



April 26, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Re: In the Matter of Authorizing Permissive Use of the "Next Generation" Broadcast  
Television Standard (Docket No. 16-142)**

Dear Ms. Dortch:

This letter is to notify you that on April 26, 2018, Lonna Thompson, Executive Vice President, Chief Operating Officer, and General Counsel, of America's Public Television Stations; Deborah Carr, Vice President of Media Strategy Operations, of the Corporation for Public Broadcasting; and Talia Rosen, Assistant General Counsel and Senior Director of Standards & Practices, and Brian Westley, Counsel of Standards & Practices, of the Public Broadcasting Service (collectively, "PTV") met with Alison Nemeth, Media Advisor in the Office of Chairman Ajit Pai.

PTV urged the Commission to exempt noncommercial educational licensees as a class from the local simulcasting mandate in connection with deployment of the Next Generation broadcast television standard. This exemption is warranted and essential given the unique mission, structure, governance, finances, history, geographic layout, and regulatory treatment of noncommercial educational licensees. Without such an exemption, the simulcasting mandate will preclude many public television stations from pursuing a transition to ATSC 3.0 and delivering its many public service benefits to viewers, such as interactive curriculum-driven children's content, advanced public safety measures, and robust accessibility features. PTV presented the attached materials on this issue.

PTV looks forward to working closely with the Commission to ensure that noncommercial educational stations are able to invest confidently in Next Generation deployment with the regulatory certainty that they will be able to deliver the standard's many public service benefits to their local communities based on their unique needs and circumstances.

Regards,

/s/ Talia Rosen

Talia Rosen

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## **Public Television Exemption from Next Gen Simulcasting Requirement**

America's Public Television Stations, the Corporation for Public Broadcasting, and the Public Broadcasting Service ("PTV") request that the Commission exempt noncommercial educational licensees ("NCEs") as a class from the simulcasting mandate in connection with deployment of the Next Generation broadcast television standard. **As detailed below, an exemption is warranted and essential given the unique (1) mission, (2) structure, (3) governance, (4) finances, (5) history, (6) geographic layout, and (7) regulatory treatment of NCEs.**

### **➤ Mission**

Under the Public Broadcasting Act of 1967, PTV stations have a statutory mandate to provide service to "all citizens of the United States," particularly "unserved and underserved audiences."<sup>1</sup> This statutory mandate obliges PTV stations to serve America's smallest and most rural communities, and it has been a core part of our mission for over 50 years. This longstanding mission is one of the reasons why a simulcasting exemption is necessary to avoid inadvertently precluding PTV stations from delivering the many public service benefits of ATSC 3.0 to the rural and remote communities that they serve.

### **➤ Structure**

PTV stations, in consultation with their community advisory boards, will evaluate many local factors (including surveys of dual-mode receiver penetration in their communities, voluntary MVPD adoption of ATSC 3.0 capabilities, and the availability of low-cost converter devices) to determine when it is appropriate and in their communities' best interests to transition to ATSC 3.0. Community advisory boards, which meet at regular intervals and represent the particular interests of their communities, are required for most PTV stations under the Public Broadcasting Act of 1967.<sup>2</sup>

### **➤ Governance**

PTV stations are licensed to state agencies (11%), universities and colleges (34%), local school districts (3%), and community non-profit organizations (52%). The driving purpose of these broadcast licensees is to serve the public in their local communities. These licensees have no interest, and nothing to gain, in leaving their viewers behind. The 19 different state licensees across the country are tasked with serving their entire states regardless of DMA boundaries, and so are often sited far from any potential simulcasting partners (e.g., WIIQ in Demopolis, Alabama). The 57 university licensees are often located with their parent universities, also far from any potential simulcasting partners (e.g., WUNC in Chapel Hill, North Carolina). And the 89 community licensees are tasked with serving some of the most rural, remote, and isolated parts of the country, where commercial counterparts often do not exist (e.g., KAWE in Bemidji, Minnesota).

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<sup>1</sup> 47 U.S.C. § 396(a)(6),(7).

<sup>2</sup> 47 U.S.C. § 396(k)(8).

### ➤ Finances

PTV stations derive more of their revenue from individual donations than any other source, and therefore have every incentive to closely align their transition to the Next Generation standard with their audience's needs and capabilities. For example, public television stations in 2016 received about one-third of their total revenue through individual viewer donations. PTV stations depend upon this close relationship with their local communities and have deep roots that will enable them to best judge when and how to deploy ATSC 3.0 in the coming years.

### ➤ History

PTV stations have developed very differently over the past 60 years from their commercial counterparts, based upon unique statutory mandates, regulatory obligations, and non-profit charters that guide the mission, purpose, and services of each station. PTV has a proud history of being at the forefront of new broadcast technologies (including multicasting, satellite distribution, channel sharing, and closed captioning), and PTV is eager to leverage the many diverse public service benefits of ATSC 3.0.

### ➤ Geographic Layout

PTV stations and their associated transmission facilities are often not sited near commercial stations, which tend to be clustered together. There are a number of reasons for this difference: (a) the Commission's own cable carriage regulations, which do not link PTV carriage to DMAs; (b) PTV stations' core noncommercial mission of serving rural, remote, and isolated areas; (c) the fact that 19 statewide public television entities are licensed to state agencies or commissions and are tasked with serving their entire state regardless of DMA boundaries; and (d) most university licensees' stations are co-located with their universities, which often are not near commercial station locations.

### ➤ Regulatory Treatment

The Commission's regulatory framework has long recognized the unique and distinct nature of noncommercial educational stations.<sup>3</sup> For example, in recognition of the universal service of PTV stations (including very rural, otherwise unserved, areas), the Commission's rules give must-carry status to the nearly 600 translators of PTV stations. Most importantly, simulcasting is uniquely challenging for PTV stations because the Commission's must-carry rules for NCE stations are *not* connected to DMA boundaries.<sup>4</sup>

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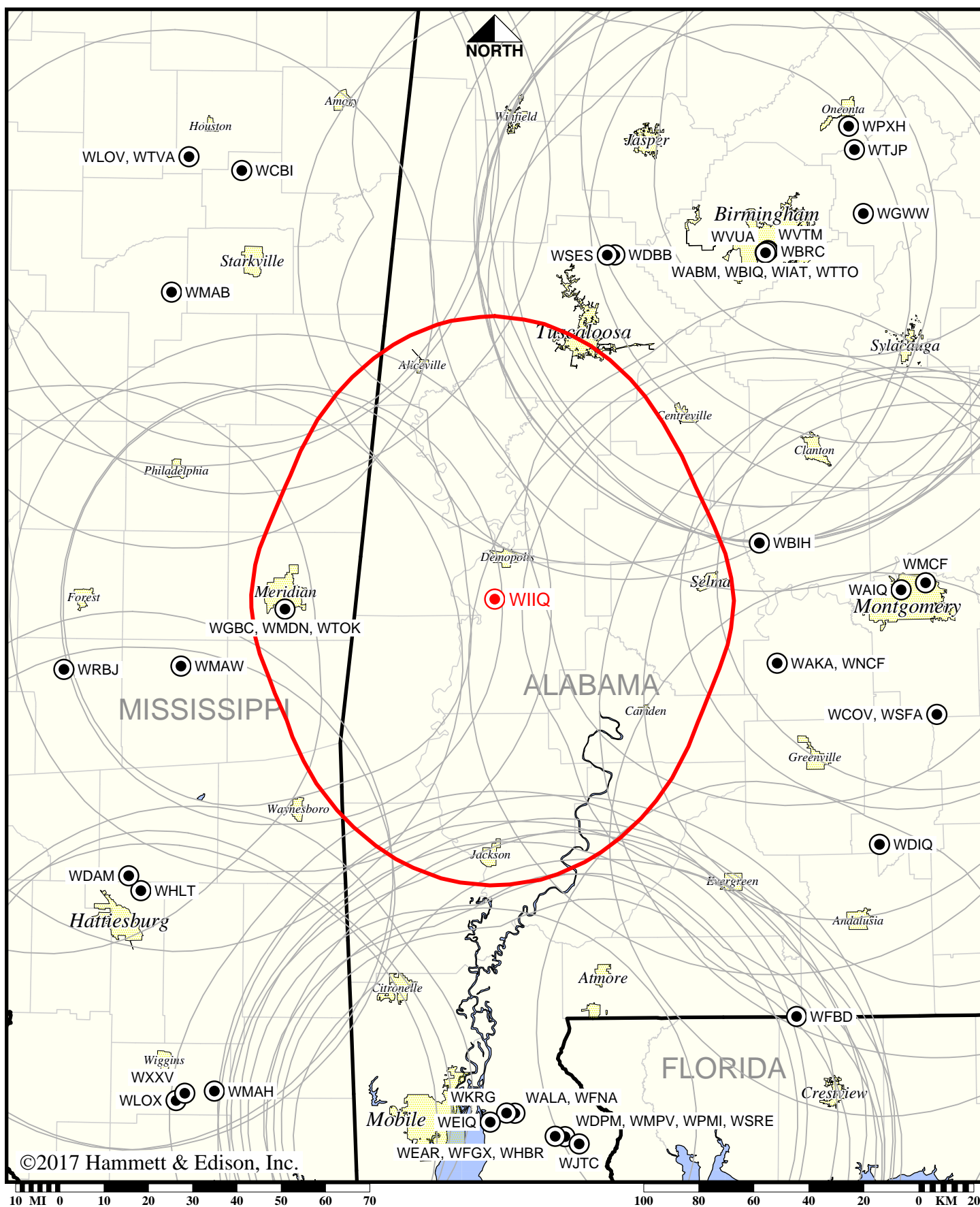
Exempting PTV stations from the simulcast mandate will go a long way toward enabling forward-looking, cost-effective investments over the coming years to prepare for ATSC 3.0 implementation. If granted an exemption, the 43 percent of public television stations that have been repacked (including the many that serve rural and remote communities) will be able to make supplemental out-of-pocket investments in equipment with robust ATSC 3.0 capabilities. The same goes for the many non-repacked PTV stations that are currently looking to replace aging infrastructure from the DTV transition. **The regulatory certainty of an exemption will ensure that PTV stations can invest confidently in their futures knowing that they will be able to serve their local communities in innovative ways based on their unique needs and circumstances.**

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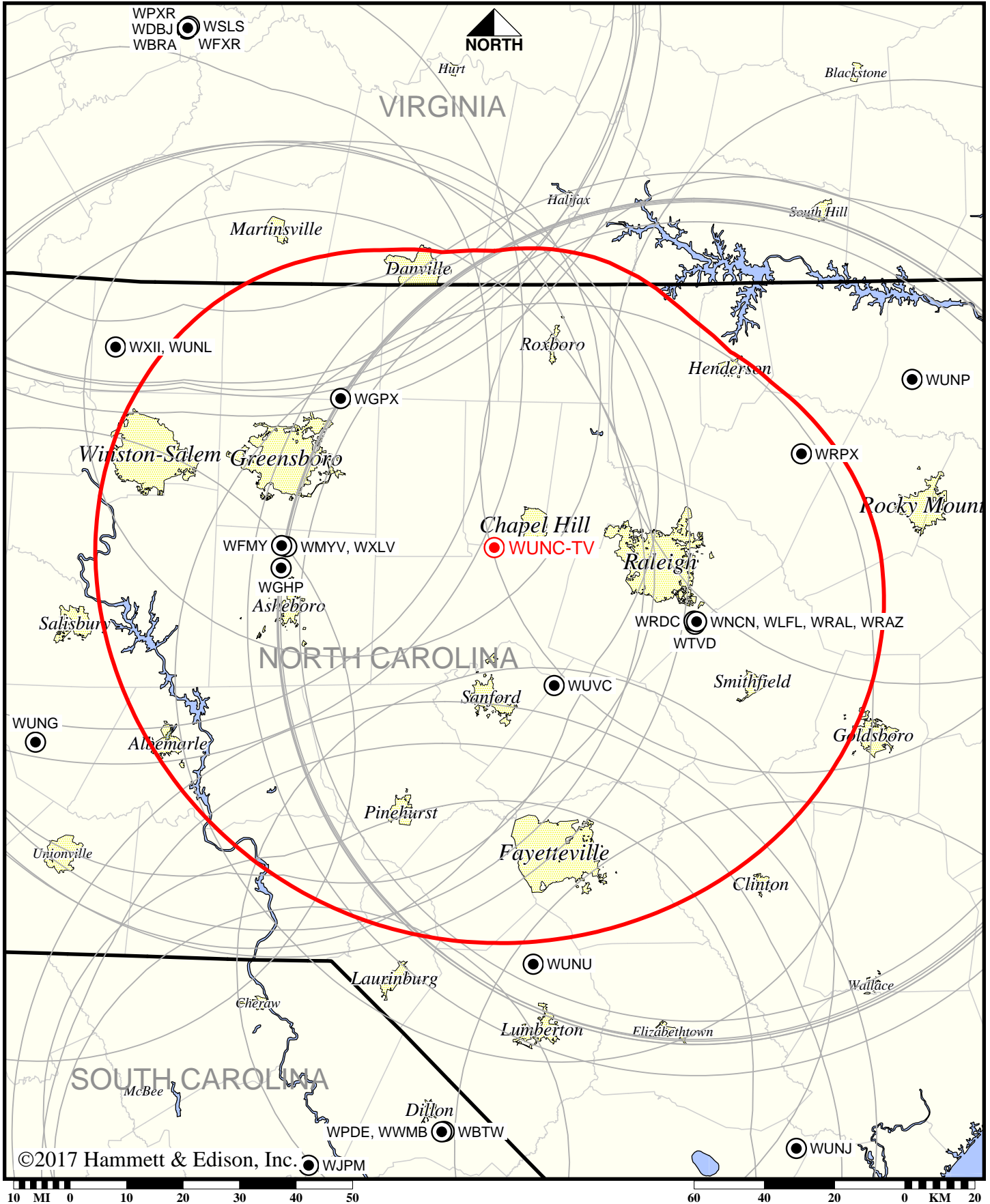
<sup>3</sup> See, e.g., 47 C.F.R. §§ 73.673 (E/I programming), 73.3527 (public inspection files), and 76.56(a) (signal carriage obligations).

<sup>4</sup> 47 C.F.R. § 76.55(b).

**Alabama Educational Television Commission**  
**WIIQ • Demopolis, AL**



University of North Carolina  
WUNC-TV • Chapel Hill, NC



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