

Request for Special Temporary Authority

Deerfield Media (San Antonio) Licensee, LLC (“Licensee”), licensee of KMYS(TV), Kerrville, TX (Facility ID 51518; RF Channel 32), hereby requests Special Temporary Authority in connection with KMYS(TV)’s transition to the ATSC 3.0 broadcast transmission standard and related broadcast of KMYS(TV)’s non-primary programming streams (“multicast streams”) in ATSC 1.0 format on KABB(TV), San Antonio, TX (Facility ID 53528; RF Channel 30). Licensee requests that for purposes of enforcement and application of its rules, KMYS(TV) be treated as if it is airing the multicast streams over the multicast hosts’ 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 KMYS(TV)’s Form 2100 application (*see* File No. 0000191505) Licensee proposes to commence ATSC 3.0 operations from KMYS(TV)’s current facility and to broadcast its primary stream in ATSC 1.0 format on KCWX(TV), Fredericksburg, TX (Facility ID 24316; RF Channel 5), pursuant to a written hosting agreement with Corridor Television, L.L.P. 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 broadcast its *TBD* and *Stadium* multicast streams using the facilities of KABB(TV), pursuant to a written hosting agreement with KABB Licensee, LLC (“Sinclair”).

Because of ATSC 1.0 capacity constraints, KMYS(TV) is not able to air its multicast streams on KCWX(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 KMYS(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 San Antonio, TX market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast KMYS(TV)’s multicast streams in ATSC 3.0 and ATSC 1.0 formats. Obtaining, installing, and testing that equipment would, at a minimum, delay rollout of ATSC 3.0 in the San Antonio Market.

The hosting arrangement with KABB(TV) will serve the public interest by enabling nearly all of the station’s current over-the-air viewers to continue to have access to KMYS(TV)’s multicast streams. KABB(TV)’s service contour covers a majority (96.3%) of KMYS(TV)’s service population. *See* attached engineering exhibit. Absent the arrangement with KABB(TV), all over-the-air ATSC 1.0 viewers would lose access to KMYS(TV)’s multicast streams. Additionally, the arrangement will preserve access to KMYS(TV) multicast streams currently

received by viewers via MVPDs. Licensee has coordinated with or will coordinate with MVPDs that carry KMYS(TV)'s multicast streams to confirm that they will continue to receive a good quality signal of such streams from KABB(TV)'s facilities over the air or via alternative delivery methods, such as direct fiber feed.

Although Licensee has agreed to indemnify Sinclair from and against all liabilities or claims resulting from or arising out of the programming and advertising broadcast on Licensee's program streams using KABB(TV)'s facilities, Licensee is requesting the instant authorization to make clear that Licensee will remain responsible for these 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 KMYS(TV)'s program streams will remain unchanged and be identified as being associated with KMYS(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 KMYS(TV) averages at least three hours per week of core programming on its primary stream. As such, neither KMYS(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 KMYS(TV)'s multicast signals to KABB(TV)'s facilities. Licensee provided notice to the relevant MVPDs of its proposed multicast ATSC 1.0 signal relocations when it provided the requisite 120-day notice regarding relocation of KMYS(TV)'s primary stream ATSC 1.0 signal. Licensee is also airing the requisite consumer notices on KMYS(TV) and will post a consumer notice to its website regarding the station's transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan on June 16, 2022 to continue receiving KMYS(TV)'s signals.

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