

Amended Request for Renewal of Special Temporary Authority

ATSC 1.0 Multicast
WPCH-TV, Atlanta, GA (FID 64033)

Gray Television Licensee, LLC (“Gray”), licensee of WPCH-TV, Atlanta, Georgia (FID 64033) (“Station”) hereby amends its previously filed request for a further renewal of its special temporary authority (“STA”) to broadcast two of the Station’s non-primary multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast. (See File Nos. 0000153190, 0000184668, 0000198515, 0000211090). The programming on WPCH’s multicast channels has changed effective October 1, 2023 as noted below.

As approved in its Modification to License (Next Gen), granted on July 30, 2021 (File No. 0000152274), the Station operates using the ATSC 3.0 standard. The Station’s primary programming stream is simulcast in the ATSC 1.0 standard on co-owned station WGCL (FID 72120). WGCL also retransmits the Station’s SD independent programming stream. Because of ATSC 1.0 capacity constraints, the Station is not able to air all of its multicast streams on the same channel as its primary ATSC 1.0 simulcast signal.

In addition to its primary programming stream and independent SD stream, the Station broadcasts two non-primary multicast streams. These streams currently broadcast Circle and Court TV programming. In order to avoid the loss of the Station’s over-the-air non-primary multicast streams to ATSC 1.0 viewers, Gray has agreements with the ATSC 1.0 Hosting Stations to broadcast those streams using those station’s ATSC 1.0 facilities.¹ As part of this same arrangement, Gray provides the ATSC 1.0 Hosting Stations with capacity as ATSC 3.0 guest stations on the Station’s ATSC 3.0 facility.

WPCH’s multicast streams air in ATSC 1.0 as follows:

Stream	Host Station	Channel position
WPCH SD Independent	WGCL-TV (FID 64033)	46.4
Court TV	WSB-TV (FID 23960)	46.3
Peachtree Sports Network ²	WXIA-TV (FID 51163)	46.2

Circle, which previously aired on Channel 46.3 and was hosted on WSB-TV will now be broadcast by WKTB-CD, a Gray station licensed to Norcross, Georgia.

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 the Station 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 hosting arrangements with the ATSC 1.0 Hosting Stations have allowed Gray to continue offering these multicast streams in the Atlanta, GA market. Absent the arrangement with these stations, all over-the-air viewers would lose access to the Station’s multicast streams.

¹ Gray acquired the Station from Meredith Corporation effective December 1, 2021. Gray has assumed the relevant hosting agreements referenced in this request.

² Gray launched the Peachtree Sports Network on October 1, 2023. This network features local minor league hockey, baseball, lacrosse and ultimate disc games as well as high school football.

To avoid viewer confusion, each of the Station's current multicast channels will retain its existing PSIP major/minor channel numbers.

The hosting arrangements with the ATSC 1.0 Hosting Stations have allowed Gray to continue offering these multicast streams in the Atlanta market. As shown in the composite coverage map included with the original STA filing, 98.8 percent of the viewers that currently receive the Station's 46.3 multicast stream over-the-air from the Station's ATSC 1.0 current facility will retain access to this programming from WSB-TV; all of Station's ATSC 1.0 viewers will retain access to the 46.2 multicast stream from the WXIA-TV ATSC 1.0 facilities, which, in each case, will also continue to serve the Station's community of license.

Additionally, the arrangements will preserve access to the Station's multicast streams for viewers who are receiving them via MVPDs. Gray provided the requisite notice to MVPDs regarding relocation of the Station'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. The Station also aired public service announcements to inform viewers of this transition and of the need for viewers to rescan their televisions after the transition date in order to maintain over-the-air access to the Station's program streams in the current format.

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." 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 opposed to the host station's facility, for purposes of the Commission's rules and the Communications Act."

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 the Station, as the originator of each multicast stream at issue, is "responsible for regulatory compliance regarding the multicast stream being aired on a host station."

Gray understands that renewal of this STA will make clear that Gray 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, captioning, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System. 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.

The Station complies with its children's programming obligations by scheduling two hours per week of core programming on its simulcast primary programming stream, and thus intends to continue to rely on its non-primary multicast streams for compliance with the Commission's television programming requirements.

Renewal of this STA 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 nonprimary multicast streams in the ATSC 1.0 standard.