

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY (MULTICAST HOSTS)**

Gray Television Licensee, LLC (“Gray”), licensee of digital full power television station KSCW-TV, Wichita, Kansas (FID 72348) (“KSCW-TV”), hereby submits this request for special temporary authority to host KSCW-TV’s ATSC 1.0-formatted multicast channels on television stations other than KSCW-TV’s primary ATSC 1.0 simulcast host to allow KSCW-TV to serve over-the-air viewers in the Wichita-Hutchinson Plus DMA. Specifically, Gray is requesting authorization to allow KSCW-TV’s non-primary programming streams (multicast streams) to be aired in an ATSC 1.0 format, with no ATSC 3.0 simulcast, as follows:

Stream	Host Station
33.2 (Decades)	KAKE(TV)
33.3 (Antenna TV)	KAKE(TV)
33.4 (Start TV)	KPTS(TV)

Gray requests that for purposes of enforcement and application of the Commission’s rules, KSCW-TV be treated as if it is airing the multicast streams over the facilities of the aforementioned stations and be the responsible party under the Act and Commission rules and regulations akin to the manner that the Commission treats ATSC 1.0 primary simulcast streams under the Next Gen TV rules.

On May 5, 2022, Gray filed its application for KSCW-TV to voluntarily convert to the ATSC 3.0 transmission standard beginning on July 28, 2022.<sup>1</sup> Under the transition plan for the Wichita-Hutchinson Plus DMA (in which KSCW-TV is located), KSCW-TV will host its own ATSC 3.0-formatted primary channel along with the ATSC 3.0-formatted primary channels of KWCH-TV and KPTS(TV). KSCW-TV’s ATSC 1.0-formatted primary channel will be hosted by KWCH-TV. KSCW-TV also transmits three ATSC 1.0-formatted multicast channels. Because of ATSC 1.0 capacity limitations, KWCH-TV does not have sufficient bandwidth capacity to host KSCW-TV’s multicast channels in ATSC 1.0, and those channels would be hosted as follows: Decades and Antenna TV on KAKE(TV) and Start TV on KPTS(TV). Gray will indemnify the licensee of the host stations with respect to the content of the hosted multicast channels and will be responsible for the multicast channels’ compliance with all applicable laws and regulations. To avoid viewer confusion, each of KSCW-TV’s current multicast channels would retain its existing PSIP major/minor channel numbers.

Due to ATSC 3.0 capacity and other constraints attendant with the multi-station and multi-market coordination needed for successful ATSC 3.0 deployment across the country, it is not feasible for KSCW-TV to simulcast an ATSC 3.0 version of its multicast streams without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations of transitioning to ATSC 3.0. Simulcasting those streams in ATSC 3.0 would reduce capacity available to NextGen stations for offering consumers the improved services that ATSC 3.0 enables. The types of services and improvements that would be precluded would include 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 requires a portion of the ATSC 3.0 capacity that would be unavailable were Gray to carry multicast program streams as the ATSC 3.0 host for stations in the Wichita-Hutchinson Plus market. Furthermore, significant additional engineering work and more equipment would be required to

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<sup>1</sup> See File No, 0000190148 (the “KSCW-TV Next Gen App”).

simulcast KSCW-TV's multicast streams in ATSC 3.0 and ATSC 1.0 formats. Obtaining, installing, and testing that equipment would, at minimum, delay rollout of ATSC 3.0 in the Wichita-Hutchinson Plus market.

The proposed multicast arrangements will serve the public interest by enabling nearly all current over-the-air viewers to continue to have access to KSCW-TV's multicast streams. The service contours of the respective ATSC 1.0 hosts cover a majority of KSCW-TV's current service area population:

Stream	Host Station	Service Area Coverage
33.2 (Decades)	KAKE(TV)	86.2%
33.3 (Antenna TV)	KAKE(TV)	86.2%
33.4 (Start TV)	KPTS(TV)	91.6%

See attached engineering exhibit. Although the service area coverage is beneath the 95% expedited processing threshold for primary stations, there is no other station with available ATSC 1.0 bandwidth that can provide greater coverage to KSCW-TV's existing service area. As mentioned above, KWCH-TV, the station with the next largest service area, will already be carrying KSCW-TV's primary stream along with the three ATSC 1.0 multicast streams already carried by KWCH-TV. KPTS and KAKE are the next largest stations in the market. Because KPTS already originates two program streams in high definition, it does not have capacity to carry more than one of KSCW-TV's multicast streams. KAKE will carry KSCW-TV's two other multicast streams.

Absent the arrangement with these stations, all over-the-air viewers would lose access to KSCW-TV's multicast streams. Additionally, the arrangements will preserve access to those KSCW-TV multicast streams for viewers who are receiving them via MVPDs. Currently, 33.2 and 33.3 (Decades and Antenna TV) are carried by the majority of cable operators in this DMA, including Cox Cable. KSCW's 33.4 stream (Start TV) is not carried by Cox Cable, but is carried on most of the other cable operators in this DMA. Gray will provide the requisite notice to MVPDs regarding relocation of KSCW-TV'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. KSCW-TV will also air public service announcements to inform viewers of its upcoming transition and of the need for viewers to rescan their televisions after the transition date in order to maintain over-the-air access to KSCW-TV's program streams in the current format.<sup>2</sup>

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."<sup>3</sup> 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

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<sup>2</sup> See 47 C.F.R. § 73.3801(g).

<sup>3</sup> *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*. Second Further Notice of Proposed Rulemaking, GN Dkt. No. 16-142, FCC 21-116, ¶ 6 (rel. Nov. 5, 2021) (the "Second FNPRM").

opposed to the host station’s facility, for purposes of the Commission’s rules and the Communications Act.”<sup>4</sup>

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 KSCW-TV, as the originator of each multicast stream at issue, is “responsible for regulatory compliance regarding the multicast stream being aired on a host station.”<sup>5</sup>

Finally, Gray notes that KSCW-TV fulfills all of its children’s programming requirements by airing core E/I programming on KSCW-TV’s primary stream. KSCW-TV does not, and does not intend to, rely on any programming broadcast on its multicast streams for compliance with the Commission’s children’s programming requirements. As such, neither KSCW-TV’s compliance with the Commission’s Children’s Television Programming requirements nor viewers’ access to the station’s required core programming will be affected by the relocation of KSCW-TV’s multicast signals as proposed herein.

For the reasons set forth above, the Commission should grant forthwith Gray’s request for Special Temporary Authority, to the extent required, to broadcast its ATSC 1.0-formatted multicast channels via the facilities of KAKE(TV) and KPTS(TV) after KSCW-TV converts its broadcast transmission to the Next Gen Television standard.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.* ¶ 11.