



Federal Communications Commission
Washington, D.C. 20554

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KLGT Licensee, LLC
Miles S Mason
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036
miles.mason@pillsburylaw.com
(via electronic mail)

Request for Legal STA
WUCW(TV), Minneapolis, MN
Facility ID No. 36395
LMS File No. 0000218398

Dear Licensee:

This letter is in reference to the above-captioned application for legal special temporary authority (Legal STA) filed by KLG T Licensee, LLC (Sinclair) (Licensee or Sinclair), licensee of full power television station WUCW(TV), Minneapolis, Minnesota, (WUCW or Station).¹ In its Legal STA, the Licensee requests authorization to allow the Station's non-primary programming streams (multicast streams) to be aired in an ATSC 1.0 format, with no ATSC 3.0 simulcast, on WFTC-TV, Minneapolis, Minnesota (WFTC), licensed to Fox Television Stations, LLC, WCCO-TV, Minneapolis, Minnesota (WCCO), licensed to CBS Broadcasting Inc., and KARE(TV) Minneapolis, Minnesota (KARE), licensed to Multimedia Holdings Corporation (Multicast Hosts).² This arrangement between the Licensee and the Multicast Hosts has been entered into in connection with the Station's transition of its facilities to the ATSC 3.0 transmission standard. Although the Licensee has agreed to indemnify the Multicast Hosts from all liabilities or claims resulting from the airing of its multicast streams over its channel,³ it has requested the instant authorization to make clear that it will remain responsible from a statutory and regulatory perspective for the Station's multicast streams.⁴ Specifically, the Licensee requests that the Station be treated as if it is still originating all the multicast streams and be considered the responsible party for compliance with any obligations under the Communications Act of 1934, as amended (Act) and the Commission's rules (Rules).⁵ For the reasons below, we grant the Licensee's request.⁶

¹ Application of KLG T Licensee, LLC for Legal Special Temporary Authority, LMS File No. 0000218398, as amended (filed July 24, 2023) (WUCW Legal STA).

² *Id.*, Narrative Exhibit at 1. The Multicast Hosts' stations are authorized to operate on RF channels 29, 32 and 31, respectively.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 2-3. See *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, 9970-73, paras. 79-82 (2017) (*Next Gen TV Report and Order*) (requiring Next Gen TV broadcasters to comply with all Commission broadcast rules, including, but not limited to, the Rules regarding foreign ownership, political broadcasting, children's programming, equal employment opportunities, public inspection files, indecency, sponsorship identification, etc.).

⁶ In the *ATSC 3.0 Third R&O*, which was adopted after the instant Legal STA was filed, the Commission adopted rules permitting Next Gen TV broadcasters to modify their licenses to include their simulcast or non-simulcast

Background. On July 31, 2023, we granted the Station's application for modification of license to convert its existing broadcast facilities to the ATSC 3.0 transmission standard.⁷ As required by section 73.3801 of the Rules,⁸ the Station's primary stream will be simulcast in an ATSC 1.0 format over KSTP-TV, St. Paul, Minnesota, licensed to KSTP-TV, LLC.⁹ The Station currently broadcasts five multicast streams: *Comet TV*, *Antenna TV*, *TBD*, *Charge!* and *Rewind*.¹⁰ In order to avoid the loss of the Station's over-the-air multicast programming to its current ATSC 1.0 viewers, the Licensee has entered into a written agreement with the Multicast Hosts to broadcast the multicast streams of *Comet TV* and *Antenna TV* over WFTC, *TBD* and *Charge!* over WCCO-TV, and *Rewind TV* over KARE.¹¹ The Licensee intends to convert the Station's facilities to ATSC 3.0 on August 16, 2023.¹²

As noted in the Legal STA, because of ATSC 1.0 capacity constraints, the Station is not able to air all of its multicast streams on the same channel as its primary ATSC 1.0 simulcast signal.¹³ Furthermore, due to capacity and other constraints, the Station is not able to simulcast an ATSC 3.0 version of its multicast stream.¹⁴ Pursuant to an engineering study conducted by the Licensee, at least

multicast stream(s) whether those streams are hosted on the same station as its primary stream or on different simulcast host(s). See *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard, Third Report and Order and Further Notice of Proposed Rulemaking*, GN Docket No. 16-142, paras. 15-16, FCC 23-53 (rel. June 23, 2023) (*ATSC 3.0 Third R&O*). The rules adopted in the *ATSC 3.0 Third R&O* are not yet effective and therefore the instant Legal STA is still necessary for the streams to be authorized in the manner requested by the Licensee. See *Effective Date, Comment Dates Set for ATSC 3.0 3rd R&O and 4th FNPRM*, Public Notice, DA 23-612 (rel. July 17, 2023) (*ATSC 3.0 Third R&O Effective Date PN*) (providing notice that the rules adopted in the *ATSC 3.0 Third R&O* will take effect on August 16, 2023, except for 47 CFR §§ 73.3801, 73.6029, and 74.782, which require OMB approval). As noted below, the Licensee must come into compliance with all rules adopted in the *ATSC 3.0 Third R&O* once they are final and effective. *Infra* pg. 5 and note 27. See also *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Second Further Notice of Proposed Rulemaking, 36 FCC Rcd 16088, 16095, n.47 (2021) (*ATSC 3.0 Second FNPRM*) (permitting the Media Bureau, during the pendency of the Commission's multicast licensing proceeding, to continue to process Legal STA requests and 3.0 license applications in the same manner it had been and requiring all such Legal STAs to come into compliance with the rules adopted in the proceeding).

⁷ Application of KLGT Licensee, LLC for Modification of License, LMS File No. 0000218164 (granted July 31, 2023) (WUCW License Modification).

⁸ 47 CFR § 73.3801(b).

⁹ See WUCW License Modification.

¹⁰ WUCW Legal STA, Narrative Exhibit at 1 and 3.

¹¹ *Id.*

¹² *Id.* at 2.

¹³ *Id.* at 1. We also note that stations are not required to air their multicast channels as part of their ATSC 3.0 conversion. See *Next Gen TV Report and Order*, 32 FCC Rcd at 9937-38, para. 13, n.40; *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142, Second Further Notice of Proposed Rulemaking, 36 FCC Rcd 16088, 16094, para. 11 (2021); *ATSC 3.0 Third R&O* at paras. 15-16 (permitting, but not requiring, the licensing of ATSC 1.0 multicast streams by stations that convert to ATSC 3.0).

¹⁴ WUCW Legal STA, Narrative Exhibit at 1. Specifically, the Licensee states that airing an ATSC 3.0 simulcast of the Station's multicast streams would impact the Station's ability to offer 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. *Id.* Furthermore, the Licensee notes that this would delay rollout of ATSC 3.0 in the market. *Id.*

98.6 percent of existing viewers within the Station's noise limited service contour (NLSC) will retain access to WUCW's multicast streams being aired on WFTC, and 100 percent of viewers within the Station's NLSC will retain access to the multicast streams being aired on WCCO and KARE.¹⁵ The Multicast Hosts' stations are also located in the same DMA as the Station and cover the Station's community of license.¹⁶ The Licensee states that "[absent the arrangements with the multicast hosts, all over-the-air viewers would lose access to these multicast streams."¹⁷

The Licensee indicates that it has provided the requisite notice to Multichannel Video Programming Distributors (MVPDs) regarding relocation of the Station's primary ATSC 1.0 stream and its multicast streams.¹⁸ The Station is also airing the requisite over-the-air announcements regarding its transition to the ATSC 3.0 standard and the need for over-the-air viewers to rescan their television sets to continue to receive the Station's ATSC 1.0 programming streams.¹⁹ In order to alleviate any viewer confusion, the Station's current multicast channels will retain its existing Program and System Information Protocol (PSIP) major/minor channel numbers.²⁰

Discussion. We conclude, based on the facts and circumstances presented, that the public interest would be served by the grant of the Licensee's Legal STA. Under the Commission's rules, Next Gen TV Broadcasters are not required to continue airing their existing multicast streams.²¹ Grant of the instant Legal STA will promote the continued transmission of the Station's multicast programming stream in an ATSC 1.0 format to viewers and make clear that the Station is responsible for the content of that signal from a regulatory compliance and enforcement perspective. Therefore, for purposes of all statutory and regulatory obligations related to the Station's multicast stream, we will treat that signal as a multicast stream being originated by the Station even though it is being transmitted over the Multicast Hosts' channels. The Licensee is the sole party responsible for ensuring compliance with all statutory and regulatory requirements with regard to its original multicast stream. This includes, but is not limited to,

¹⁵ *Id.*, at 2 and Engineering Statement at 1-2. Through the Legal STA process, the Bureau has previously authorized Next Gen TV stations to utilize a 1.0 multicast host whose coverage is at least 95 percent of its original 1.0 coverage area in order to preserve programming during the transition. *See, e.g.*, Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, FCC, to Tribune Broadcasting Company II LLC (Oct. 2, 2020) (on file at LMS File No. 0000121872). *See also* *ATSC 3.0 Second FNPRM*, 36 FCC Rcd at 16095, n.47 (permitting the Media Bureau, during the pendency of the Commission's multicast licensing proceeding, to continue to process Legal STA requests and 3.0 license applications in the same manner it had been and requiring all such Legal STAs to come into compliance with the rules adopted in the proceeding).

¹⁶ WUCW Legal STA, Engineering Statement at 5, 7, and 9.

¹⁷ *Id.*, Narrative Exhibit at 2.

¹⁸ *Id.* *See* 47 CFR § 73.3801(g) (Notice to MVPDs). One MVPD was inadvertently omitted from the 90-day notice to MVPDs. According to Sinclair that MVPD consented to (and received) 30 days' notice. *Id.* In its license modification application Sinclair went on to state that it "has provided accommodations as requested by such MVPD to ensure a seamless transition." WUCW License Modification, WUCW-TV Hosting Arrangements Exhibit (7-26) at 2. As part of our grant of the Station's license modification application we waived 47 CFR § 73.3801(g) as it relates to the insufficient notification provided to the aforementioned MVPD.

¹⁹ WUCW Legal STA, Narrative Exhibit at 2. *See* 47 CFR § 73.3801(f) (Consumer Education for Next Gen TV stations).

²⁰ WUCW Legal STA, Narrative Exhibit at 2.

²¹ *Supra* note 13.

our rules regarding political broadcasting, children's programming,²² equal employment opportunities, public inspection files, indecency, sponsorship identification, station identification, contests, the CALM Act, and the Emergency Alert System.²³ We also decline to require the Station to air an ATSC 3.0 version of the ATSC 1.0 multicast stream being aired over the Multicast Hosts' channels given the capacity and engineering constraints that the Licensee has described.

Further, given that the current arrangement is temporary and is in furtherance of an ATSC 3.0 simulcasting arrangement, we will not apply the broadcast ownership rules to the extent that the arrangements would result in a potential violation of those rules. We find this approach is consistent with the Commission's decision and underlying basis to "not apply the broadcast ownership rules in any situation where airing an ATSC 3.0 signal or an ATSC 1.0 simulcast on a temporary host station's facility would result in a potential violation of those rules."²⁴

Accordingly, the application of KLGT Licensee, LLC, licensee of full power television station WUCW(TV), Minneapolis, Minnesota, **IS GRANTED** for a period of six months from date of this letter – hereby expiring on February 14, 2024. For purposes of the Act and the Commission's rules, we will consider the multicast program stream to be originated by the Station, even though the stream is being aired over the Multicast Hosts' channels. Any change in the multicast streams being aired over the Multicast Hosts' channels by the Station or relocating a multicast stream(s) to a new ATSC 1.0 multicast host will require the filing of a new request. By this grant, the Licensee agrees to coordinate with MVPDs as necessary. Because multicast signals are not entitled to mandatory carriage rights,²⁵ any impact on an MVPD's ability to carry the Station's multicast streams pursuant to a voluntary carriage agreement is subject to the terms of the private contractual relationships between the Station and the affected MVPDs. According to the Licensee, it will coordinate with all impacted MVPDs to ensure that they continue to receive a good quality signal of the multicast streams over-the-air or via alternative

²² The Licensee notes in its Legal STA that it "does not currently, and does not intend to, rely on its multicast streams for compliance with the Commission's Children's Television Programming requirements, as WUCW(TV) averages at least three hours per week of core programming on its primary stream." WUCW Legal STA, Narrative Exhibit at 2.

²³ See *supra* note 5.

²⁴ *Next Gen TV Report and Order*, 32 FCC Rcd at 9972, para. 80, n.237. See also *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Declaratory Ruling and Notice of Proposed Rulemaking, 35 FCC Rcd 5916, 5924, para. 15 (2020). This finding is also consistent with the Commission's determination in the *ATSC 3.0 R&O* that "hosting multicast streams on a temporary host station's facility will not result in attribution under our broadcast ownership rules or for any other requirements related to television stations attribution (e.g., filing ownership reports)." *ATSC 3.0 Third R&O* at para. 26.

²⁵ See *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, CS Docket Nos. 98-120, 00-96 and 00-2, First Report and Order and FNPRM, 16 FCC Rcd 2598, 2621-22, para. 54 (2001) (*DTV Must-Carry R&O*) aff'd *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, Second Report and Order and First Order on Reconsideration, CS Docket No. 98-120, 20 FCC Rcd 4516, 4518, para. 3 (2005) (*DTV Must-Carry Second R&O*) (declining to require cable systems to carry a licensee's multicast streams). In the *DTV Must-Carry Second R&O*, the Commission affirmed its decision in the First Report and Order to interpret the statutory term "primary video" to mean only a single programming stream. If a digital broadcaster elects to divide its digital spectrum into several separate programming streams, only one of these streams is entitled to mandatory carriage. *Id.* at 4530-37, paras. 28-44.

delivery methods.²⁶ Finally, the Licensee must come into compliance with all rules adopted in the *ATSC 3.0 Third R&O* once they are effective and make any required filings.²⁷

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail):

Ann West Bobeck, Esq. (Counsel for WFTC)
Daniel G. Ryson (Contact Representative for WCCO)
Michael Beder, Esq. (Counsel for KARE)
Jessica Nyman, Esq. (Counsel for WUCW)

²⁶ WUCW Legal STA, Narrative Exhibit at 2.

²⁷ While we believe that the instant multicast arrangement will comply with the rules adopted in the *ATSC 3.0 Third R&O*, our action herein is not intended to supersede any rules adopted in the *ATSC 3.0 Third R&O*, does not constitute a waiver of any of those rules, and does not represent that we would waive any of those rules if the instant multicast arrangement was found not to comply with the rules adopted in the *Third ATSC 3.0 R&O*.