

Request for Special Temporary Authority

Deerfield Media (Cincinnati) Licensee, LLC (“Licensee”), licensee of WSTR-TV, Cincinnati, OH (Facility ID 11204), hereby requests Special Temporary Authority in connection with WSTR-TV’s transition to the ATSC 3.0 broadcast transmission standard and related proposal to broadcast WSTR-TV’s non-primary programming streams (“multicast streams”) in ATSC 1.0 format on Station WKRC-TV, Cincinnati, OH (Facility ID 11289), Station WXIX-TV, Newport, KY (Facility ID 39738), and Station WCPO-TV, Cincinnati, OH (Facility ID 59438). Licensee requests that for purposes of enforcement and application of its rules, WSTR-TV be treated as if it is airing the multicast streams over the facilities of WKRC-TV, WXIX-TV and WCPO-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 WSTR-TV’s Form 2100 application (see File No. 0000157764), Licensee proposes to (1) commence ATSC 3.0 operations from WSTR-TV’s current facility and (2) simulcast its primary stream in ATSC 1.0 format on WLWT(TV) pursuant to a written hosting agreement with Ohio/Oklahoma Hearst Television Inc. (“Hearst”).

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 air two of WSTR-TV’s existing multicast streams (currently affiliated with Antenna TV and Comet TV) on Station WKRC-TV, pursuant to a written hosting agreement with WKRC Licensee, LLC (“WKRC”). Applicant also proposes to air an additional existing multicast stream (currently affiliated with TBD) on Station WXIX-TV, pursuant to a written hosting agreement with Gray Television Licensee, LLC (“Gray”). Finally, Applicant proposes to air an additional existing multicast stream (currently affiliated with Dabl) on Station WCPO-TV, pursuant to a written hosting agreement with Scripps Broadcasting Holdings LLC (“Scripps”).

Because of ATSC 1.0 capacity constraints, WSTR-TV is not able to air its multicast streams on WLWT, 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 WSTR-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 host for stations in the Cincinnati, OH market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WSTR-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 Cincinnati, OH market.

The multicast hosting arrangements with WKRC-TV, WXIX-TV, and WCPO-TV will serve the public interest by enabling nearly all current over-the-air viewers to continue to have access to WSTR-TV's multicast streams. The service contours of WKRC-TV, WXIX-TV, and WCPO-TV cover a majority (98.4%, 89.1%, and 99.3% respectively) of WSTR-TV's current service area population. The attached engineering exhibit provides the contour comparison between WSTR-TV and its proposed multicast ATSC 1.0 hosts. Absent the arrangements with WKRC-TV, WXIX-TV, and WCPO-TV, all over-the-air viewers would lose access to WSTR-TV's multicast streams. Additionally, the arrangements will preserve access to those WSTR-TV multicast streams currently received for viewers who are receiving them via MVPDs. Licensee has coordinated with MVPDs that carry WSTR-TV's multicast streams to confirm that they will continue to receive a good quality signal of such streams from WKRC-TV, WXIX-TV, and WCPO-TV over-the-air or via alternative delivery methods, such as direct fiber feed.

Although Licensee has agreed to indemnify the licensees of WKRC, Gray and Scripps 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 WKRC-TV, WXIX-TV, and WCPO-TV (as applicable), Licensee is requesting the instant authorization to make clear that Licensee will remain responsible for the Antenna TV, Comet TV, TBD, and Dabl 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 WSTR-TV's program streams will remain unchanged and be identified as being associated with WSTR-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 WSTR-TV averages at least three hours per week of core programming on its primary stream. As such, neither WSTR-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 WSTR-TV's multicast signals to the facilities of WKRC-TV, WXIX-TV, and WCPO-TV. 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 WSTR-TV's primary stream ATSC 1.0 signal. Licensee is also airing on WSTR-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 September 14, 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 WSTR-TV's ability to air each of its programming streams in the ATSC 1.0 format to ensure that most of WSTR-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 the WKRC-TV, WXIX-TV, and WCPO-TV channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations with regard to its multicast streams.