

**Request for Special Temporary Authority**

WRGT Licensee, LLC (“Licensee”), licensee of WRGTV-TV, Dayton, OH (Facility ID 411), hereby requests Special Temporary Authority in connection with WRGTV-TV’s transition to the ATSC 3.0 broadcast transmission standard and related proposal to broadcast WRGTV-TV’s non-primary programming streams currently affiliated with *TBD*, *Antenna TV*, *Charge!*, and *Comet TV* (the “multicast streams”) in ATSC 1.0 format on WKEF(TV), Dayton, OH (Facility ID 73155), WHOI-TV, Dayton, OH (Facility ID 41458), WDTN(TV), Dayton, OH (Facility ID 65690), and WPTD(TV), Dayton, OH (Facility ID 25067), respectively (the “multicast hosts”). Licensee requests that for purposes of enforcement and application of the Commission’s rules, WRGTV-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 WRGTV-TV’s Form 2100 application (*see* File No. 0000204184), Licensee proposes to (1) commence ATSC 3.0 operations from WRGTV-TV’s current facility and (2) simulcast its primary stream (currently affiliated with *DABL*) and its multicast stream currently affiliated with *TBD* in ATSC 1.0 format on WKEF(TV). 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 use the multicast hosts’ facilities to broadcast WRGTV-TV’s *TBD*, *Antenna TV*, *Charge!*, and *Comet TV* multicast streams in ATSC 1.0, pursuant to a written hosting agreements with WKEF Licensee, L.P., Nexstar Media Inc., Miami Valley Broadcasting Corporation, and Greater Dayton Public Television, Inc., respectively.

Because of ATSC 1.0 capacity constraints, WRGTV-TV is not able to air all of its multicast streams on WKEF(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 WRGTV-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 Dayton, OH market (the “DMA”). Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WRGTV-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 DMA.

The hosting arrangements with the multicast hosts will serve the public interest by enabling nearly all current over-the-air viewers to continue to have access to WRGTV-TV’s

multicast stream. The service contours of WKEF(TV), WDTN(TV), WHIO-TV, and WPTD(TV) cover a majority (99.7%, 99.9%, 99.9%, and 96.6%, respectively) of WRGT-TV's current service area population. *See* attached engineering exhibit. Absent the arrangement with the multicast hosts, all over-the-air viewers would lose access to WRGT-TV's multicast stream. Additionally, the arrangement will preserve access to the WRGT-TV multicast stream for viewers who are receiving it via MVPDs. Licensee has coordinated with or will coordinate with MVPDs that carry WRGT-TV's multicast streams to confirm that they will continue to receive a good quality signal of the streams from the multicast hosts' facilities over-the-air or via alternative delivery methods, such as direct fiber feed.

Although Licensee has agreed to indemnify the multicast host licensees 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 multicast hosts' facilities, Licensee is requesting the instant authorization out of an abundance of caution to make clear that Licensee will remain responsible for the WRGT-TV multicast streams' compliance with the Communications Act and the Commission's rules and regulations. To alleviate any viewer confusion, the PSIP (virtual) channel for WRGT-TV's program streams will remain unchanged and be identified as being associated with WRGT-TV. We also note that Licensee does not currently, and does not intend to, rely on its multicast stream for compliance with the Commission's Children's Television Programming requirements, as WRGT-TV averages at least three hours per week of core programming on its primary stream. As such, neither WRGT-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 WRGT-TV's multicast signal to the multicast hosts' facilities. 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 WRGT-TV's primary stream ATSC 1.0 signal. Licensee is also airing on WRGT-TV the requisite consumer notices and will post 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 December 15, 2022.

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