

Request for Renewal of Special Temporary Authority

ATSC 1.0 Multicast

KSMO-TV, Kansas City, Missouri (FID 33336)

Gray Television Licensee, LLC (“Gray”), licensee of KSMO-TV, Kansas City, Missouri (FID 33336) (“Station”) hereby requests a further renewal of its special temporary authority (“STA”) to allow the broadcast of the Station’s multicast streams using the ATSC 1.0 standard, with no ATSC 3.0 simulcast. (See File No. 203053).

As approved in its Modification to License (Next Gen), granted on August 23, 2021 (File No. 0000153303), the Station operates using the ATSC 3.0 standard. The Station’s primary programming stream is simulcast in the ATSC 1.0 standard on co-owned station KCTV(TV) (FID 41230). Because of ATSC 1.0 capacity constraints, the Station is not able to air all of its multicast streams on the same channel as its primary ATSC 1.0 simulcast signal.

In addition to its primary programming stream, the Station broadcasts four multicast streams. These streams currently broadcast The Grio, DABL, COZI TV and Comet programming. In order to avoid the loss of the Station’s over-the-air non-primary multicast streams to ATSC 1.0 viewers, Gray has agreements with the ATSC 1.0 Hosting Stations to broadcast those streams using those station’s ATSC 1.0 facilities.¹ As part of this same arrangement, Gray provides the ATSC 1.0 Hosting Stations with capacity as ATSC 3.0 guest stations on the Station’s ATSC 3.0 facility.

KSMO’s multicast streams will air in ATSC 1.0 as follows:

| Stream | ATSC 1.0 Hosting Stations | Channel position |
|----------|---------------------------|------------------|
| The Grio | KMBC(TV) | 62.2 |
| DABL | KMBC(TV) | 62.3 |
| COZI TV | KCWE(TV) | 62.4 |
| Comet | KCWE(TV) | 62.5 |

If KSMO were broadcasting in ATSC 1.0 via its own facilities, it would be able to broadcast its primary and multicast streams. However, following KSMO’s transition to the ATSC 3.0 standard, the hosting arrangements with the ATSC 1.0 Hosting Stations have allowed Gray to continue offering these multicast streams in the Kansas City, MO market. Due to capacity and other constraints, the Station is not able to simulcast an ATSC 3.0 version of its multicast streams. In order to continue to alleviate any viewer confusion, the Licensee confirms that the PSIP (virtual) channel for each of the Station’s programming streams will remain unchanged and will continue to be identified to viewers as being associated with KSMO.

As shown in the composite coverage maps attached to its original request, 99.98 percent of the viewers that currently receive the Station’s 62.2 and 62.3 multicast streams over-the-air from the Station’s ATSC 1.0 current facility will retain access to this programming from KMBC(TV). Additionally, 99.8 percent of the viewers that currently receive the Station’s 62.4 and 62.5 multicast streams over the air, will continue to receive this programming from KCWE(TV). And, in each case, these programming streams will continue to serve the Station’s community of license.

¹ Gray acquired the Station from Meredith Corporation effective December 1, 2021. Gray has assumed the relevant hosting agreements referenced in this request.

Additionally, the arrangements will preserve access to the Station's multicast streams for viewers who are receiving them via MVPDs. Gray provided the requisite notice to MVPDs regarding relocation of the Station's primary ATSC 1.0 stream and its non-primary multicast streams. Gray will work with all impacted MVPDs to ensure that they continue to receive a good quality signal of the non-primary multicast streams, whether that be over-the-air or via alternate delivery methods. Because the Multicast Hosts are currently airing KSMO's multicast programming, Gray anticipates that MVPDs will continue to receive a good quality signal of its multicast streams. The Station also aired public service announcements to inform viewers of this transition and of the need for viewers to rescan their televisions after the transition date in order to maintain over-the-air access to the Station's program streams in the current format.

In its November 5, 2021 Second Further Notice of Proposed Rulemaking, the Commission recognized that its "existing rules do not address the licensing of multicast streams" but that "a Next Gen TV broadcaster that has converted or is seeking to convert its facility to 3.0 can seek special temporary authority (STA) to air 1.0 multicast streams on a host station." As the Commission further explained, "these STAs permit a guest multicast stream to be treated as if it originated from the Next Gen TV broadcaster's facility, as opposed to the host station's facility, for purposes of the Commission's rules and the Communications Act."

Consistent with the FCC's proposal in the Second FNPRM, Gray's use of multiple ATSC 1.0 hosts will allow it to maintain existing service to viewers without burdening any party. Gray acknowledges that the use of multiple ATSC 1.0 hosts does not create any new carriage rights for its multicast streams. Gray seeks the Commission's recognition of its proposed multi-host arrangements simply to provide needed clarity: (1) that the hosting arrangements do not implicate the broadcast ownership rules, and (2) that the Station, as the originator of each multicast stream at issue, is "responsible for regulatory compliance regarding the multicast stream being aired on a host station."

Gray understands that renewal of this STA will make clear that Gray 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, captioning, public inspection file, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.

The Station complies with its children's programming obligations by scheduling two hours per week of core programming on its simulcast primary programming stream, and thus intends to continue to rely on its multicast streams for compliance with the Commission's television programming requirements.

Gray requests renewal of this STA request as continued effectiveness of the STA will serve the public interest as it advances the Commission's ATSC 3.0 policy goals, facilitates the deployment of ATSC 3.0 in light of the evolving nature of NextGen deployment, and promotes the continued over-the-air transmission of the Station's nonprimary multicast streams in the ATSC 1.0 standard.