

Request for Extension of Legal Special Temporary Authority (Multicast Host Authorization)

TEGNA Inc. (“TEGNA”), on behalf of its subsidiary KONG-TV, Inc. (“Licensee”), licensee of television station KONG, Everett, Washington (“KONG”), hereby requests to extend its existing Legal Special Temporary Authority regarding the hosting of KONG’s ATSC 1.0-formatted multicast channels¹ in order to maintain over-the-air viewers’ access to KONG’s multicast channels. Specifically, Licensee seeks continued authority for KONG to broadcast (1) its multicast stream 16.2 via the facilities of KZJO, Seattle, Washington (“KZJO”), and (2) its multicast stream 16.3 via the facilities of KCPQ, Tacoma, Washington (“KCPQ”). Both KZJO and KCPQ are licensed to Fox Television Stations, LLC.

KONG converted its broadcast transmission to the Next Gen Television (ATSC 3.0) standard on December 15, 2020.² KONG transmits ATSC 3.0-formatted versions of its own primary channel, the primary channel of its sister station KING-TV, Seattle, Washington (“KING”),³ and the primary channels of KCPQ and KZJO.⁴

In accordance with the Commission’s Next Gen Television rules,⁵ KONG broadcasts an ATSC 1.0 simulcast of KONG’s primary channel via KING’s facilities.⁶ At the time KONG converted to Next Gen Television operation, KONG also broadcast two multicast channels.⁷ The Commission granted Licensee Special Temporary Authority for the KONG-originated multicast channels to be broadcast, in ATSC 1.0 only, via the facilities of KCPQ and KZJO, pursuant to a channel sharing agreement between Licensee and Fox.⁸ The Commission recognized that this arrangement would “promote continued transmission of KONG’s non-primary multicast programming streams to viewers” while “mak[ing] clear that KONG is responsible for the content of those signals from a regulatory compliance and enforcement perspective.”⁹ The Commission most recently extended Licensee’s Special Temporary Authority on July 28, 2022, at which time the Commission also approved Licensee’s request to modify its Special Temporary Authority in order to change the affiliation of its multicast stream 16.2 from Bounce to QVC.¹⁰

Licensee hereby seeks to extend its Legal STA for a further 180 days. Licensee does not seek any change in its current hosting arrangements, which would remain as follows:

| PSIP | Affiliation | Host | Host RF Channel | ATSC 3.0 Simulcast |
|------|-----------------------|------|-----------------|--------------------|
| 16.1 | Independent (Primary) | KING | 25 | Yes (KONG) |
| 16.2 | QVC | KZJO | 36 | No |
| 16.3 | This TV | KCPQ | 13 | No |

This extension is in the public interest because it would allow KONG, KING and the Fox stations to continue offering advanced Next Gen Television service to viewers while also enabling KONG to fully serve the needs and interests of its community by maintaining over-the-air viewers’ programming choices in the current ATSC 1.0 format. Due to bandwidth constraints, KONG cannot host all of its ATSC

¹ See *KONG-TV, Inc.*, Letter, LMS File No. 0000127063 (MB Vid. Div. Dec. 11, 2020) (“*KONG Multicast Host Grant*”); LMS File No. 0000149812.

² See LMS File No. 0000127044.

³ KING is licensed to King Broadcasting Company, also a subsidiary of TEGNA.

⁴ *KONG Multicast Host Grant* at 1-2.

⁵ 47 C.F.R. § 73.3801(b).

⁶ *KONG Multicast Host Grant* at 1-2.

⁷ *Id.* at 2.

⁸ *Id.* at 2-3.

⁹ *Id.* at 3.

¹⁰ *KONG-TV, Inc.*, Letter, LMS File No. 0000186114 (MB Vid. Div. July 28, 2022) (“*KONG Modified Multicast Host Grant*”).

1.0 streams on KING, nor is it able – or required – at this time to offer Next Gen Television versions of its multicast streams.¹¹ Thus, absent the continued ability to use multiple ATSC 1.0 host stations as described herein, KONG would have to eliminate its broadcast of some or all of the station’s existing multicast streams. Such a restrictive approach would not serve the public interest, nor would it be consistent with the Commission’s recognition that “it is critical that Next Gen TV broadcasters continue to provide service using the current ATSC 1.0 standard to deliver DTV service while the marketplace adopts devices compatible with the new 3.0 transmission standard in order to avoid either forcing viewers to acquire new equipment or depriving them of television service.”¹²

Licensee would remain “the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to” both of the KONG-originated multicast channels, including without limitation with respect to “political broadcasting, children’s programming, equal employment opportunities, public inspection files, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.”¹³

Licensee notes that KONG fulfills all of its children’s programming requirements by airing core E/I programming on the station’s primary stream. KONG does not, and does not intend to, rely on any programming broadcast on any of its multicast streams for compliance with the Commission’s children’s programming requirements.

For the reasons set forth above, the Commission should grant forthwith Licensee’s request to extend its Legal Special Temporary Authority so that KONG’s viewers can continue to receive the station’s ATSC 1.0-formatted multicast channels via the facilities KZJO and KCPQ, as described herein.

¹¹ See § 73.3801(b).

¹² *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, 2nd R&O and Order on Recon., 35 FCC Rcd 6793, 6794 (2020) (“*Next Gen 2nd R&O*”).

¹³ *KONG Modified Multicast Host Grant*, at 3 (footnote omitted).