



Federal Communications Commission
Washington, D.C. 20554

March 29, 2018

Unimas Partnership of Phoenix
Christopher G. Wood
5999 Center Drive
Los Angeles, CA 90045

KFPH-CD, Phoenix, AZ
Facility ID No. 2739
File No. 0000048791

Dear Licensee:

This letter is in reference to the above captioned application for experimental authority filed by Unimas Partnership of Phoenix (Unimas), licensee of Class A television station KFPH-CD, Phoenix, Arizona (KFPH-CD or Station). For the reasons below, we grant Unimas' request for experimental authority under the Federal Communications Commission's (Commission) experimental rules governing product development and market trials—Sections 5.601 and 5.602 of the Rules, respectively.¹

Unimas requests experimental authority to deploy an ATSC 3.0 or "Next Generation Television" broadcast signal "test bed" in Phoenix, Arizona (Phoenix Market Trial). Unimas requests permission to convert KFPH-CD's broadcast facility to ATSC 3.0 operations and in the future, will serve as an ATSC 3.0 host for other guest ATSC 3.0 signals. Nine other stations are also involved in the Phoenix Market Trial and will separately file requests to participate as necessary. As part of its conversion to ATSC 3.0 operations, KFPH-CD will also air a ATSC 1.0 simulcast signal over full power television station KTVW-DT, Phoenix, Arizona (KTVW-DT), which is licensed to KTVW License Partnership, G.P.² KFPH-CD operates on RF channel 35 and KTVW-DT operates on RF channel 33. Both stations are separately licensed, but have the same parent company and are thereby commonly owned.³ Unimas proposes to commence ATSC 3.0 service on KFPH-CD's current channel and ATSC 1.0 simulcast service on KTVW-DT's channel on March 31, 2018. The stated objectives of the Phoenix Market Trial are as follows:

1. Test ATSC 3.0 television service, as well as new business models;
2. Develop a framework to facilitate nationwide deployment of ATSC 3.0 service, including best practices;
3. Test consumer devices; and
4. Collect real-time consumer input through surveys and focus groups.

¹ 47 CFR §§ 5.601 and 5.602.

² At this time, KTVW-DT does not request authority to operate an ATSC 3.0 guest signal over KFPH-CD's facility. To the extent it wishes to do so it must independently receive such authority from the Commission.

³ For this reason, no written simulcast agreement has been drafted and at this time we do not require one.

On November 16, 2017, the Commission adopted rules authorizing the licensed transmission of the Next Generation Television broadcasting standard.⁴ While a portion of those rules became effective on March 5, 2018,⁵ the rules governing the one-step streamlined licensing process are not yet effective and implementation of the necessary changes to the Commission's licensing applications are still subject to review by the Office of Management and Budget (OMB).⁶ In addition, the Commission must integrate all changes to its licensing forms into its broadcast application filing system, the Licensing Management System (LMS), in order to process the filing of Next Generation Television license applications. Unimas recognizes that the Next Generation Television licensing rules and applications are not yet final. Nevertheless, in its application Unimas voluntarily commits to operate KFPH-CD in a manner that is consistent with the rules and regulations adopted by the Commission in the *ATSC 3.0 Report and Order*. Among other things, this means that Unimas must simulcast the primary video programming stream of the Station's ATSC 3.0 signal in an ATSC 1.0 format and the programming aired on these two streams must be "substantially similar."⁷ Below we adopt Unimas' voluntary commitments as a condition of grant.

As set forth in the application, the Station will comply with all technical and coverage requirements for providing ATSC 3.0 service adopted by the Commission in the *ATSC 3.0 Report and Order*. Neither KFPH-CD or KTVW-DT will be required to make any changes to their transmitter location, antenna height, antenna pattern, effective radiated power, or any other facility or technical parameter that would necessitate the filing of a construction permit.⁸ Both KTVW-DT and KFPH-CD are located in the Phoenix, Arizona Designated Market Area (DMA) and co-located at the same transmission site. As a result, KFPH-CD's contour is fully encompassed by KTVW-DT's signal and KFPH-CD's ATSC 1.0 simulcast signal will serve 100 percent of its predicted population and coverage area, as demonstrated by the contour overlap map included with its application, and will be able to maintain service to its existing community of license.⁹

Unimas states that on February 8, 2018, it sent formal notifications to the three affected MVPDs - DISH Network, DIRECTV, and Cox, and that it has been coordinating with the impacted MVPDs since December 2017. Univision notes that KFPH-CD will continue to deliver a good quality signal to the principal headend and/or local receive facilities of each of the affected MVPDs. KFPH-CD also commenced on-air viewer notifications to viewers of KFPH-CD's upcoming conversion to ATSC 3.0 on March 1, 2018.

⁴ *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 (2017) (*ATSC 3.0 Report and Order*).

⁵ Federal Communications Commission, *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, 83 Fed. Reg. 4998 (Feb. 2, 2018).

⁶ Federal Communications Commission, *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, 83 Fed. Reg. 9741 (Mar. 7, 2018).

⁷ *ATSC 3.0 Report and Order*, 32 FCC Rcd. at 9942-45, paras. 22-28 (requiring ATSC 1.0 simulcast signal be "substantially similar" to that aired on the ATSC 3.0 primary video programming stream).

⁸ *Id.* at 9955, para. 53 (adopting a streamlined one-step licensing process for ATSC 3.0 applications provided that "no other changes are being requested in the application that would require the filing of an application for a construction permit under the Commission's rules.").

⁹ *Id.* at 9945-46, paras. 29-31 (coverage requirements for the ATSC 1.0 simulcast signal); *id.* at 9955-56, para. 53 (licensing procedure for converting a facility to ATSC 3.0 and establishing a ATSC 1.0 simulcast signal).

We find that the public interest will be served by facilitating the deployment of the Phoenix Market Trial by helping to advance the technical capabilities of Next Generation Television and further evaluate the services and benefits that ATSC 3.0 can offer to viewers. Unimas has agreed to voluntarily comply with the requirements of the *ATSC 3.0 Report and Order*, including as discussed above, compliance with the local simulcasting and coverage requirements. Unimas has also provided 30-days' notice to viewers of KFPH-CD's conversion to ATSC 3.0 transmissions.¹⁰ These actions will help ensure that viewers' access to ATSC 1.0 transmissions is preserved while deployment of ATSC 3.0 is commenced. Although Unimas has not provided the 120-day notice to MVPDs as required under the *ATSC 3.0 Report and Order*,¹¹ it has stated that it will take steps to ensure that MVPD subscribers will not lose access to KFPH-CD's ATSC 1.0 simulcast signal and we below have conditioned this authorization so it may be immediately terminated if such commitment is not upheld.

Accordingly, the experimental authority requested by Unimas for KFPH-CD **IS GRANTED** pursuant to 47 CFR §§ 5.601 and 5.602,¹² and is subject to the following additional conditions based on its voluntary commitments to comply with the requirements set forth in the Commission's *ATSC 3.0 Report and Order* as follows:

1. Beginning March 31, 2018, KFPH-CD is permitted to transmit a signal using the Next Generation TV transmission standard, as defined under 47 CFR § 73.682. The Station must transmit at least one free over the air video programming stream on its ATSC 3.0 signal. Such signal must serve the Station's DTV noise-limited service contour.
2. KFPH-CD must simulcast the primary video programming stream of its ATSC 3.0 channel in an ATSC 1.0 format as a guest on KTVW-DT for the duration of this authorization. The programming aired on the ATSC 1.0 simulcast signal must be "substantially similar" to that aired on its ATSC 3.0 primary video programming stream, as defined in the *ATSC 3.0 Report and Order*.
3. Unimas must obtain Commission approval prior to moving its ATSC 1.0 simulcast stream to another facility and provide advanced 30-days' notice to viewers and 120-days' notice to MVPDs.
4. Unimas must notify the Bureau at least 30 days before ceasing ATSC 3.0 and resuming ATSC 1.0 transmissions, if ATSC 3.0 service is to be discontinued prior to the authorization's expiration date.
5. Any other station that intends to participate in the Phoenix Market Trial must file its own application for experimental authority in order to (1) convert its facilities to ATSC 3.0, (2) transmit an ATSC 3.0 signal as a guest station, or (3) act as a ATSC 1.0 simulcast host. Any authority granted to another station to participate in the Phoenix Market Trial will be subject to the same terms and conditions, including expiration date, as those adopted herein.

¹⁰ *Id.* at 9975-76, paras. 87-88 (requiring a station to air daily on-air consumer education PSAs or crawls beginning 30 days prior to the date that the stations will terminate ATSC 1.0 operations on its existing facility).

¹¹ *Id.* at 9958, para. 61 (requiring must-carry and retransmission consent Next Gen TV broadcasters relocating their 1.0 simulcast channel to provide notice to affected MVPDs at least 120 days in advance if the move occurs during the incentive auction repacking period).

¹² This action is being taken by the Video Division pursuant to the authority delegated to the Media Bureau under 47 CFR § 0.61.

6. Both KFPH-CD's ATSC 1.0 simulcast signal and its ATSC 3.0 signal must comply with all programming, technical, and operational obligations applicable to a Class A television licensee, including the obligation to broadcast a minimum of least 18-hours per day and air an average of at least three hours per week of locally produced programming each quarter. 47 CFR § 73.6001(b). Unimas will be held liable for any violations of the Communications Act of 1934, as amended, the Commission's rules, or regulations resulting from the transmission of its ATSC 1.0 simulcast signal.
7. Grant of the instant experimental authorization does not represent that KFPH-CD would be granted a license to transmit a signal pursuant to the rules adopted in the *ATSC 3.0 Report and Order*. Such evaluation will occur once the Next Generation Television licensing rules and applications are approved by OMB and revised applications are available for filing with the Commission.
8. Any broadcaster equipment or end-user devices must receive (as applicable) the necessary Commission equipment authorizations prior to use.
9. The station must take all steps necessary to ensure that its MVPD carriage on DISH Network, DIRECTV and Cox is not interrupted and this authorization may be immediately terminated if MVPD carriage of KFPH-CD's ATSC 1.0 simulcast stream is interrupted.
10. This experimental authorization expires one year from the date of this letter, subject to paragraph 11 below. There is no expectation of renewal.
11. This experimental authorization is secondary and may be immediately terminated if the operation causes interference to any other broadcast facility or Unimas fails to comply with any conditions of grant. The Bureau may also terminate this authorization for any other reason upon at least 60-days written notice, including but not limited to upon announcement that the remaining ATSC 3.0 rules have taken effect and revised applications are available for filing with the Commission.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc:
Mace J. Rosenstein, Esq.
Ann Bobeck, Esq.