

Request for Special Temporary Authority

Baltimore (WNUV-TV) Licensee, Inc. (“Licensee”), licensee of WNUV(TV), Baltimore, MD (Facility ID 7933), hereby requests Special Temporary Authority in connection with WNUV(TV)’s transition to the ATSC 3.0 broadcast transmission standard and related proposals to simulcast WNUV(TV)’s primary programming stream on WMPT(TV), Annapolis, MD (Facility ID 65942) and WMPB(TV), Baltimore, MD (Facility ID 65944) and broadcast WNUV(TV)’s nonprimary programming streams (“multicast streams”) in ATSC 1.0 format on WMAR-TV, Baltimore, MD (Facility ID 59442) and WBAL-TV, Baltimore, MD (Facility ID 65696). Licensee designated WMPT(TV) to be the licensed ATSC 1.0 host station for its primary stream, and hereby requests that for purposes of enforcement and application of the Commission’s rules, WNUV(TV) be treated as if it is airing its primary stream over the facility of WMPB(TV) and its multicast streams over the facilities of WMAR-TV and WBAL-TV and be the responsible party under the Communications Act and the Commission’s rules and regulations akin to the Commission’s treatment of licensed ATSC 1.0 primary simulcast streams under the Next Gen TV rules.

As indicated in WNUV(TV)’s Form 2100 application (*see* File No. 0000136472), Licensee proposes to (1) commence ATSC 3.0 operations from WNUV(TV)’s current facility and (2) simulcast its primary stream in ATSC 1.0 format on both WMPT(TV) and WMPB(TV) pursuant to a written hosting agreement with the Maryland Public Broadcasting Commission. As explained in more detail in exhibits to the Form 2100 application, the use of WMPB(TV) as a “supplemental” primary stream host is necessary to enable Licensee to provide WNUV(TV)’s primary stream in ATSC 1.0 format to at least 95% of WNUV(TV)’s existing service population. However, upon advice of the Commission, Licensee is not seeking a separate license authorization for its operation on WMPB(TV). Further, 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 use the facilities of WMAR-TV to broadcast WNUV(TV)’s *Antenna TV* multicast stream in ATSC 1.0, pursuant to a written hosting agreement with Scripps Broadcasting Holdings Licensee LLC (“Scripps”), and to broadcast its *Comet TV* and *Charge!* multicast streams in ATSC 1.0 using the facilities of WBAL-TV, pursuant to a written hosting agreement with WBAL Hearst Television, Inc. (“Hearst”).

Because of ATSC 1.0 capacity constraints, WNUV(TV) is not able to air its multicast streams on WMPT(TV) and WMPB(TV), its primary ATSC 1.0 simulcast hosts. 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 WNUV(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 the Baltimore market 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 host for stations in the Baltimore market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WNUV(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 Baltimore, MD market.

The supplemental simulcasting arrangement with WMPB(TV) and multicast hosting arrangements with WMAR-TV and WBAL-TV will serve the public interest by enabling nearly all current over-the-air viewers to continue to have access to WNUV(TV)'s primary and multicast streams in ATSC 1.0 format. While the service contour of WMPT(TV), the ATSC 1.0 primary host identified in the Form 2100 application, would cover only 90.3% of WNUV(TV)'s service area population, the use of WMPB(TV) as a supplemental primary stream host will result in combined coverage of 97.7% of WNUV(TV)'s service area population, and the service contours of WMAR-TV and WBAL-TV cover 96.6% and 99.9%, respectively, of WNUV(TV)'s service area population. *See* attached engineering exhibits. Absent the arrangements with WMPB(TV), WMAR-TV and WBAL-TV, nearly 10% of WNUV(TV)'s service area population would lose access to an ATSC 1.0 signal of WNUV(TV)'s primary stream, and all over-the-air viewers would lose access to WNUV(TV)'s multicast streams. Additionally, the arrangements will preserve access to WNUV(TV)'s primary stream and multicast streams for viewers who are currently receiving such streams via MVPDs. Licensee provided notice to the relevant MVPDs of each of its proposed ATSC 1.0 signal relocations when it provided the requisite notice regarding relocation of WNUV(TV)'s primary stream and will send updated notices as may be required, and has coordinated with or will coordinate with MVPDs that carry WNUV(TV)'s primary and/or multicast streams to confirm that they will continue to receive a good quality signal of such streams from WMPT(TV)/WMPB(TV), WMAR-TV and WBAL-TV (as applicable) over-the-air or via alternative delivery methods, such as direct fiber feed.

With respect to WMPB(TV), Licensee requests Special Temporary Authority to make clear that WNUV(TV) is allowed, pursuant to this separate authorization, to use the facility of a noncommercial station to simulcast WNUV(TV)'s commercial programming. Section 73.3801(a) provides that, for purposes of compliance with the primary stream simulcasting requirement, "a full power station may partner with one or more other full power stations ... in a simulcasting arrangement for purposes of airing an ATSC 1.0 or ATSC 3.0 signal on a host station's (i.e., a station whose facilities are being used to transmit programming originated by another station) facilities. Noncommercial educational television stations may participate in simulcasting arrangements with commercial stations." 47 C.F.R. § 73.3801(a). As contemplated by the rules, WNUV(TV) is partnering with WMPB(TV) in a simulcasting arrangement for purposes of airing an ATSC 1.0 signal of its primary stream on WMPB(TV)'s facilities. However, because the Form 2100 application will only enable an ATSC 3.0 applicant to designate one licensed ATSC 1.0 host (here, WMPT(TV)), Licensee respectfully submits this request for Special Temporary Authority so that the supplemental simulcast arrangement can be treated akin to a licensed simulcast arrangement.

Further, although Licensee has agreed to indemnify the Maryland Public Broadcasting Commission, Scripps, and 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 the facilities of WMPB(TV), WMAR-TV, and WBAL-TV (as applicable), Licensee is requesting the

instant authorization to make clear that Licensee will remain responsible for the CW, Antenna, 3 Comet TV, and Charge! streams' compliance with the Communications Act and the Commission's rules and regulations. To alleviate any viewer confusion, the PSIP (virtual) channel for WNUV(TV)'s program stream on WMPT(TV) will remain unchanged, and WNUV(TV)'s program stream on WMPB(TV) will use the PSIP channel designation of 54.11, and both will be identified as being associated with WNUV(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 WNUV(TV) averages at least three hours per week of core programming on its primary stream. As such, neither WNUV(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 WNUV(TV)'s multicast signals to the facilities of WMAR-TV and WBAL-TV. Licensee is airing on WNUV(TV) the requisite consumer notices and has posted 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 June 24, 2021.

Grant of this STA request will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving WNUV(TV)'s ability to air each of its programming streams in the ATSC 1.0 format to ensure that most of WNUV(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 WMPB(TV)'s, WMAR-TV's and WBAL-TV's channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.