

Request for Extension of Special Temporary Authority

New York Television, Inc. (“Licensee”), licensee of WNYO-TV, Buffalo, NY (Facility ID 67784) hereby requests extension of the Special Temporary Authority (“STA”) that was granted on March 17, 2021 (and was most recently extended on April 29, 2022) in connection with WNYO-TV’s launch of ATSC 3.0 broadcast service. *See* FCC File Nos. 0000136978 and 0000186644. On March 18, 2021, Licensee commenced ATSC 3.0 operations from WNYO-TV’s facility, which serves as the ATSC 3.0 host for stations in the Buffalo, NY market, and began simulcasting its primary stream in ATSC 1.0 format commonly owned WUTV(TV), Buffalo, NY (Facility ID 415) (*see* File No. 0000136976). Additionally, Licensee began airing its *Stadium* multicast stream from the facilities of WKBW-TV, Buffalo, NY (Facility ID 54176) pursuant to its written hosting agreement with Scripps Broadcasting Holdings LLC (“Scripps”), began airing its *Comet TV* multicast stream from the facilities of WGRZ(TV), Buffalo, NY (Facility ID 64547), pursuant to a written hosting agreement with Tegna Inc. (“TEGNA”), and began airing its *GetTV* multicast stream from the facilities of WNLO(TV), Buffalo, NY (Facility ID 71905), pursuant to a written hosting agreement with Nexstar Media Inc. (“Nexstar”) This request seeks extension of STA to the extent necessary to allow WNYO-TV to continue the hosting arrangement for the broadcast of these multicast streams from WKBW-TV’s, WGRZ(TV)’s, and WNLO(TV)’s facilities in ATSC 1.0 format.

As explained in Licensee’s original request for STA, WNYO-TV is not able to air its multicast streams on WUTV(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 WNYO-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. Absent the arrangements with WKBW-TV, WGRZ(TV), and WNLO(TV), all over-the-air viewers would lose access to an ATSC 1.0 signal of WNYO-TV’s multicast streams. Although Licensee has agreed to indemnify Scripps, Tegna, and 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 WKBW-TV, WGRZ(TV), and WNLO(TV), respectively, Licensee is requesting extension of the STA to make clear that Licensee will remain responsible for the *Stadium*, *Comet TV*, and *GetTV* streams’ compliance with the Communications Act and the Commission’s rules and regulations.

As such, Licensee respectfully requests extension of the STA. Grant of this STA request will serve the public interest, because it would advance the Commission’s ATSC 3.0 policy goals while preserving WNYO-TV’s ability to air its programming streams in the ATSC 1.0 format and ensure access to the programming currently received for nearly all over-the-air viewers. It will also continue to make clear that WNYO-TV is an authorized user of a portion of WKBW-TV’s, WGRZ(TV)’s, and WNLO(TV)’s channels and is the party responsible for ensuring compliance with the Communications Act and the Commission’s rules and regulations.