

ATSC 1.0 Multicast Host

Exhibit

KTXH

December 6, 2023

Fox Television Stations, LLC (“FTS”), licensee of licensee of KTXH, Houston, Texas (Facility ID 51569) (Station) hereby requests modification of its license¹ to air the Station’s non-primary multicast streams using the ATSC 1.0 standards, with no ATSC 3.0 simulcast, on (1) KXLN-DT (Facility ID 53847), Rosenberg, Texas, licensed to KXLN License Partnership, L.P., (2) KFTH-DT (Facility ID 60537), Alvin, Texas, licensed to Unimas Houston LLC (subsidiaries of Univision) (herein “Univision Stations”); and (3) KTRK-TV (Facility ID 35675), Houston, Texas, licensed to KTRK Television, Inc. (a subsidiary of ABC) (“ABC Station”). The current Special Temporary Authority (“STA”) for the multicast streams expires on December 28, 2023 (See File No. 0000216284).

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.

As indicated in the Station’s NextGen TV license (File No. 0000166189) FTS is operating the Station’s facility using the ATSC 3.0 standard and, as required under the Commission’s ATSC 3.0 rules, is simulcasting the Station’s primary programming stream in the ATSC 1.0 standard as a guest on KRIV (Facility ID 22204).²

¹ FTS makes this request pursuant to the rules established in the Third Next Gen TV Report and Order, FCC 23-53 (rel. June 23, 2023); see also Media Bureau Announces that All Next Gen TV “Multicast Licensing” Rules are Now in Effect and Next Gen TV License Applications for Multicast Streams Will Now Be Accepted, Public Notice, MB DA 23-1086 (rel. Nov. 16, 2023).

² KRIV is also owned by Fox Television Stations, LLC and is a FOX O&O network station.

In addition to its primary programming stream, the Station broadcasts three non-primary multicast streams: The Grio-TV, Movies! and Buzzr. In order to avoid the loss of the Station's over-the-air non-primary multicast streams to its ATSC 1.0 viewers, FTS has entered into written hosting agreements with the Univision Stations and the ABC Station to broadcast those streams using the ATSC 1.0 facilities of the Univision Stations and the ABC Station, respectively.

KTXH's 1.0 multicast streams will continue to be relocated to the following stations as described below:

Multicast Stream	Resolution	Multicast Host Station	Facility ID	RF Channel	Licensee/Affiliate	Virtual Channel Position
Movies!	480i	KXLN-DT	53847	30	Univision/Unimas	20.2
TheGrio TV	480i	KFTH-DT	60537	36	Univision	20.3
Buzzr	480i	KTRK-TV	35675	13	ABC	20.4

As part of that same arrangement, FTS will provide the Univision Stations and the ABC Station capacity as ATSC 3.0 guest stations on the Station's ATSC 3.0 facility.

Due to ATSC 1.0 capacity constraints, the Station is not able to air its nonprimary multicast streams on the same host station (KTXH) 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 is hosting five NextGen TV stations – the Station, KRIV, the Univision Stations and the ABC Station. 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 the Univision Stations and the ABC Station have enabled FTS to continue providing these streams in the Houston market. As shown in the composite attached, more than 99% percent of the viewers that currently receive the

Station's non-primary multicast streams over-the-air retained access to the Station's multicast streams from the Univision Stations' ATSC 1.0 facilities, and more than 99% percent of the Station's ATSC 1.0 viewers retained access to the Station's multicast stream from the ABC Station's ATSC 1.0 facilities, which, in each case, will also continue to serve the Station's community of license.

Thus, the vast majority of viewers that currently receive the Station's non-primary ATSC 1.0 multicast streams will retain access to those streams. The Station certifies that it is seeking multicast hosting for streams it was broadcasting on its own 1.0 facility prior to its transition to ATSC 3.0.

Absent this arrangement, and without the grant of the instant licensing request, FTS may not be able to continue to provide the Station's non-primary multicast streams over-the-air, which would request in a complete loss of service to all of the over-the-air viewers of these streams.

FTS provided timely notice to the relevant MVPDs, of its plan to relocate its ATSC 1.0 non-primary multicast streams and aired the requisite consumer notices. 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 understands that the Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations. The request is also consistent with the arrangements between FTS and each of the Univision Stations and the ABC Station, in connection with which FTS will indemnify the Univision Stations and the ABC Station from all liabilities or claims resulting from the airing of the Station's non-primary streams over their ATSC 1.0 facilities.

FTS understands that grant of licensing 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.³

³ See 47 CFR §73.671(d). In its 2022 Children's Television Programming Report (File Number 0000207090), the Station elected to report under Category A, Option 2. The Station has elected the same category for the 2022 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. The Station certifies that KXLN-DT, KFTH-DT, and KTRK-TV are host stations that serve at least 95 percent of the predicted population served by the Station's 1.0 signal as required by 47 CFR § 73.3801(i)(3).

Grant of the licensing 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 streams in the ATSC 1.0 standard.