

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
Electronic Delivery of Notices to Broadcast	)	MB Docket No. 19-165
Television Stations	)	
	)	
Modernization of Media Regulation Initiative	)	MB Docket No. 17-105

**REPLY COMMENTS OF AMERICA’S PUBLIC TELEVISION STATIONS,  
THE CORPORATION FOR PUBLIC BROADCASTING, AND  
THE PUBLIC BROADCASTING SERVICE**

America’s Public Television Stations (“APTS”),<sup>1</sup> the Corporation for Public Broadcasting (“CPB”),<sup>2</sup> and the Public Broadcasting Service (“PBS”)<sup>3</sup> (collectively, “PTV”) submit these reply comments in response to the Federal Communications Commission’s (the “Commission”) Notice of Proposed Rulemaking regarding electronic delivery of certain written communications by multichannel video programming distributors (“MVPD”) to noncommercial educational (“NCE”) full-power television stations and to qualified NCE translator stations.<sup>4</sup>

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<sup>1</sup> APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation’s CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American public.

<sup>2</sup> CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming.

<sup>3</sup> PBS, with over 330 member stations across the country, offers all Americans the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches nearly 100 million people through television and nearly 30 million people online, inviting them to experience the worlds of science, history, nature, and public affairs; to hear diverse viewpoints; and to take front row seats to world-class drama and performances.

<sup>4</sup> Notice of Proposed Rulemaking, *In the Matter of Electronic Delivery of Notices to Broadcast Television Stations*, FCC 19-68, MB Docket No. 19-165 (rel. July 10, 2019) [hereinafter “Notice”].

PTV supports the FCC’s proposal to allow MVPDs to deliver required notices to NCE full-power television stations by e-mail for many of the same reasons as the other commenters in this proceeding – reduction of regulatory burdens, reduction in administrative burdens and expense, reduction in environmental waste, efficiency, speed, consistency, harmonization of FCC rules, and basic fairness. All full-power public television stations are already required to regularly maintain their online public inspection files (“OPIF”) and, therefore, public television stations are equipped to supply up-to-date e-mail addresses for MVPD notice purposes with minimal burden.

For qualified NCE translator stations, however, establishing and maintaining a public file (or other means to post an e-mail address with the FCC) is an unnecessary, burdensome, and inappropriate regulatory step. Under the Communications Act and the Commission’s cable carriage rules, by definition, “qualified noncommercial educational (NCE) television stations” includes qualified NCE translator stations.<sup>5</sup> Under existing FCC rules, all TV translator stations (whether NCE or not and whether qualified for carriage or not) retransmit the programs and signals of a “primary” television broadcast station.<sup>6</sup> Unlike LPTV stations, TV translator stations do not originate programming – TV translator stations only “retransmit” the programming of a television broadcast station without any alterations to the signal.<sup>7</sup> Thus, the programming that is being “carried” by the MVPD (and is the subject of the “notification”) is not the qualified NCE translator station’s own programming – it is the programming of the

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<sup>5</sup> See 47 U.S.C. § 535(l)(1); 47 C.F.R. § 73.55(a)(3).

<sup>6</sup> See 47 C.F.R. § 74.701(a)-(b).

<sup>7</sup> Compare and contrast 47 C.F.R. §§ 74.701(a), 74.701(f), and 74.701(g).

“primary” station.<sup>8</sup> It is the primary television broadcast station that, therefore, needs to be notified by the MVPD.

Moreover, as noted by the FCC in Paragraph 13 of the Notice, because every qualified NCE translator station that might need MVPD notifications is already associated with a “primary” NCE television station that has an existing OPIF, such notifications can “be delivered electronically to the carriage-election email address designated by the primary station in its OPIF.”<sup>9</sup> Thus, there is every reason for MVPDs to notify the “primary” broadcast station via the e-mail address in its existing OPIF, and there is no reasonable basis to establish a new e-mail posting requirement for qualified NCE translators.

For the reasons set forth above, PTV supports MVPD notifications to noncommercial educational full-power broadcasters using e-mail addresses posted in such broadcaster’s OPIF. For qualified NCE translator stations, however, PTV supports MVPD notifications to the “primary” television broadcast station (whose programming is the subject of the carriage notification), by means of electronic delivery to the e-mail address posted in the primary television station’s existing OPIF.

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<sup>8</sup> For LPTV stations, which are not associated with a “primary” station and which might originate programming, another regulatory solution for MVPD notifications may be required.

<sup>9</sup> Notice at ¶ 13.

Respectfully submitted,

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