

# **Request for Special Authority**

## **Narrative**

### **KCOP-TV**

**February 8, 2023**

Fox Television Stations, LLC (“FTS”), licensee of KCOP-TV, Los Angeles, California (Facility ID 33742) (“Station”), hereby requests extension of its special temporary authority (“STA”) to air the Station’s non-primary multicast streams using the ATSC 1.0 standards on KTTV, Los Angeles, California (Facility ID 22208).<sup>1</sup> The current STA expires on February 23, 2023 (See File No. 0000196009).

FTS confirms and clarifies that:

- (1) The broadcast ownership rules do not apply to the extent this arrangement would otherwise be in potential violation of those rules; and
- (2) The Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations in the same matter as an ATSC 1.0 primary simulcast stream is treated under the Commission’s ATSC 3.0 rules and regulations.

FTS currently operates the Station’s facility using the ATSC 3.0 standard (See File No. 0000196958) and, as required under the Commission’s ATSC 3.0 rules, simulcasts the Station’s primary programming stream in the ATSC 1.0 standard as a guest on KTLA, Los Angeles, California (Facility ID 35670), licensed to Tribune Media Company, whose ultimate parent is Nexstar Media, Inc. The Station hosts KTLA’s simulcast ATSC 3.0 primary stream.

In addition to its primary programming stream, the Station broadcast three multicast streams: BUZZR, Movies! and Heroes & Icons. In order to avoid the loss of the Station’s over-the-air non-primary multicast streams to its ATSC 1.0 viewers, KTTV hosts the multicast streams.

KCOP-TV’s 1.0 multicast streams are broadcast on the following stations as describe below<sup>2</sup>:

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<sup>1</sup> KTTV is also owned by Fox Television Stations, LLC and is a FOX network station.

<sup>2</sup> FTS is also in discussions to add two guests ATSC 3.0 licensees to KCOP-TV later this spring. The addition of these station(s) will necessitate reconfiguration of the KCOP-TV multicast configurations. Per discussions with Media Bureau staff, at such time, FTS will revise and submit a new STA request(s) to reflect the updated multicast configurations (provided that an STA request may not be necessary should the Commission Act on the pending rulemaking regarding multicast licensing. *See Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-73 (rel. Jun. 9, 2020) (“Multicast Licensing NPRM”).

<b>Multicast Stream</b>	<b>Multicast Host Station</b>	<b>Facility ID</b>	<b>Licensee/Affiliate</b>	<b>Virtual Channel Position</b>
BUZZR	KTTV	22208	FTS/FOX	13.2
Movies!	KTTV	22208	FTS/FOX	13.3
Heroes & Icons	KTTV	22208	FTS/FOX	13.4

Due to ATSC 1.0 capacity constraints, the Station is not able to air its nonprimary multicast streams on the same host station (KCOP-TV) as its primary ATSC 1.0 programming stream. 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 the Station's ATSC 3.0 facility to simulcast the Station's non-primary multicast streams in the ATSC 3.0 standard without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations transitioning to ATSC 3.0. The Station's ATSC 3.0 facility hosts three high definition NextGen TV stations – the Station, KTTV and KTLA. Simulcasting the Station's non-primary multicast streams in ATSC 3.0 would reduce capacity available for the NextGen TV stations to offer consumers the improved services that ATSC 3.0 enables. The types of services and improvements that would be precluded would be 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 require a portion of the ATSC 3.0 capacity that would be unavailable were the Station's ATSC 3.0 facility to simulcast the Station's non-primary multicast streams in ATSC 3.0. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast the Station's non-primary multicast streams using ATSC 3.0 and ATSC 1.0 standards. Obtaining, installing, and testing that equipment would delay and distract from the testing and deployment of improved services that ATSC 3.0 enables.

The ATSC 1.0 non-primary multicast hosting arrangements with KCOP-TV enables FTS to continue providing the stream in the Los Angeles market. The facilities of the Station and KTTV are located on the same tower at approximately the same elevation (KTTV 1782.9 m RCAMSL, KCOP-TV 1785.0 m) and both have identical directional antenna patterns. As shown in the composite coverage map attached below (Figure 1), the two stations cover essentially the same area. The area within the KCOP-TV service contour is slightly larger than that of KTTV; therefore, due to the larger area and other small differences the predicted service population of KTTV inside the KCOP contour is slightly larger (100.5%) than that of the KCOP licensed facility (see Figure Two). Thus, all viewers that currently receive the Station's non-primary multicast stream over-the-air from the Station's ATSC 1.0 current facility will retain access to the Station's multicast stream from KCOP-TV.

Absent this arrangement, and without the clarity that a grant of the instant request to renew the special temporary authority, FTS may not be able to continue to provide the Station's non-primary

multicast stream over-the-air, which would result in a complete loss of service to all of the over-the-air viewers of these streams.

FTS has already provided notice to the relevant MVPD, as it reconfigured the Station's ATSC 1.0 non-primary multicast streams in the summer 2022, when it provided the requisite notices regarding KTTV's reversion to ATSC 1.0 operations and the relocation of KCOP-TV's ATSC 1.0 primary programming stream.<sup>3</sup> FTS will continue to coordinate with potentially affected MVPDs as applicable to ensure they continue to receive a good quality signal of the non-primary multicast stream over-the-air or via alternative delivery methods.

FTS does not expect there to be any adverse impact on MVPD viewers.

The Station has aired the requisite consumer notices regarding the Station's 2022 transition to the ATSC 3.0 standard (as well as KTTV's reversion to ATSC 1.0 operations) and the need for over-the-air viewers to rescan their television sets in order to continue to receive the Station's ATSC 1.0 programming streams. In order to alleviate any viewer confusion, the PSIP (virtual) channels for each of the Station's program streams remain unchanged and are identified as being associated with the Station.

FTS's request herein to clarify that the broadcast ownership rules do not apply to this arrangement is consistent with the Commission's decision and underlying basis to "not apply the broadcast ownership rules in any situation where an ATSC 3.0 signal or an ATSC 1.0 simulcast on a temporary host station's facility would result in a potential violation of those rules."<sup>4</sup>

FTS's request herein to clarify that the Station is the licensee originating the non-primary multicast stream and considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations, consistent with the arrangements between the FTS Stations.

FTS understands that grant of the instant request will make clear that FTS 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, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System. With respect to children's programming, the Station schedules one hour per week of regularly scheduled children's core programming and at least 52 hours per year of nonregularly scheduled core programming on its primary programming stream, and thus intends to rely on its non-primary multicast streams for its second hour per week of regularly scheduled core programming in order to comply with the Commission's television programming requirements.<sup>5</sup>

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<sup>3</sup> The MVPD notifications were sent on July 11, 2022.

<sup>4</sup> *Next Gen TV Report and Order*, 32 FCC Rcd at 9972, para. 80, n.237. *See also* Multicast Licensing NPRM at para. 15.

<sup>5</sup> *See* 47 CFR §73.671(d). In its 2022 Children's Television Programming Report (File Number 0000207236), the Station elected to report under Category A, Option 2. The Station has elected the same

Grant of this STA extension 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 non-primary multicast stream in the ATSC 1.0 standard.

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category for the 2023 calendar year. The Station reports all core programming aired on multicast streams, even though only one hour per week qualifies towards the safe harbor processing guidelines.



**Figure 2**

**Predicted Service Comparison  
KCOP CH 13 Los Angeles, CA vs KTTV CH 11 (Inside KCOP NLC) Los Angeles, CA**

State	County	KCOP-TV Licensed ERP 120 kW DA HAAT 904 m		KTTV Licensed ERP 115 kW DA HAAT 902 m		Gain / Loss	
		Population	Households	Population	Households	Population	Households
CA	KERN	42,834	15,555	43084	15657	250	102
CA	LOS ANGELES	9,814,978	3,239,734	9815143	3239812	165	78
CA	ORANGE	3,010,222	992,776	3010232	992781	10	5
CA	RIVERSIDE	1,732,011	520,340	1733060	520619	1,049	279
CA	SAN BERNARDINO	1,653,462	485,847	1731921	509653	78,459	23,806
CA	SAN DIEGO	458,794	152,573	469332	156211	10,538	3,638
CA	SANTA BARBARA	958	324	958	324	0	0
CA	VENTURA	807,197	260,977	807527	261135	330	158
<b>TOTALS</b>		<b>17,520,456</b>	<b>5,668,126</b>	<b>17,611,257</b>	<b>5,696,192</b>	<b>90,801</b>	<b>28,066</b>