

Request for Special Temporary Authority

New York Television, Inc. (“Licensee”), licensee of WNYO-TV, Buffalo, NY (Facility ID 67784), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was granted on March 17, 2021 (and was most recently extended on March 31, 2023) in connection with WNYO-TV’s launch of ATSC 3.0 broadcast service. See FCC File Nos. 0000136978 and 0000214742. 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 (affiliated with *MyNet*) in ATSC 1.0 format commonly owned WUTV(TV), Buffalo, NY (Facility ID 415) pursuant to its Next Generation license. 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”).

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 WNYO-TV to continue its hosting arrangements to permit the broadcast of WNYO-TV’s multicast streams affiliated with *Nest* (instead of *Stadium*), *Comet TV*, and *GetTV* from WKBW-TV’s, WGRZ(TV)’s, and WNLO(TV)’s facilities in ATSC 1.0 format as described above.

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. 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 Buffalo, NY market. Even setting aside these impediments, significant additional engineering work and more equipment would be required to simulcast WNYO-TV’s multicast streams in ATSC 3.0 and ATSC 1.0 formats. Absent the arrangement with WKBW-TV, WGRZ(TV), and WNLO(TV), all over-the-air viewers would lose access to WNYO-TV’s multicast streams.

The hosting arrangements with WKBW-TV, WGRZ(TV), and WNLO(TV) serve the public interest by enabling the stations’ over-the-air viewers to continue to have access to WNYO-

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 WNYO-TV's multicast streams, and if WNYO-TV were broadcasting in ATSC 1.0 via its own facilities, WNYO-TV would be able to broadcast its primary and multicast streams. This change does not affect WNYO-TV's multicast stream PSIP (virtual) channel numbers, which will continue to be identified to viewers as being associated with WNYO-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 WNYO-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 WKBW-TV, WGRZ(TV), and WNLO(TV) served as the hosts under the original STA and will continue to serve as the hosts for WNYO-TV's multicast streams, Licensee anticipates that to the extent any MVPDs carry WNYO-TV's multicast streams, they will continue to receive a good quality signal of such streams from WKBW-TV, WGRZ(TV), and WNLO(TV).

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 this STA to make clear that Licensee 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 WNYO-TV's ability to air each of its programming streams in the ATSC 1.0 format to ensure that WNYO-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 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.