

Request for Renewal of Special Temporary Authority

ATSC 1.0 Multicast

KSMO-TV, Kansas City, Missouri (FID 33336)

Gray Television Licensee, LLC (“Gray”), licensee of KSMO-TV, Kansas City, Missouri (FID 33336) (“Station”) hereby requests renewal of its special temporary authority (“STA”) to allow the broadcast of the Station’s multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast. (See File No. 0000153305).

As approved in its Modification to License (Next Gen), granted on August 23, 2021 (File No. 0000153303), the Station operates using the ATSC 3.0 standard. The Station’s primary programming stream is simulcast in the ATSC 1.0 standard on co-owned station KCTV(TV) (FID 41230).

In addition to its primary programming stream, the Station broadcasts four multicast streams. These streams currently broadcast The Grio, DABL, COZI TV and Circle programming. While the programming content may change from time-to-time, in order to avoid the loss of the Station’s over-the-air non-primary multicast streams to ATSC 1.0 viewers, Gray has agreements with the ATSC 1.0 Hosting Stations to broadcast those streams using those station’s ATSC 1.0 facilities.¹ As part of this same arrangement, Gray provides the ATSC 1.0 Hosting Stations with capacity as ATSC 3.0 guest stations on the Station’s ATSC 3.0 facility.

KSMO’s multicast streams will air in ATSC 1.0 as follows:

Stream	ATSC 1.0 Hosting Stations	Channel position
The Grio	KMBC(TV)	62.2
DABL	KMBC(TV)	62.3
COZI TV	KCWE(TV)	62.4
Comet ²	KCWE(TV)	62.5

The hosting arrangements with the ATSC 1.0 Hosting Stations have allowed Gray to continue offering these multicast streams in the Kansas City, MO market. As shown in the composite coverage maps attached to this request, 99.98 percent of the viewers that currently receive the Station’s 62.2 and 62.3 multicast streams over-the-air from the Station’s ATSC 1.0 current facility will retain access to this programming from KMBC(TV). Additionally, 99.8 percent of the viewers that currently receive the Station’s 62.4 and 62.5 multicast streams over the air, will continue to receive this programming from KCWE(TV). And, in each case, these programming streams will continue to serve the Station’s community of license.

Additionally, the arrangements will preserve access to the Station’s multicast streams for viewers who are receiving them via MVPDs. Gray provided the requisite notice to MVPDs regarding relocation of the Station’s primary ATSC 1.0 stream and its non-primary multicast streams. Gray will work with all impacted MVPDs to ensure that they continue to receive a good quality signal of the non-primary multicast streams, whether that be over-the-air or via alternate delivery methods. The Station also aired public service announcements to inform viewers of this transition and of the need for viewers to rescan their televisions after the transition date in order to maintain over-the-air access to the Station’s program streams in the current format.

¹ Gray acquired the Station from Meredith Corporation effective December 1, 2021. Gray has assumed the relevant hosting agreements referenced in this request.

² The programming on 62.5 will change from Circle to Comet on May 1, 2022.

In its November 5, 2021 Second Further Notice of Proposed Rulemaking, the Commission recognized that its “existing rules do not address the licensing of multicast streams” but that “a Next Gen TV broadcaster that has converted or is seeking to convert its facility to 3.0 can seek special temporary authority (STA) to air 1.0 multicast streams on a host station.” As the Commission further explained, “these STAs permit a guest multicast stream to be treated as if it originated from the Next Gen TV broadcaster’s facility, as opposed to the host station’s facility, for purposes of the Commission’s rules and the Communications Act.”

Consistent with the FCC’s proposal in the Second FNPRM, Gray’s use of multiple ATSC 1.0 hosts will allow it to maintain existing service to viewers without burdening any party. Gray acknowledges that the use of multiple ATSC 1.0 hosts does not create any new carriage rights for its multicast streams. Gray seeks the Commission’s recognition of its proposed multi-host arrangements simply to provide needed clarity: (1) that the hosting arrangements do not implicate the broadcast ownership rules, and (2) that the Station, as the originator of each multicast stream at issue, is “responsible for regulatory compliance regarding the multicast stream being aired on a host station.”

Gray understands that renewal of this STA will make clear that Gray 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, captioning, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.

The Station complies with its children’s programming obligations by scheduling two hours per week of core programming on its simulcast primary programming stream, and thus intends to continue to rely on its multicast streams for compliance with the Commission’s television programming requirements.

Renewal 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 nonprimary multicast streams in the ATSC 1.0 standard.