

**Waiver of 47 C.F.R. § 73.3801**

As part of the transition of the Mobile-Pensacola market to NEXTGEN TV, Nexstar Broadcasting, Inc., (“Nexstar”), licensee of WFNA(TV), Gulf Shores, Alabama, (Fac. Id. No. 83943), RF Channel 27 plans to transition to ATSC 3.0. To ensure that its programming will continue to be available to over-the-air viewers in the current ATSC 1.0 standard, Nexstar plans to commence broadcasting WFNA’s programming streams on partner stations in the market as follows: (1) transition its current primary ATSC 1.0 – CW programming (PSIP Display Channel 55.1) to commonly owned station WKRQ-TV, Mobile, Alabama (Fac. Id. No. 73187), RF Channel 20; and (2) transition its ATSC 1.0 – BounceTV (PSIP Display Channel 55.2), ATSC 1.0 – Justice Network (PSIP Display Channel 55.3) and ATSC 1.0 -- Grit (PSIP Display Channel 55.4) programming to host station WFGX(TV), Fort Walton Beach, Florida (Fac. Id. No. 6554), RF Channel 14, licensed to WFGX Licensee, LLC. Nexstar expects to effectuate this transition on September 22, 2020.

In the Mobile-Pensacola market Nexstar has been cooperating with Deerfield (licensee of WPMT-TV (NBC) and WJTC (IND)) and Sinclair (licensee of WEAR-TV (ABC) and WFGX (MyNet)) to launch ATSC 3.0 on September 22, 2020. The plan is simultaneously to convert Deerfield’s WJTC and Nexstar’s WFNA(TV) to ATSC 3.0, and host all existing programming on those stations on four other stations in the market that will continue to broadcast in ATSC 1.0. This plan reaps the benefit of all of the advantages of simultaneous rollout listed above. All of the “Big 6” affiliated stations except Fox will be available in ATSC 3.0, all existing programming on the stations converting to 3.0 will be preserved and available in ATSC 1.0, each participating station will have a relatively generous ATSC 3.0 capacity allocation, and viewers and MVPDs will be impacted on just one day rather than twice.

Nexstar sent out notifications to all MVPD entities that would be affected by this ATSC 1.0 hosting transition on July 22, 2020, which falls within the 90-day prior notification requirement set forth under 47 C.F.R. § 73.3801(h)(4)(i)(B). However, Nexstar has followed up with each affected MVPD entity and each one has consented to the transition occurring on September 22, 2020. Nexstar is unaware of any issue that would impact viewers from continuing to receive the WFNA programming via the affected MVPDs. Nexstar will make sure to check with the MVPD entities both right before and after the transition date to confirm there are no issues with signal delivery or carriage.

The FCC may grant a waiver for good cause shown pursuant to 47 C.F.R. § 1.3, and may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest. As shown herein, because there is not expected to be any harm that would occur with the delayed MVPD notification, and in fact a simultaneous and coordinated conversion of both WFNA(TV) and WJTC(TV) to ATSC 3.0 would be more efficient and less disruptive to all parties and viewers, granting this application would serve the public and FCC interest by continuing to promote and make advancements in the ATSC 3.0 transition and allowing WFNA to transition on the same day as WJTC (Fac. Id. No. 41210; Licensee: Deerfield Media) – the other station in Mobile-Pensacola transitioning to ATSC 3.0 – so that over-the-air viewers in the market will only need to perform a rescan once.

Nexstar respectfully requests a waiver of the 90-day MVPD notification requirement as it relates to the ATSC 1.0 transition described herein.