

ATSC 3.0 EXHIBIT

PMVG LPTV LLC ("Licensee"), the licensee of low power television station W29EN-D, Beaufort-Ladys Island, SC (FID 186377) (the "Station") files this application for authority to convert its ATSC 1.0 license to an ATSC 3.0 license.

On or around August 22, 2022, the Station commenced broadcasting from the facilities authorized in its construction permit, File No. 0000186762. Since that time, the Station has rebroadcast programming from low power television station WSCG-LD, Beaufort, Etc., SC (FID 69449). On or around March 15, 2023, Licensee intends to convert the Station to the ATSC 3.0 next generation TV standard. At that time, the Station will begin to rebroadcast South Carolina Educational TV Commission's WJWJ-TV, Beaufort, SC (FID 61007).

The Station will transition directly to ATSC 3.0 without simulcasting as permitted under Section 74.782(c) of the Commission's Rules, 47 C.F.R. § 74.782(c).

Licensee hereby requests a waiver of the requirement in Section 74.782(h) of the Commission's Rules, 47 C.F.R. § 74.782(h), "to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations." In *Promoting Broadcast Internet Innovation Through ATSC 3.0*, Report and Order, 35 FCC Rcd. 14492 ¶ 39 (2020), the Commission recognized that some stations may not be able to air the required ATSC 3.0 consumer education notifications and stated that such stations "may seek a waiver of the Commission's notice requirement from the Media Bureau." Such waiver requests must provide: "(1) an explanation describing why the station is unable to comply with the existing consumer education requirements; (2) an alternative but comparable means the station will use to notify viewers of the station's new channel or if the station has previously not been operational (i.e., is newly built) why notice would not be in the public interest; and (3) how grant of the waiver request complies with the Commission's general waiver standard." *Id.* ¶ 39, n. 131.

Here:

- (1) The Station is unable to comply with the existing consumer notification requirements because it currently rebroadcasts 100% of the programming of WSCG-LD and does not have the capacity to insert its own crawls or PSAs. Including the consumer notifications on WSCG-LD would cause confusion for consumers because the Station will no longer rebroadcast programming from WSCG-LD once it transitions to the ATSC 3.0 standard.
- (2) As an alternative but comparable, if not superior, method to notify viewers, the Station will provide notice in The Island News, a local newspaper serving the Beaufort area, on the website of The Island News, and on the website of Public Media Venture Group, the sole member of PMVG LPTV LLC. This is likely to be more effective than broadcast crawls because W29EN-D has been rebroadcasting WSCG-LD for less than six months and does not have an established viewership. The newspaper and website publications are consistent with methods approved by the FCC for other full power and LPTV stations and are likely to reach existing viewers of WSCG-

LD and those viewers who may be interested in viewing an ATSC 3.0 signal with content from WJWJ-TV.

- (3) Grant of the waiver complies with the general waiver standard found in 47 C.F.R. § 1.3. Waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis. *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1072 (1972); 47 CFR § 1.3. Deviation from the consumer education requirement is appropriate here because Licensee has carefully designed its proposal to notify viewers in the Beaufort area about the Station's transition to ATSC 3.0 in a manner that will reach the greatest number of viewers without creating confusion. This, in turn, will allow the Station to transition to ATSC 3.0 without having to install expensive equipment solely for the purpose of completing consumer notifications.

The Licensee certifies that no notice to MVPDs is required under Section 74.782(i) of the Commission's Rules, 47 C.F.R. § 74.782(i).