

Request for Special Temporary Authority

Sinclair Seattle Licensee, LLC, licensee of KUNS-TV, Bellevue, WA (Facility ID 4624), hereby requests Special Temporary Authority in connection with KUNS-TV's transition to the ATSC 3.0 broadcast transmission standard and related proposal to broadcast KUNS-TV's non-primary programming streams ("multicast streams") in ATSC 1.0 format on KIRO-TV, Seattle, WA (Facility ID 66781). Licensee requests that for purposes of enforcement and application of its rules, KUNS-TV be treated as if it is airing the multicast streams over KIRO-TV's facilities 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 KUNS-TV's Form 2100 application (*see* File No. 0000126111), Licensee proposes to (1) commence ATSC 3.0 operations from KUNS-TV's current facility and (2) simulcast its primary stream in ATSC 1.0 format on KOMO-TV, Seattle, WA (Facility ID 21656). To minimize the loss of over-the-air programming to its current ATSC 1.0 viewers that might otherwise result from the station's transition to ATSC 3.0, Licensee proposes to also broadcast its existing TBD and Stadium multicast streams using the facilities of KIRO-TV pursuant to a written hosting agreement with Cox Media Group, Inc. ("Cox")

Because of ATSC 1.0 capacity constraints, KUNS-TV is not able to air its multicast streams on KOMO-TV, its primary ATSC 1.0 simulcast host. 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 Licensee to simulcast KUNS-TV's multicast streams in an ATSC 3.0 format 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 types of services and improvements that would be precluded would include 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 requires a portion of the ATSC 3.0 capacity that would be unavailable were Licensee to carry multicast program streams as the ATSC 3.0 lighthouse. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast KUNS-TV's multicast streams in ATSC 3.0 and ATSC 1.0 formats. Obtaining, installing and testing that equipment would, at minimum, delay rollout of ATSC 3.0 in the Seattle-Takoma, WA market.

The hosting arrangement with KIRO-TV will serve the public interest by enabling nearly all current over-the-air viewers to continue to have access to KUNS-TV's multicast streams. KIRO-TV's service contour covers a majority (99.6%) of KUNS-TV's current service area population. *See* attached engineering exhibit. Absent the arrangement with KIRO-TV, all over-the-air viewers would lose access to KUNS-TV's multicast streams. Additionally, the arrangement will preserve access to those KUNS-TV multicast streams currently received for viewers who are receiving them via MVPDs. Licensee has coordinated with or will coordinate with MVPDs that carry KUNS-TV's multicast streams to confirm that they will continue to receive

a good quality signal of such streams from KIRO-TV over-the-air or via alternative delivery methods, such as direct fiber feed.

Although Licensee has agreed to indemnify Cox from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on Licensee's program streams using KIRO-TV's facilities, Licensee is requesting the instant authorization to make clear that Licensee will remain responsible for the TBD and Stadium 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 KUNS-TV's program streams will remain unchanged and be identified as being associated with KUNS-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 KUNS-TV averages at least three hours per week of core programming on its primary stream. As such, neither KUNS-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 the relocation of KUNS-TV's multicast signals to KIRO-TV's facilities. Licensee provided notice to the relevant MVPDs of its proposed multicast ATSC 1.0 signal relocations when it provided the requisite notice regarding relocation of KUNS-TV's primary stream ATSC 1.0 signal. Licensee is also airing on KUNS-TV the requisite consumer notices and will post to its website information regarding the station's transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan on December 8, 2020.

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