

Request for Special Temporary Authority

Baltimore (WNUV-TV) Licensee, Inc. (“Licensee”), licensee of WNUV(TV), Baltimore, MD (Facility ID 7933), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was granted on June 22, 2021 (and was most recently extended on March 3, 2023) in connection with WNUV(TV)’s transition to the ATSC 3.0 broadcast transmission standard and related proposals to (a) simulcast WNUV(TV)’s primary programming stream on WMPT(TV), Annapolis, MD (Facility ID 65942) and WMPB(TV), Baltimore, MD (Facility ID 65944) and (b) broadcast WNUV(TV)’s nonprimary programming streams (“multicast streams”) in ATSC 1.0 format on WMAR-TV, Baltimore, MD (Facility ID 59442) and WBAL-TV, Baltimore, MD (Facility ID 65696). *See* File Nos. 0000136473 and 0000207042.

On June 24, 2021, Licensee commenced ATSC 3.0 operations from WNUV(TV)’s facility, which serves as the ATSC 3.0 host for stations in the Baltimore, MD market, and began simulcasting its primary stream (affiliated with *The CW* network) in ATSC 1.0 format on WMPT(TV), Annapolis, MD (Facility ID 65942) pursuant to its Next Generation license and hosting agreement with the Maryland Public Broadcasting Commission (“MPBC”). *See* File No. 0000136472. Additionally, Licensee began simulcasting its *CW*-affiliated primary stream on WMPB(TV), Baltimore, MD (Facility ID 65944). The use of WMPB(TV) as a “supplemental” primary stream host is necessary to enable Licensee to provide WNUV(TV)’s primary stream in ATSC 1.0 format to at least 95% of WNUV(TV)’s pre-transition service population. Licensee also began airing its multicast stream affiliated with the *Antenna* network from the facilities of WMAR-TV, Baltimore, MD (Facility ID 59442) and airing its multicast streams affiliated with the *Comet TV* and *Charge!* networks from the facilities of WBAL-TV, Baltimore, MD (Facility ID 65696) pursuant to the June 22, 2021 STA and written hosting agreements with MPBC, Scripps Broadcasting Holdings Licensee LLC (“Scripps”) and WBAL Hearst Television, Inc. (“Hearst”).

The multicast affiliation agreement with *Charge!* has since been replaced with an affiliation agreement with *Stadium*. This request therefore seeks a new STA to enable WNUV(TV) to continue its hosting arrangements with WMPT(TV) (which will continue to host the *CW*-affiliated primary stream in ATSC 1.0 format), WMAR-TV (which will continue to host the *Antenna*-affiliated multicast stream in ATSC 1.0 format), and WBAL-TV (which will continue to host the multicast streams affiliated with *Stadium* (instead of *Charge!*) and *Comet TV* in ATSC 1.0 format). The change underlying this request for new STA is a multicast stream affiliation change only; the affiliation change does not alter the amount of spectrum bandwidth used by WNUV(TV)’s multicast streams, and if WNUV(TV) were broadcasting in ATSC 1.0 via its own facilities, WNUV(TV) would be able to broadcast its primary and multicast streams. This change does not affect WNUV(TV)’s multicast stream PSIP (virtual) channel numbers, which will continue to be identified to viewers as being associated with WNUV(TV). Additionally, Licensee does not intend to rely on any programming broadcast on its multicast streams for compliance with the Commission’s children’s programming requirements. Licensee aired on WNUV(TV) the requisite consumer notices and posted 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 the June 24, 2021

transition date, and provided the requisite notice to MVPDs (as well as notice regarding the *Charge! to Stadium* affiliation change).¹

As explained in Licensee's original request for STA, WNUV(TV) is not able to air its multicast streams on WMPT(TV) and WMPB(TV), its primary ATSC 1.0 simulcast hosts, 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 WNUV(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 the Baltimore market 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 Baltimore market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WNUV(TV)'s multicast streams in ATSC 3.0 and ATSC 1.0 formats.

The supplemental simulcasting arrangement with WMPB(TV) and multicast hosting arrangements with WMAR-TV and WBAL-TV will serve the public interest by enabling nearly all pre-transition WNUV(TV) over-the-air viewers to continue to have access to WNUV(TV)'s primary and multicast streams in ATSC 1.0 format. While the service contour of WMPT(TV), the ATSC 1.0 primary host identified in the Form 2100 application, would cover only 90.3% of WNUV(TV)'s pre-transition service area population, the use of WMPB(TV) as a supplemental primary stream host results in combined coverage of 97.7% of WNUV(TV)'s service area population, and the service contours of WMAR-TV and WBAL-TV cover 96.6% and 99.9%, respectively, of WNUV(TV)'s pre-transition service area population. *See* attached engineering exhibits, as filed with original STA request. Absent the arrangements with WMPB(TV), WMAR-TV and WBAL-TV, nearly 10% of WNUV(TV)'s pre-transition service area population would lose access to an ATSC 1.0 signal of WNUV(TV)'s primary stream, and all over-the-air viewers would lose access to WNUV(TV)'s multicast streams. Additionally, the arrangements will preserve access to WNUV(TV)'s primary stream and multicast streams for viewers who are currently receiving such streams via MVPDs.

With respect to WMPB(TV), Licensee requests Special Temporary Authority to continue to make clear that WNUV(TV) is allowed, pursuant to this separate authorization, to use the facility of a noncommercial station to simulcast WNUV(TV)'s commercial programming. Section 73.3801(a) provides that, for purposes of compliance with the primary stream simulcasting requirement, "a full power station may partner with one or more other full power stations ... in a

¹ Because WBAL-TV is currently serving as host for WNUV(TV)'s multicast streams, Licensee anticipates that to the extent any MVPDs carry WNUV(TV)'s multicast streams affiliated with *Comet TV* and *Stadium*, they will continue to receive a good quality signal of such streams from WBAL-TV.

simulcasting arrangement for purposes of airing an ATSC 1.0 or ATSC 3.0 signal on a host station's (i.e., a station whose facilities are being used to transmit programming originated by another station) facilities. Noncommercial educational television stations may participate in simulcasting arrangements with commercial stations." 47 C.F.R. § 73.3801(a). As contemplated by the rules, WNUV(TV) is partnering with WMPB(TV) in a simulcasting arrangement for purposes of airing an ATSC 1.0 signal of its primary stream on WMPB(TV)'s facilities. However, because the previously granted Form 2100 application only enables an ATSC 3.0 applicant to designate one licensed ATSC 1.0 host (here, WMPT(TV)), Licensee requested previously Special Temporary Authority so that the supplemental simulcast arrangement could be treated akin to a licensed simulcast arrangement. See File No. 0000136473. As explained above, Licensee is filing this new STA (rather than an extension of the previously granted STA) due to a multicast stream affiliation change; nothing has changed with respect to this supplemental primary stream hosting arrangement for which the Commission granted STA in June 2021.

Although Licensee has agreed to indemnify the Maryland Public Broadcasting Commission, Scripps, and Hearst 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 WMPB(TV), WMAR-TV, and WBAL-TV (as applicable), Licensee is requesting this STA to make clear that Licensee will continue to remain responsible for the *CW*, *Antenna*, *Comet TV*, and *Stadium* (formerly *Charge!*) streams' compliance with the Communications Act and the Commission's rules and regulations.

Grant of this STA request will serve the public interest, as it will advance the Commission's ATSC 3.0 policy goals while preserving WNUV(TV)'s ability to air each of its programming streams in the ATSC 1.0 format to ensure that most of WNUV(TV)'s pre-ATSC 3.0 transition viewers can continue to receive the programming currently available to them. It will also continue to make clear that Licensee is an authorized user of a portion of WMPB(TV)'s, WMAR-TV's and WBAL-TV's channels and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.