

Request for Special Temporary Authority

WCWB Licensee, LLC (“Licensee”), licensee of WPNT(TV), Pittsburgh, Pennsylvania (Facility ID 73907; RF Channel 21), hereby requests Special Temporary Authority to allow Licensee to broadcast WPNT(TV)’s non-primary programming streams (multicast streams) in ATSC 1.0 format on WTAE-TV, Pittsburgh, PA (Facility ID 65681; RF Channel 27), in connection with WPNT(TV)’s transition to the ATSC 3.0 broadcast transmission standard. Licensee requests that for purposes of enforcement and application of its rules, WPNT(TV) be treated as if it is airing the multicast streams over WTAE-TV and be the responsible party under the Act and Commission rules and regulations akin to the manner that the Commission treats ATSC 1.0 primary simulcast streams under the Next Gen TV rules. As indicated in WPNT(TV)’s Form 2100 application (*see* File No. 0000112577), Licensee proposes to (1) commence ATSC 3.0 operations from WPNT(TV)’s current facility and (2) simulcast its primary stream (affiliated with MyNetwork) in ATSC 1.0 format on commonly owned WPGH-TV, Pittsburgh, PA (Facility ID 73875; RF Channel 20).

To minimize the loss of any over-the-air programming to its current ATSC 1.0 viewers resulting from the station’s transition to ATSC 3.0, Licensee proposes to broadcast its existing multicast streams, Stadium, Comet TV, and TBD networks, using the facilities of WTAE-TV, Pittsburgh, PA, pursuant to a written hosting agreement with Hearst Stations Inc. (“Hearst”). Because of ATSC 1.0 capacity constraints WPNT(TV) is not able to air its multicast streams on the channel of WPGH-TV, its primary ATSC 1.0 simulcast host. Furthermore, due to ATSC 3.0 technical constraints attendant with the multi-station coordination needed for a successful ATSC 3.0 market launch, Licensee is not able to simulcast WPNT(TV)’s multicast streams in an ATSC 3.0 format. Absent the arrangement with WTAE-TV, viewers would lose access to WPNT(TV)’s multicast streams.

Although Licensee has agreed to indemnify Hearst from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on Licensee’s program streams using WTAE-TV’s facilities, Licensee is requesting the instant authorization to make clear that Licensee will remain responsible for these streams’ compliance with the Communications Act and the Commission’s rules and regulations. To alleviate any viewer confusion, the PSIP (virtual) channels for each of WPNT(TV)’s program streams will remain unchanged and be identified as being associated with WPNT(TV). We also note that Licensee does not currently, and does not intend to, rely on its multicast streams for compliance with the Commission’s Children’s Television Programming requirements, as WPNT(TV) averages at least three hours per week of core programming on its primary stream. As such, neither WPNT(TV)’s compliance with the Commission’s Children’s Television Programming requirements nor viewers’ access to the station’s required core programming will be affected by deviations in coverage (as shown in the engineering exhibit included with the application) resulting from the relocation of WPNT(TV)’s multicast signals to WTAE-TV’s channel 27 facilities. Licensee provided notice to the relevant MVPDs of its proposed multicast ATSC 1.0 signal relocations when it provided the requisite 120-day notice regarding relocation of WPNT(TV)’s primary stream ATSC 1.0 signal. Licensee is also airing on WPNT(TV), and has posted to its website, consumer notices regarding the station’s transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan on June 16th.

Grant of this STA request will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving WPNT(TV)'s ability to air each of its programming streams in the ATSC 1.0 format to ensure that most of WPNT(TV)'s over-the-air viewers can continue to receive the programming currently available to them in ATSC 1.0 format. It will also make clear that WPNT(TV) is an authorized user of a portion of WTAE-TV's channel and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations. Absent grant of the instant STA, all over-the-air viewers will lose access to WPNT(TV)'s multicast streams.