

Request for Legal STA for Station WLIW(TV), Garden City, NY

The instant legal STA is filed on behalf of WNET (“Licensee”), licensee of noncommercial educational television stations WNET, Newark, NJ (FAC ID 18795) and WLIW, Garden City, NY (FAC ID 38336). Licensee has simultaneously filed an application requesting authority to transition Station WLIW to ATSC 3.0. The anticipated transition date is October 16, 2023.

As indicated in the WLIW application to transition to ATSC 3.0, WLIW’s ATSC 1.0 primary programming stream (PBS) will be broadcast on Station WNET. To minimize the loss of over-the-air programming to its current ATSC 1.0 viewers resulting from WLIW’s transition to ATSC 3.0, Licensee proposes to continue to broadcast the three multicast programming streams WLIW currently broadcasts—*World, Create and All Arts*—in ATSC 1.0. The World and All Arts streams will be broadcast on Station WNET on RF Channel 12. Licensee has entered into a written hosting agreement with CBS Broadcasting, Inc. to host the broadcast of the Create stream in ATSC 1.0 on Station WCBS-TV, New York, NY (FAC ID 9610) on RF Channel 36.

In addition, as the map attached hereto as Exhibit 1 shows, 100% of the population within WLIW’s noise limited service contour will receive the three multicast streams broadcast on WNET and WCBS-TV, respectively. In addition, the multicast streams will be aired in the same resolution that they are currently aired in so that Licensee will not be using more capacity on the ATSC 1.0 host stations than it is currently using on its ATSC 1.0 facilities. Also, the PSIP virtual channels for each multicast stream will not change.

In accordance with FCC policies, Licensee confirms that it will be treated for purposes of enforcement and application of the Commission’s rules as if WLIW were airing the World, Create and All Arts streams on the WLIW facilities. Licensee does not currently, and does not intend to, rely on the multicast streams for compliance with the Commission’s children’s television programming requirements because WLIW averages at least three hours per week of core programming on its primary stream. Therefore, neither WLIW’s compliance with the children’s television requirements nor viewers’ access to the required core programming will be impacted by the carriage of the three multicast streams on Stations WNET and WCBS-TV.

The requested STA will serve the public interest by allowing WLIW to continue providing its multicast channels in ATSC 1.0 in the New York City DMA. Because of ATSC 1.0 capacity constraints, it is not possible for Licensee to simulcast WLIW’s primary stream and all the multicast streams on WNET. Also, because of ATSC 3.0 capacity constraints associated with the multi-station coordination needed for the anticipated transition to ATSC 3.0 of WLIW, WNET, WCBS-TV, WNBC-TV and WNJU in the New York City market, it is not possible to simulcast the three WLIW multicast streams in ATSC 3.0 without unduly minimizing if not 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 the NextGen stations for offering consumers the improved services that ATSC 3.0 enables.

Licensee has provided the required notice to MVPDs in the New York City DMA about the relocation of the WLIW ATSC 1.0 multicast streams to WNET and WCBS-TV. Therefore, the arrangements described in this STA request will preserve access to the WLIW multicast streams for viewers who

receive them through MVPDs. Licensee is also airing the requisite consumer notices and will post to its website information regarding WLIW's transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan.

Grant of the requested legal STA will serve the public interest because it advances the Commission's goals in connection with the transition to ATSC 3.0 service while preserving Licensee's ability to air each WLIW programming stream in ATSC 1.0 so that all current over-the-air viewers can continue to receive the programming currently available to them.