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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 18, 2003

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

Re: Ex Parte Presentation, CS Docket No. 98-120; MB 03-15; RM-10666

Dear Ms. Dortch:

The Association of Public Television Stations ("APTS") hereby notifies the Commission of the following *ex parte* meeting in the above captioned proceeding. On July 16, 2003, John Lawson, President and CEO, Mark Erstling, Senior Vice President and COO, and Lonna Thompson, Vice President and General Counsel met with Commissioner Jonathan S. Adelstein and Johanna Mikes, Legal Advisor, media issues. The participants discussed Public Television's progress with the digital build-out and APTS' public positions taken concerning the importance of digital must-carry and digital translators. A copy of the attached Broadcasting and Cable article was also provided during the meeting.

Sincerely,

Andrew D. Cotlar ^{et al}

Andrew D. Cotlar
Senior Staff Attorney

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CABLE

**AIRTIME**

GUEST COMMENTARY

The Real Locally Controlled Media

In the debate over media-ownership rules, both sides have said the goal is the preservation of local media and universal service. However, neither side gave much consideration to the last true bedrock of locally controlled free, over-the-air media: public broadcasting stations. Taking local public broadcasters for granted is unfortunate because, without some care, they could go away.

It's hard to get more "local" than public broadcasting. Our stations are operated by community foundations, state commissions, and colleges, universities and school districts. Our "business model" is about as grassroots as you can get. We *give away* our programming—advertising-free—and *then* ask people to help pay for it. We give real meaning to "free, over-the-air."

So, for the policymakers and interest groups still concerned about commercial-media concentration, we in public broadcasting have a modest request. We ask that you spend at least *some* of your energy and concern to ensure the survival and growth of locally controlled *public* media.

What we need from you is a well-defined and fairly limited set of policy changes. At the FCC, we need the agency to finally act on two cable carriage issues that have been languishing for years. First, we need some sort of transitional carriage for our digital signals. The digital transition will never be completed without the government using its Supreme Court-sanctioned authority to act in this area.

Second, we need this commission to reverse the split decision of the Kennard commission on the issue of "primary video." Our stations have raised nearly \$1 billion for DTV conversion based on specific plans for multiple new digital services. These include public-affairs, kids, and



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JOHN M. LAWSON
Association of
Public Television
Stations

educational programming and datacasting. The Kennard decision will define most of these services as "secondary" and, therefore, not worthy of cable carriage. This hostile policy will render much of our stations' digital facilities as "white elephants" on the media landscape.

Preserving local public broadcasting also requires Congress and the White House to realize that the digital transition did not end for public stations on May 1. Additional matching funds are needed to meet FCC requirements for simulcasting and signal replication and maximization. And, in a recent survey, our member stations indicated their highest priorities for FY 2004 funding were digital cameras and related studio upgrades.

From the public-interest community, we ask that some of your concern about preservation of local commercial media be channeled into the preservation of local non-commercial media. From some of these groups, public television has received just the opposite. Under Chairman Michael Powell, the FCC provided public broadcasters with the flexibility to use some of their non-broadcast digital capacity for services that could produce much-needed revenue. Rather than support this welcomed relief, some public-interest groups actually challenged the decision in the U.S. Court of Appeals. Fortunately, the court upheld the FCC decision, but the groups are considering an appeal.

The bottom line for us: Public broadcasting is locally controlled media. Helping us furthers the professed goals of all parties in the media-consolidation debate. We hope those parties will look to public broadcasting as part of the solution.

Lawson is president and CEO of APTS.



Association of Public Television Stations
LOCAL SERVICE NATIONAL VOICE