

### **Request for Special Temporary Authority**

WCWB Licensee, LLC (“Licensee”), licensee of WPNT(TV), Pittsburgh, PA (Facility ID 73907), hereby requests Special Temporary Authority (“STA”) that is similar to the STA that was granted on granted on June 15, 2020 (and most recently extended on June 29, 2023) in connection with WPNT(TV)’s launch of ATSC 3.0 broadcast service. See File Nos. 0000112579 and 0000216935. On June 16, 2020, Licensee commenced ATSC 3.0 operations from WPNT(TV)’s facility, which serves as the ATSC 3.0 host for stations in the Pittsburgh market, and began simulcasting its primary stream (affiliated with *MyNet*) in ATSC 1.0 format on commonly owned WPGH-TV, Pittsburgh, PA (Facility ID 73875), pursuant to its Next Generation license. File No. 0000112577. Additionally, Licensee began airing its *Stadium*, *Comet TV*, and *TBD* multicast streams in ATSC 1.0 format from the facilities of WTAE-TV, Pittsburgh, PA (Facility ID 65681), pursuant to a written hosting agreement with Hearst Stations, Inc.

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 WPNT(TV) to continue its hosting arrangement with WTAE-TV to permit the broadcast of WPNT(TV)’s multicast streams affiliated with *Comet TV*, *TBD* and *Nest* (the latter instead of *Stadium*) from WTAE-TV’s facilities in ATSC 1.0 format.

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

The hosting arrangement with WTAE-TV serves the public interest by enabling the station’s over-the-air viewers to continue to have access to WPNT(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 WPNT(TV)’s multicast streams, and if WPNT(TV) were broadcasting in ATSC 1.0 via its own facilities, WPNT(TV) would be able to broadcast its primary and multicast streams. This change does not affect WPNT(TV)’s multicast stream PSIP (virtual) channel numbers, which will continue to be

identified to viewers as being associated with WPNT(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 WPNT(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 WTAE-TV served as a host under the original STA and will continue to serve as the host for WPNT(TV)'s multicast streams, Licensee anticipates that to the extent any MVPDs carry WPNT(TV)'s multicast streams, they will continue to receive a good quality signal of such streams from WTAE-TV.

Although Licensee has agreed to indemnify Hearst Stations, Inc. 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 WTAE-TV, 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 WPNT(TV)'s ability to air each of its programming streams in the ATSC 1.0 format to ensure that WPNT(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 WTAE-TV's channel and is the party responsible for ensuring compliance with the Communications Act and the Commission's rules and regulations.