

Request for Special Temporary Authority

Mitts Telecasting Company, LLC (“Licensee”), licensee of KXVO(TV) (“KXVO”), Omaha, Nebraska (Facility ID 23277), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was most recently extended on May 30, 2023, to allow the KXVO ATSC 1.0 multicast programming streams to continue to be hosted on other stations in the Omaha, Nebraska market. Licensee seeks a new/modified STA because, beginning October 30, 2023, Licensee’s affiliation agreement with the *Stadium* network will be replaced with an affiliation agreement with the *Nest* network. This request therefore seeks a new STA to enable KXVO to continue its hosting arrangement with KMTV-TV to permit the hosting of KXVO’s multicast stream affiliated with *Nest* (instead of *Stadium*) from KMTV-TV’s facilities in ATSC 1.0 format.

As explained in Licensee’s previous requests for STA, KXVO currently serves as an ATSC 3.0 lighthouse station. KXVO transitioned its primary ATSC 1.0 independent programming to KPTM(TV), Omaha, Nebraska (Facility ID 51491) owned by Sinclair Broadcast Group, Inc. Additionally, to ensure no loss of over-the-air programming to the public, Licensee transitioned KXVO’s secondary/multicast program streams to two other stations in the market. Specifically, Licensee moved KXVO’s ATSC 1.0 subchannel – *Stadium* – to KMTV-TV, Omaha, Nebraska (Facility ID 35190), owned by Scripps Broadcasting Holdings LLC. The other KXVO ATSC 1.0 subchannel – *Charge!* – moved to KETV(TV), Omaha, Nebraska (Facility ID 53903), which is owned by Hearst Properties, Inc. Licensee now asks for approval to replace *Stadium* with *Nest*. Licensee certifies that other than the replacement of *Stadium* by *Nest*, the channel plan in the market has not changed since the original STA request was granted and Licensee further certifies that it will continue to abide by all conditions and commitments made in the underlying grant.

The hosting arrangements with KMTV-TV and KETV(TV) serve the public interest by enabling over-the-air viewers to continue to have access to KXVO’s multicast streams. Absent the arrangements with KMTV-TV and KETV(TV), over-the-air viewers would lose access to KXVO’s multicast streams. Additionally, the arrangement preserves access to those KXVO multicast streams for viewers who are receiving them via MVPDs. Licensee has and will

continue to coordinate with the MVPDs that carry the KXVO multicast streams to ensure they continue to receive a good quality signal, whether that be over the air or via an alternative delivery method (for example, a direct fiber feed).

The change underlying this request for new STA is a multicast stream affiliation change only; the affiliation change does not alter the amount of spectrum bandwidth used by KXVO's multicast streams and if KXVO were broadcasting in ATSC 1.0 via its own facilities, KXVO would be able to broadcast its primary and multicast streams. In addition, this change does not affect KXVO's multicast stream PSIP (virtual) channel numbers, which will continue to be identified to viewers as being associated with KXVO. Additionally, Licensee does not intend to rely on any programming broadcast on its multicast streams for compliance with the Commission's Children's Television Programming requirements, as KXVO averages at least three hours per week of core programming on its primary stream. Licensee has provided notice to MVPDs and is airing consumer notices of the upcoming affiliation change.

Licensee respectfully requests grant of this STA request to broadcast the KXVO ATSC 1.0 multicast streams on host stations as described above. Grant of this STA will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving KXVO's ability to air each of its programming streams in the ATSC 1.0 format.