

Request for Special Temporary Authority

WCWN Licensee, LLC (“Licensee”), licensee of WCWN(TV), Schenectady, NY (Facility ID 73264), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was granted on March 24, 2022 (and was most recently extended on May 4, 2023) in connection with WCWN(TV)’s launch of ATSC 3.0 broadcast service. *See* File Nos. 0000185805 and 0000212552. On March 24, 2022, Licensee commenced ATSC 3.0 operations from WCWN(TV)’s facility, which serves as the ATSC 3.0 host for stations in the Albany, NY market, and began simulcasting its primary stream (affiliated with *CW*) in ATSC 1.0 format from the facilities of WTEN(TV), Albany, NY (Facility ID 74422), pursuant to its Next Generation license and a written hosting agreement with Nexstar Media Inc. *See* File No. 0000185804. Additionally, Licensee began airing its *Charge!* and *Stadium* multicast streams in 1.0 format from the facilities of commonly owned WRGB(TV), Schenectady, NY (Facility ID 73942).

Licensee seeks a new/modified STA because, beginning October 30, 2023, Licensee’s affiliation agreement with the *Stadium* network will be replaced with an affiliation agreement with the *Nest* network. This request therefore seeks a new STA to enable WCWN(TV) to continue its hosting arrangements with WRGB(TV) to permit the broadcast of WCWN(TV)’s multicast streams affiliated with *Charge!* and *Nest* (the latter instead of *Stadium*) from WRGB(TV)’s facilities in ATSC 1.0 format.

As explained in Licensee’s original request for STA, WCWN(TV) is not able to air its multicast streams on WTEN(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 WCWN(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 Albany, NY market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WCWN(TV)’s multicast streams in ATSC 3.0 and ATSC 1.0 formats. Absent the arrangement with WRGB(TV), all over-the-air viewers would lose access to WCWN(TV)’s multicast streams.

The hosting arrangement with WRGB(TV) serves the public interest by enabling the station’s over-the-air viewers to continue to have access to WCWN(TV)’s multicast streams. 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 WCWN(TV)’s multicast streams, and if WCWN(TV) were broadcasting in ATSC 1.0 via its own facilities, WCWN(TV) would be able to broadcast its primary and multicast streams. This change does not affect WCWN(TV)’s multicast stream PSIP (virtual) channel numbers, which will continue to be identified to viewers as being associated with WCWN(TV). Additionally, Licensee does not intend to rely on any programming

broadcast on its multicast streams for compliance with the Commission's Children's Television Programming requirements, as WCWN(TV) averages at least three hours per week of core programming on its primary stream. Licensee has provided notice to MVPDs and is airing consumer notices of the upcoming affiliation change, and Licensee will coordinate with MVPDs as needed to ensure that they can receive a good-quality signal of the multicast streams from the host's facilities. Because WRGB(TV) served as a host under the original STA and will continue to serve as the host for WCWN(TV)'s multicast streams, Licensee anticipates that to the extent any MVPDs carry WCWN(TV)'s multicast streams, they will continue to receive a good quality signal of such streams from WRGB(TV).

Although Licensee and the licensee of WRGB(TV) are ultimately commonly controlled, Licensee is requesting extension of the STA to make clear that Licensee is an authorized user of a portion of WRGB(TV)'s channel and will remain responsible for the multicast 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 WCWN(TV)'s ability to air each of its programming streams in the ATSC 1.0 and ensure that WCWN(TV)'s viewers can continue to receive the programming streams currently available to them. It will also continue to make clear that Licensee is an authorized user of a portion of WRGB(TV)'s channel and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.