

**Request for Renewal of
Special Temporary Authority
WRBW**

November 18, 2021

Fox Television Stations, LLC (FTS), licensee of WRBW, Orlando Florida (Facility ID 54940) (Station) hereby requests renewal of special temporary authority (STA) in connection with the Station's current operation as a NextGen TV broadcast facility. The current STA will expire on December 24, 2021 (File No. 0000143946). Renewal of the STA is necessary as the Commission has not completed its rulemaking regarding the licensing of multicast streams.¹

FTS requests a renewal of the STA to air the Station's non-primary multicast streams using the ATSC 1.0 standards, with no ATSC 3.0 simulcast, on WFTV (Facility ID 72076) and WRDQ (Facility ID 55454), Orlando Florida, licensed to WFTC, LLC (a subsidiary of Cox) (herein Cox Stations), and WKMG-TV (Facility ID 71293), Orlando, Florida, licensed to Graham, Media Group, Orlando, Inc. (Graham Station), for purposes of confirming and clarifying that:

- (1) The broadcast ownership rules do not apply to the extent this arrangement would otherwise be in potential violation of those rules; and
- (2) The Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations in the same matter as an ATSC 1.0 primary simulcast stream is treated under the Commission's ATSC 3.0 rules and regulations.

As indicated in the Station's NextGen TV license (File No. 0000143935) FTS is operating the Station's facility using the ATSC 3.0 standard and, as required under the Commission's ATSC 3.0 rules, is simulcasting the Station's primary programming stream in the ATSC 1.0 standard as a guest on WOFL (Facility ID 41225).²

In addition to its primary programming stream, the Station broadcasts three non-primary multicast streams: Heroes & Icons, Movies!, and TheGrio-TV. In order to avoid the loss of the Station's over-the-air non-primary multicast streams to its ATSC 1.0 viewers, FTS entered into

¹ In the Matter of Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard, *Second Further Notice of Proposed Rulemaking*, GN Docket No. 16-142 (rel. Nov. 5, 2021).

² WOFL is also owned by Fox Television Stations, LLC and is a FOX O&O network station. The Station is a MyNetworkTV network station.

written hosting agreements with the Cox Stations and the Graham Station to broadcast those streams using the ATSC 1.0 facilities of the Cox Stations and the Graham Station respectively.

WRBW's 1.0 multicast streams are currently located on following stations³:

Multicast Stream	Multicast Host Station	Facility ID	Licensee/Affiliate	Virtual Channel Position
Movies!	WRDQ	55454	Cox/Independent	65.2
Heroes & Icons	WKMG-TV	71293	Graham/CBS	65.3
The Grio TV	WFTV	72076	Cox/ABC	65.4

As part of that same arrangement, FTS is providing the Cox Stations and the Graham Station capacity as ATSC 3.0 guest stations on the Station's ATSC 3.0 facility.

Due to ATSC 1.0 capacity constraints, the Station continues to be unable to air its nonprimary multicast streams on the same host station (WOFL) as its primary ATSC 1.0 programming stream. 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 the Station's ATSC 3.0 facility to simulcast the Station's non-primary multicast streams in the ATSC 3.0 standard without unduly minimizing, if not largely eliminating, the benefits to the public and the participating stations transitioning to ATSC 3.0. The Station's ATSC 3.0 facility is hosting five NextGen TV stations – the Station, WOFL, the Cox Stations and the Graham Station.

Simulcasting the Station's non-primary multicast streams in ATSC 3.0 would reduce capacity available for the NextGen TV stations to offer consumers the improved services that ATSC 3.0 enables. The types of services and improvements that would be precluded would be 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 require a portion of the ATSC 3.0 capacity that would be unavailable were the Station's ATSC 3.0 facility to simulcast the Station's non-primary multicast streams in ATSC 3.0. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast the Station's non-primary multicast streams using ATSC 3.0 and ATSC 1.0 standards. Obtaining, installing, and testing that equipment would delay and distract from the testing and deployment of improved services that ATSC 3.0 enables.

The ATSC 1.0 non-primary multicast hosting arrangements with the Cox Stations and the Graham Station have enabled FTS to continue providing these streams in the Orlando market. As shown in the composite coverage maps attached below, more than 98 percent of the viewers that currently receive the Station's non-primary multicast streams over-the-air from the Station's

³ The Station is not altering the multicast stream lineup in the instant request.

ATSC 1.0 current facility have retained access to the Station's multicast streams from the Cox Stations, and 96 percent of Station's ATSC 1.0 viewers have retained access to the Station's multicast stream from the Graham Station's ATSC 1.0 facilities, which, in each case, continues to serve the Station's community of license. Absent this arrangement, and without the STA renewal, FTS may not be able to continue to provide the Station's non-primary multicast streams over-the-air, which would request in a complete loss of service to all of the over-the-air viewers of these streams.

FTS provided timely notice to the relevant MVPDs when it relocated its ATSC 1.0 non-primary multicast streams and aired the requisite consumer notices. In order to alleviate any viewer confusion, the PSIP (virtual) channels for each of the Station's program streams remained unchanged and are identified as being associated with the Station.

FTS's request herein to renew the clarification that the broadcast ownership rules do not apply to this arrangement is consistent with the Commission's decision and underlying basis to "not apply the broadcast ownership rules in any situation where an ATSC 3.0 signal or an ATSC 1.0 simulcast on a temporary host station's facility would result in a potential violation of those rules."⁴

FTS's request herein to renew the clarification that the Station is the licensee originating the non-primary multicast streams and considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended, and the Commission rules and regulations, is consistent with the arrangements between FTS and each of the Cox Stations and the Graham Station, in connection with which FTS will indemnify the Cox Stations and the Graham Station from all liabilities or claims resulting from the airing of the Station's non-primary streams over their ATSC 1.0 facilities.

FTS understands that grant of renewal will make clear that FTS is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regards to the Station's non-primary multicast streams, including the Commission's rules regarding political broadcasting, children's programming, equal employment opportunities, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System. With respect to children's programming, the Station schedules one hour per week of regularly scheduled children's core programming and at least 52 hours per year of nonregularly scheduled core programming on its primary programming stream, and thus intends to rely on its non-primary multicast streams for its second hour per week of regularly scheduled core programming in order to comply with the Commission's television programming requirements.⁵

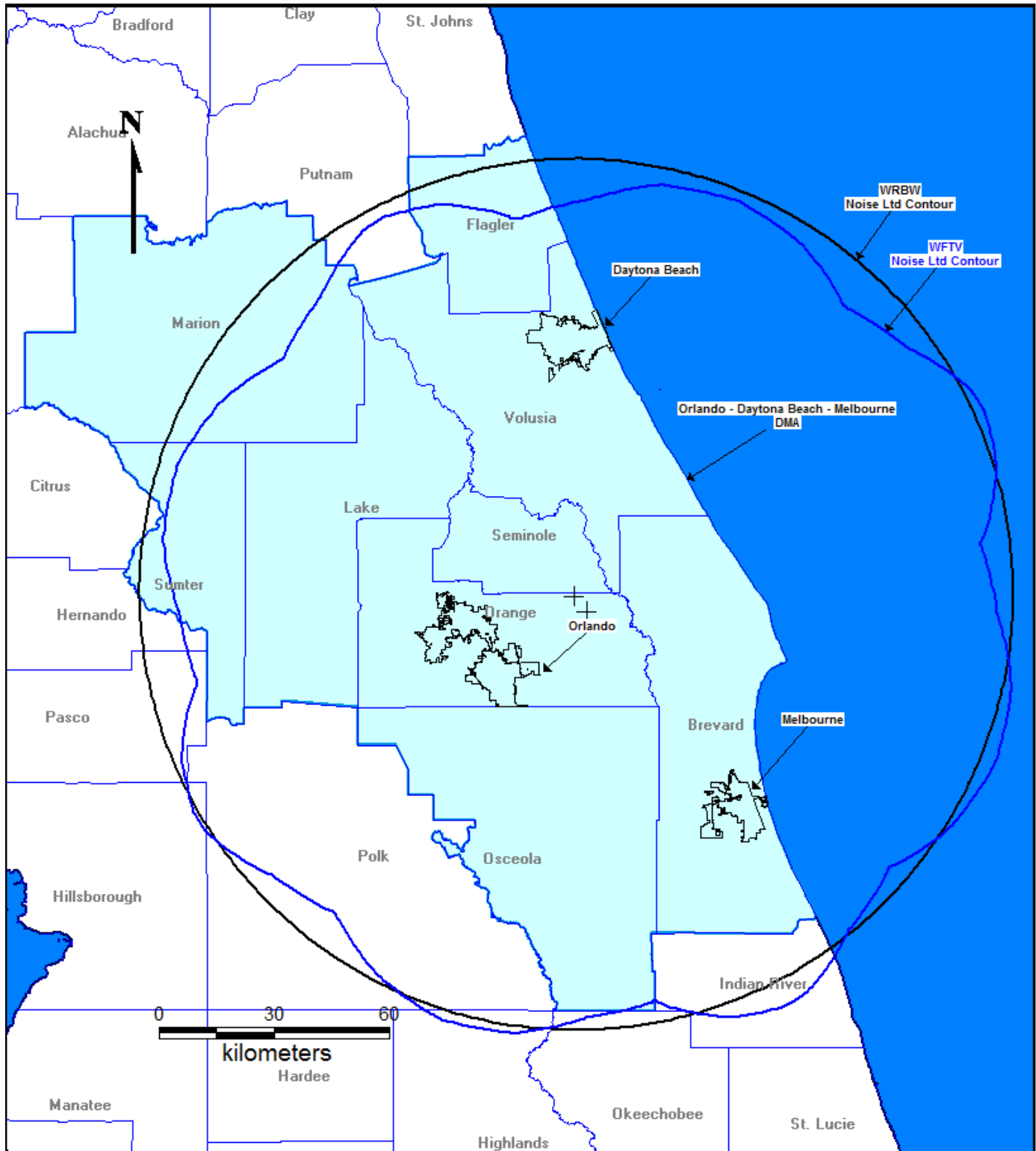
⁴ *Next Gen TV Report and Order*, 32 FCC Rcd at 9972, para. 80, n.237. See also *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-73, para. 15 (rel. Jun. 9, 2020).

⁵ See 47 CFR §73.671(d). In its 2020 Children's Television Programming Report (File Number 0000131830), the Station elected to report under Category A, Option 2. The Station has elected

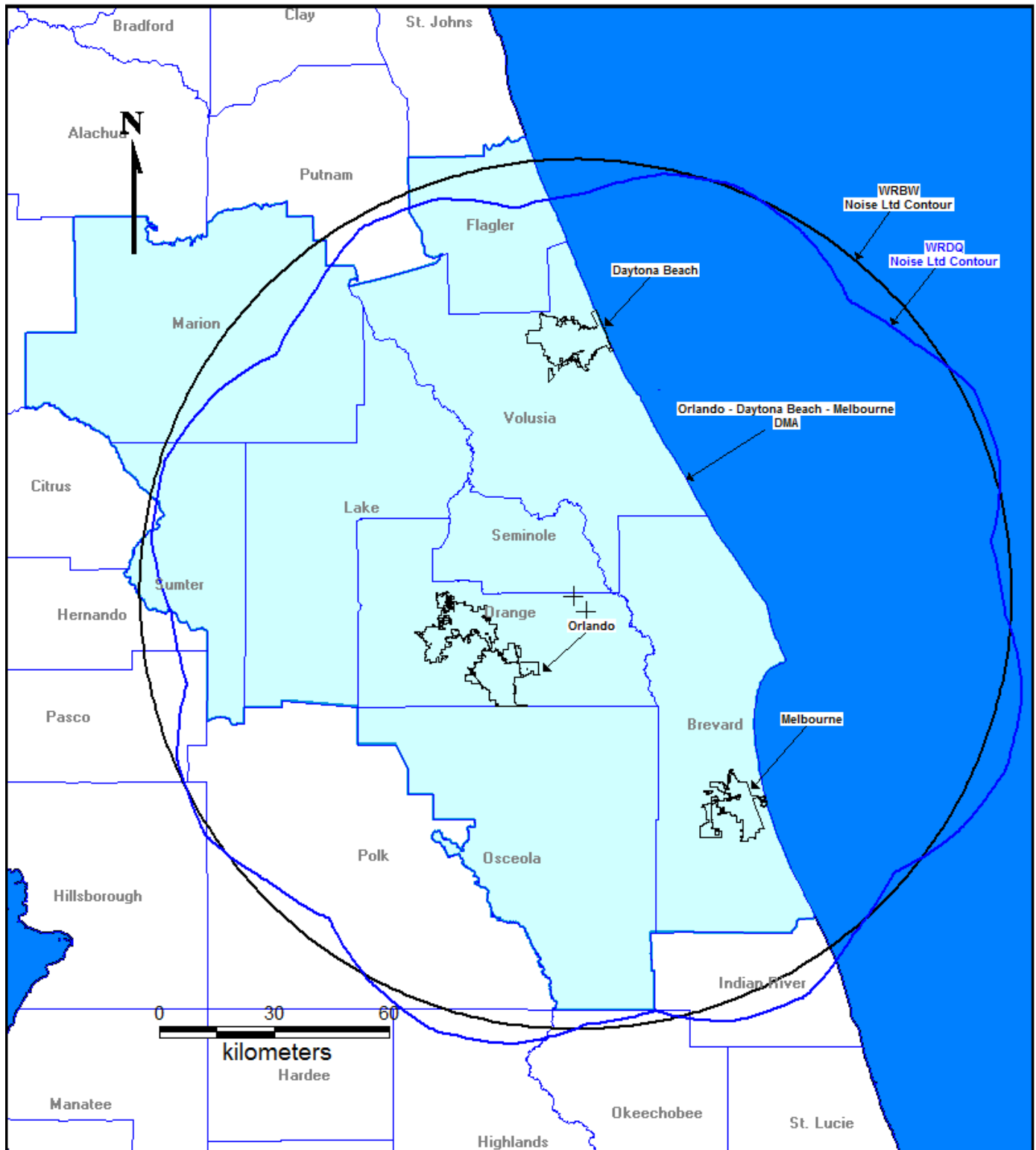
Grant of the STA renewal will serve the public interest as it will advance the Commission's ATSC 3.0 policy goals, facilitate the deployment of ATSC 3.0 in light of the evolving nature of NextGen deployment, and promote the continued over-the-air transmission of the Station's non-primary multicast streams in the ATSC 1.0 standard. Accordingly, we request a 180 day extension to June 22, 2022.

the same category for the 2021 calendar year. The Station reports all core programming aired on multicast streams, even though only one hour per week qualifies towards the safe harbor processing guidelines.

Coverage Contour Comparison
Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan
WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT
WFTV, Ch. 35, Orlando, FL, 1000kW ERP, Directional, 489m HAAT



Coverage Contour Comparison
Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan
WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT
WRDQ, Ch. 27, Orlando, FL, 1000kW ERP, Directional, 490m HAAT



Coverage Contour Comparison
Orlando - Daytona Beach - Melbourne, FL DMA Shown in Cyan
WRBW, Ch. 28, Orlando, FL, 1000kW ERP, Non-Directional, 447m HAAT
WKMG-TV, Ch. 26, Orlando, FL, 1000kW ERP, Directional, 515.4m HAAT

