

Gerald G. Benavides
KFLZ-LD (Facility ID 40782), San Antonio, Texas

Request for Engineering STA

B Communications Joint Venture (“B-Comm”), licensee of low power television station KFLZ-LP and permittee of digital low power television station KFLZ-LD (the “Station”), respectfully requests a grant of special temporary authority to operate an analog FM audio carrier as an ancillary or supplementary service within the Station’s assigned digital channel frequency while the current rulemaking on this issue remains pending. B-Comm holds a yet-unbuilt digital flash cut Construction Permit (see file # 0000121727) which is subject to a contemporaneously filed extension application (see file # 0000150846).

In its October 2014 *LPTV Third NPRM*, the Commission asked, among other things, “whether to allow LPTV stations on digital television channel 6 (82- 88 MHz) to operate analog FM radio type services on an ancillary or supplementary basis pursuant to section 73.624(c) of the rules.”¹ Although the record developed in response to the NPRM overwhelmingly supported this approach, the agency took no action in its Third Report and Order and Fourth Notice of Proposed Rulemaking, declaring in a footnote: “We intend to issue a decision on whether to permit digital LPTV stations to operate analog FM radio type services on an ancillary or supplementary basis at a later date.”² The Commission refreshed the record in 2020, but has yet to issue a decision.

B-Comm believes that under the FCC’s existing rules, it is permitted to offer an audio signal available at 87.7 FM on an ancillary or supplementary basis. See 47 C.F.R. § 73.624(c) (permitting DTV stations to use spectrum “to offer services of any nature, consistent with the public interest, convenience, and necessity, on an ancillary or supplementary basis” provided that such services “do not derogate DTV broadcast stations’ obligations” to offer at least one over-the-air video stream at no direct charge to viewers); 47 C.F.R. § 74.790(i) (incorporating Section 73.624(c) for digital LPTV stations).³ Nevertheless, out of an abundance of caution, it requests Special Temporary Authority *nunc pro tunc* to offer an analog FM audio stream on an ancillary or supplementary basis.

The licensee holds a construction permit for digital flash cut operation that is currently active. This construction permit, when built, will allow the Station’s ATSC 3.0 signal to occupy 5.509 MHz of the Station’s digital channel. The Station will use this signal to transmit video

¹ Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement, Third Notice of Proposed Rulemaking, 29 FCC Rcd. 12536 ¶ 47 (2014).

² Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Amendment of Part 15 of the Commission’s Rules to Eliminate the Analog Tuner Requirement, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd. 14927 ¶ 4 n. 12 (2015).

³ Section 73.624(c) specifically authorizes the provision of ancillary or supplementary “aural messages” and “audio signals” on a broadcast, point-to-point, or point-to-multipoint basis. 47 C.F.R. § 73.624(c).

programming originated locally in San Antonio, Texas, at no direct charge to viewers. Such video programming can be satisfactorily viewed on consumer receiving equipment based on the ATSC 3.0 standard. See 47 C.F.R. § 74.795(b); 47 C.F.R. § 73.790(g)(3). The ancillary or supplementary audio signal occupies a portion of the remaining bandwidth assigned to the Station as part of its DTV channel. The audio signal does not derogate the Station's obligations under Section 74.790(g)(3) of the FCC's Rules, 47 C.F.R. § 74.790(g)(3). No station has reported any interference or other issues to B-Comm from its analog Channel 6 operation with the ancillary FM analog component to date. Should any unexpected interference occur from the proposed STA operation, B-Comm will promptly take remedial action, including termination of all or part of the Station's signal, if necessary.