

Request for Special Temporary Authority

KUPN Licensee, LLC (“Licensee”), licensee of KVCW(TV), Las Vegas, NV (Facility ID 10195), hereby requests modification to the Special Temporary Authority (“STA”) that was granted on July 9, 2020 (and most recently extended on March 3, 2022) in connection with KVCW(TV)’s launch of ATSC 3.0 broadcast service. *See* File Nos. 0000112813 and 0000183902. " On May 26, 2020, Licensee commenced ATSC 3.0 operations from KVCW(TV)’s facility, which serves as the ATSC 3.0 host for stations in the Las Vegas market and began simulcasting its primary stream in ATSC 1.0 format on KTNV-TV, Las Vegas, NV (Facility ID 74100), pursuant to Licensee’s Next Generation license (*see* File No. 0000112811) and a written hosting agreement with Scripps Broadcasting Holdings LLC. Additionally, Licensee began airing its *MyNetwork* multicast stream from the facilities of commonly owned KSNV(TV), Las Vegas, NV (Facility ID 10179) and began airing its *TBD*, *This TV*, and *Comet TV* multicast streams from the facilities of KLAS-TV, Las Vegas, NV (Facility ID 35042) (together with KSNV(TV), the “multicast hosts”) pursuant to a written hosting agreement with Nexstar Broadcasting, Inc. (“Nexstar”).

Beginning September 1, 2022, the KVCW(TV) multicast stream currently affiliated with *Comet TV* will be affiliated with the *Stadium* network instead. This request therefore seeks an STA to allow KVCW(TV) to (1) continue the hosting arrangement for the broadcast of its multicast stream affiliated with *MyNetwork* from KSNV(TV)’s facilities in ATSC 1.0 format and (2) continue its hosting arrangements with KLAS-TV, as modified to permit the broadcast of KVCW(TV)’s multicast streams affiliated with *TBD*, *This TV*, and *Stadium* (the latter instead of *Comet TV*) from KLAS-TV’s facilities in ATSC 1.0 format. The proposed change is reflected in the chart below:

Current Hosting Arrangements		Hosting Arrangements Beginning September 1	
Program Stream	Host/RF Channel	Program Stream	Host/RF Channel
CW Network (Primary)	KTNV-TV / 13	CW Network (Primary)	KTNV-TV / 13
MyNetwork	KSNV(TV) / 22	MyNetwork	KSNV(TV) / 22
TBD	KLAS-TV / 7	TBD	KLAS-TV / 7
ThisTV	KLAS-TV / 7	ThisTV	KLAS-TV / 7
Comet TV	KLAS-TV / 7	Stadium	KLAS-TV / 7

As explained in Licensee’s original request for STA, KVCW(TV) is not able to air its multicast streams on KTNV-TV, its primary ATSC 1.0 simulcast host, due to ATSC 1.0 capacity constraints. 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 KVCW(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 the market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast KVCW(TV)'s multicast streams in ATSC 3.0 and ATSC 1.0 formats.

The hosting arrangements with the multicast hosts serve the public interest by enabling the station's over-the-air viewers to continue to have access to KVCW(TV)'s multicast streams. KVCW(TV)'s service contour is contained within the service contours of KSNV(TV) and KLAS-TV. As such, there is no "loss area" population created as a result of the transfer of KVCW(TV)'s multicast streams to the multicast hosts' stations. *See* attached engineering exhibit (as previously submitted with KVCW(TV)'s original STA request). Absent the arrangement with the multicast hosts, all over-the-air ATSC 1.0 viewers would lose access to KVCW(TV)'s multicast streams. Additionally, the arrangement will preserve access to those KVCW(TV) multicast streams currently received for viewers who are receiving them via MVPDs. As noted above, there is no loss area population because the KVCW(TV) contour is encompassed by the multicast hosts' station contours. Licensee is airing consumer notices and will continue to do so during the 30 days leading up to the programming change discussed above and has posted notice to its website regarding the programming change. Licensee has also coordinated with or will coordinate with MVPDs as needed. Because KSNV(TV) and KLAS-TV are currently serving as hosts for KVCW(TV)'s multicast streams, Licensee anticipates that MVPDs will continue to receive a good quality signal of such streams from KSNV(TV) and KLAS-TV.

Although KVCW(TV) and KSNV(TV) are commonly owned and Licensee has agreed to indemnify Nexstar 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 KLAS-TV, Licensee is requesting this modified STA to make clear that Licensee will remain responsible for its multicast streams' compliance with the Communications Act and the Commission's rules and regulations.

Grant of this STA modification would serve the public interest because it would advance the Commission's ATSC 3.0 policy goals while preserving KVCW(TV)'s ability to air each of its programming streams in ATSC 1.0 and ensure access to the programming currently received for most over-the-air viewers. It will also continue to make clear that KVCW(TV) is an authorized user of a portion of KSNV(TV)'s and KLAS-TV's channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.