

Request for Special Temporary Authority

WUPN Licensee, LLC (“Licensee”), licensee of WMYV(TV), Greensboro, NC (Facility ID 25544), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was granted on September 27, 2021 (and was most recently extended on November 21, 2022) in connection with WMYV(TV)’s launch of ATSC 3.0 broadcast service. *See* File Nos. 0000158707 and 0000186828. On September 28, 2021, Licensee commenced ATSC 3.0 operations from WMYV(TV)’s facility, which serves as the ATSC 3.0 host for stations in the Greensboro, NC market, and began simulcasting its primary stream in ATSC 1.0 format on WXLV-TV, Winston-Salem, NC (Facility ID 414). *See* File No. 0000158590. Additionally, Licensee began airing its *GetTV* and *Comet TV* multicast streams in ATSC 1.0 format from the facilities of WGHP(TV), High Point, NC (Facility ID 72106) pursuant to a written hosting agreement with Nexstar Media Inc. (“Nexstar”).

Beginning March 1, 2023, Licensee’s affiliation agreement with *GetTV* will be replaced with an affiliation agreement with *Rewind TV*. This request therefore seeks a new STA to enable WMYV(TV) to continue its hosting arrangements with WGHP(TV) to permit the broadcast of WMYV(TV)’s multicast streams affiliated with *Rewind TV* (instead of *GetTV*) and *Comet TV* from WGHP(TV)’s facilities in ATSC 1.0 format.

As explained in Licensee’s original request for STA, WMYV(TV) is not able to air its multicast streams on WXLV-TV, its primary ATSC 1.0 simulcast host, due to ATSC 1.0 capacity constraints. Furthermore, due to ATSC 3.0 capacity and other constraints attendant with the multi-station and multi-market coordination needed for a successful ATSC 3.0 deployment across the country, it is not feasible for Licensee to simulcast WMYV(TV)’s multicast streams in an ATSC 3.0 format 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 Licensee to carry multicast program streams as the ATSC 3.0 host for the market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WMYV(TV)’s multicast streams in ATSC 3.0 and ATSC 1.0 formats. Absent the hosting arrangement for WMYV(TV) to air its multicast streams using the facilities of WGHP(TV), all over-the-air viewers would lose access to an ATSC 1.0 signal of WMYV(TV)’s multicast streams.

The hosting arrangement with WGHP(TV) serves the public interest by enabling the station’s over-the-air viewers to continue to have access to WMYV(TV)’s multicast streams. The change underlying this request for a new STA is an affiliation change only; the affiliation change does not alter the amount of spectrum bandwidth used by WMYV(TV)’s multicast streams, and if WMYV(TV) were broadcasting in ATSC 1.0 via its own facilities, WMYV(TV) would be able to broadcast its primary and multicast streams. This change does not affect WMYV(TV)’s multicast

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stream's PSIP (virtual) channel numbers, which will continue to be identified to viewers as being associated with WMYV(TV). Additionally, Licensee does not intend to rely on any programming broadcast on its multicast streams for compliance with the Commission's children's programming requirements. Licensee is airing consumer notices and will continue to do so during the 30 days leading up to the programming change discussed above and has posted notice to its website regarding the programming change. MVPDs were provided with requisite notice in advance of the multicast streams' signal relocation to the WGHP(TV) temporary host facility and were notified of the affiliation change, and Licensee will coordinate with MVPDs as needed. Because WGHP(TV) is currently serving as host for WMYV(TV)'s multicast streams, Licensee anticipates that to the extent any MVPDs carry WMYV(TV)'s multicast streams, they will continue to receive a good quality signal of such streams from WGHP(TV).

Although Licensee has agreed to indemnify Nexstar from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on Licensee's program streams using the facilities of WGHP(TV), Licensee is requesting this STA to make clear that Licensee will remain responsible for the *Rewind TV* and *Comet TV* streams' compliance with the Communications Act and the Commission's rules and regulations.

Grant of this STA would serve the public interest because it would advance the Commission's ATSC 3.0 policy goals while preserving WMYV(TV)'s ability to air its programming streams in the ATSC 1.0 format and ensure access to the programming currently received for most over-the-air viewers. It will also make clear that WMYV(TV) is an authorized user of a portion of WGHP(TV)'s channel and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.