility ID 53847), Rosenberg, Texas, licensed to KXLN License Partnership, L.P., KFTH-DT (Facility ID 60537), Alvin, Texas, licensed to Unimas Houston LLC (subsidiaries of Univision) (herein “Univision Stations”); and (3) KTRK-TV (Facility ID 35675), Houston, Texas, licensed to KTRK Television, Inc. (a subsidiary of ABC) (“ABC Station”), for purposes of confirming and clarifying that:

- (1) The broadcast ownership rules do not apply to the extent this arrangement would otherwise be in potential violation of those rules; and
- (2) The Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations in the same matter as an ATSC 1.0 primary simulcast stream is treated under the Commission’s ATSC 3.0 rules and regulations.

As indicated in the Station’s NextGen TV license application, which FTS is simultaneously filing herewith, FTS plans to operate the Station’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, to simulcast the Station’s primary programming stream in the ATSC 1.0 standard as a guest on KRIV (Facility ID 22204).¹

In addition to its primary programming stream, the Station broadcasts three non-primary multicast streams: TheGrio-TV, Movies! and Buzzr, and is planning on launching an additional multicast stream (“Weather”) in early 2022. In order to avoid the loss of the Station’s over-the-air non-primary multicast streams to its ATSC 1.0 viewers, KRIV will host TheGrio-TV and FTS is entering into written hosting agreements with the Univision Stations and the ABC Station

¹ KRIV is also owned by Fox Television Stations, LLC and is a FOX O&O network station.

to broadcast those streams using the ATSC 1.0 facilities of the Univision Stations and the ABC Station respectively.

KTXH's 1.0 multicast streams will be relocated to the following stations as describe below:

Multicast Stream	Multicast Host Station	Facility ID	Licensee/Affiliate	Virtual Channel Position
Movies!	KXLN-DT	53847	Univision	20.2
The Grio TV	KRIV	22204	FTS/Fox	20.3
Buzzr	KTRK-TV	35675	ABC	20.4
Weather (2022)	KFTH-DT	60537	Univision/Unimas	20.5

As part of that same arrangement, FTS will provide the Univision Stations and the ABC Station capacity as ATSC 3.0 guest stations on the Station's ATSC 3.0 facility.

Due to ATSC 1.0 capacity constraints, the Station is not able to air it's nonprimary multicast streams on the same host station (KTXH) as its primary ATSC 1.0 programming stream. 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 the Station's ATSC 3.0 facility to simulcast the Station'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 transitioning to ATSC 3.0. The Station's ATSC 3.0 facility is hosting five NextGen TV stations – the Station, KRIV, the Univision Stations and the ABC Station. Simulcasting the Station'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 be 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 require a portion of the ATSC 3.0 capacity that would be unavailable were the Station's ATSC 3.0 facility to simulcast the Station'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 the Station'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 hosting arrangements with KRIV, the Univision Stations and the ABC Station will enable FTS to continue providing these streams in the Houston market. As shown in the composite coverage maps attached below, more than 99% percent of the viewers that currently receive the Station's non-primary multicast streams over-the-air from the Station's ATSC 1.0 current facility will retain access to the Station's multicast streams from KRIV, more than 99% percent of the viewers that currently receive the Station's non-primary

multicast streams over-the-air will retain access to the Station's multicast streams from the Univision Stations' ATSC 1.0 facilities, and more than 99% percent of the Station's ATSC 1.0 viewers will retain access to the Station's multicast stream from the ABC Station's ATSC 1.0 facilities, which, in each case, will also continue to serve the Station's community of license. Absent this arrangement, and without the clarity that a grant of the instant request for special temporary authority would provide, FTS may not be able to continue to provide the Station's non-primary multicast streams over-the-air, which would request in a complete loss of service to all of the over-the-air viewers of these streams.

FTS has provided notice to the relevant MVPDs, of its plan to relocate its ATSC 1.0 non-primary multicast streams to other stations in the market when it provided the requisite notices regarding the relocation of the Station's ATSC 1.0 primary programming stream.² FTS 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. FTS does not expect there to be any adverse impact on MVPD viewers.

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

FTS'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 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."³

FTS's request herein to clarify that the Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations, is consistent with the arrangements between FTS and each of the Univision Stations and the ABC Station, in connection with which FTS will indemnify the Univision Stations and the ABC Station from all liabilities or claims resulting from the airing of the Station's non-primary streams over their ATSC 1.0 facilities.

FTS understands that grant of the instant request will make clear that FTS is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to the Station's non-primary multicast streams, including the Commission's rules regarding political broadcasting, children's programming, equal employment opportunities, public

² The MVPD notifications were sent on August 12, 2021. We will be sending an additional notice regarding the multicast configuration on or about November 8, 2021.

³ *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).

inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System. With respect to children's programming, the Station schedules one hour per week of regularly scheduled children's core programming and at least 52 hours per year of nonregularly scheduled core programming on its primary programming stream, and thus intends to rely on its non-primary multicast streams for its second hour per week of regularly scheduled core programming in order to comply with the Commission's television programming requirements.⁴

Grant of this STA request 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 NextGen deployment, and promote the continued over-the-air transmission of the Station's non-primary multicast streams in the ATSC 1.0 standard.

⁴ See 47 CFR §73.671(d). In its 2020 Children's Television Programming Report (File Number 0000131149), the Station elected to report under Category A, Option 2. The Station has elected the same category for the 2021 calendar year. The Station reports all core programming aired on multicast streams, even though only one hour per week qualifies towards the safe harbor processing guidelines.

