

George S. Flinn, Jr.
WPGF-LD, Memphis, TN (Facility ID 23848)
Request for Engineering STA

George S. Flinn, Jr. (“Flinn” or “Licensee”), licensee of LPTV station WPGF-LD, Memphis, Tennessee (Facility ID 23848) (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. Prior to July 13, 2021, the licensee programmed the Station as a radio station.¹

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.”²

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.”³

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 87.75 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

¹ See, NPRM, 29 FCC Rcd at 12554, para. 47.

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 Notice of Proposed Rulemaking, 29 FCC Rcd. 12536 ¶ 47 (2014).

³ 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).

viewers); 47 C.F.R. § 74.790(i) (incorporating Section 73.624(c) for digital LPTV stations).⁴ Nevertheless, out of an abundance of caution, it requests special temporary authority to offer an analog FM audio stream on an ancillary or supplementary basis.⁵

Technical Configuration and Interference Statement

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.⁶ 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. Since the Station began operating with this configuration, the Licensee has not received any complaints about interference. 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.

Video Programming Statement

The Licensee commits that while it is operating pursuant to the instant STA, it will continue to make efficient use of the ATSC 3.0 video portion of the Station's signal. The Station will provide at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24x7) basis. The Station's current 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).⁷

⁴ 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).

⁵ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Venture Technologies Group, LLC, LMS File No. 0000147729 (June 10, 2021) (granting engineering STA for ancillary or supplementary analog audio service).

⁶ 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).

⁷ 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).

Summary

Consistent with Engineering STAs recently granted by the FCC,⁸ Flinn requests an STA to operate an analog FM audio carrier as an ancillary or supplementary service within Station's assigned digital channel frequencies (FM6 operations). Flinn agrees to the conditions previously set forth in those STAs, i.e.:

1. FM6 operations may only be conducted on 87.75 MHz.
2. The STA will be issued on a non-interference basis and may be immediately modified or terminated if the operation causes interference to any other licensed user, including but not limited to broadcast television or radio users, or if Flinn fails to comply with any conditions of grant. Pursuant to Section 73.1635(b) of the rules, the Video Division, without the consent of Flinn, may also modify the terms of or terminate the authorization for any other reason upon written notice to Flinn.
3. WPGF-LD's audio and video coverage must reach similar populations.
4. Flinn shall submit written reports, 90 days from the date of STA grant letter and then again 180 days from the date of that letter, detailing any reports of interference to other licensed users it has received and any interference between WPGF-LD's video and audio services that in any way limits the coverage of its video. Such reports must also include a demonstration that WPGF-LD's audio and video coverage reach similar populations.
5. During the term of the STA, WPGF-LD will provide at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24x7) basis.
6. During the term of the STA, the technical facilities of WPGF-LD may not be modified.
7. During the term of the STA, the license of WPGF-LD may not be assigned or transferred.

⁸ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Signal Above, LLC, LMS File No. 0000166143 (November 5, 2021) (granting engineering STA for ancillary or supplementary analog audio service).