

Obidia Porras
KGHD FI130027
Las Vegas, NV
Engineering STA Application

The within named applicant (the “Station”), hereby requests 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 inquired, 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 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 herewith asserts 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

Nonetheless and 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. 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 of public interest, 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 with a single transmission line and the antenna system set forth in the Station's application and underlying permit. The Licensee shall provide notice to all potentially affected channel 5, channel 6, 87.7 FM, and 88.1 FM stations in the Las Vegas and nearby adjoining DMAs that it will offer digital service with ATSC 3.0 video and an ancillary audio signal. Should any unexpected interference occur, the Licensee will promptly take remedial action, including termination of all or part of the Station's signal as necessary.

Video Programming Statement: Applicant states that while it is operating pursuant to the Special Temporary Authority requested herein, it will continue to make efficient use of the ATSC 3.0 video portion of the Station's signal. To satisfy this commitment, KGHD 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 (24h x 7d) basis 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).⁶

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).

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).

⁶ 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).

Obidias Porras affirms the following conditions:

FM6 operations will be conducted on 87.75 MHz.

STA operated on a non-interference basis to broadcast television and radio users.

KGHD's audio and video coverage reach similar populations.

Porras will submit written reports, 90 days and again 180 days from grant detailing any reports of interference to other licensed users and any interference between KGHD's video and audio services that in any way limits the coverage of its video.

During the term of this STA, KGHD 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.

During the term of this STA, the technical facilities of KGHD will not be modified.

During the term of this STA, the license of KGHD may not be assigned or transferred.

KGHD License Filings Nex Gen ATSC 3.0 File # 0000179237.

Respectfully submitted,

Susan Hansen

Consultant

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