

November 13, 2007

**Via ECFS**

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

**Re: Notice of Ex Parte Presentation, MB Docket No. 07-148**

Dear Secretary Dortch:

On November 13, 2007, the undersigned submitted an electronic mail to Rudy Brioché, Commissioner Jonathan Adelstein's Legal Advisor for Media Issues, addressing the above-referenced proceeding. The text of the electronic mail is attached hereto.

This letter is being provided to your office via ECFS in accordance with Section 1.1206 of the Commission's rules. Please direct any questions regarding this notice to the undersigned.

Sincerely,

/s/  
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Malena F. Barzilai  
Senior Counsel  
Association of Public Television Stations  
666 Eleventh St, NW, Suite 1100  
Washington, DC 20001

cc: Rudy Brioché (via electronic mail)

Rudy,

Thanks very much for your response.

With regard to a PSA requirement, Public Television is primarily looking for flexibility to deliver on-screen consumer education in a manner in which we are able. As you know, our stations devote very little of their broadcast time to non-program material – about 3 minutes 12 seconds per hour vs. 15-20 minutes per hour for the commercial stations – and federal law requires that much of our limited non-program time be devoted to identification of underwriters.

Despite these limitations, Public Television stations intend to air an aggregate amount of on-screen education that at least equals what we understand Chairman Martin to have proposed – 60 seconds per day (approximately 30 minutes per month), ramping up to 180 seconds per day (90 minutes per month), divided among all dayparts. But it would help stations greatly if they have some flexibility in how they fulfill this requirement – for example, being able to count a one-minute spot or three-minute longer-form program toward the mandated amount. Public television stations plan to air spots of varying length as well as longer-form programming and, indeed, we feel that some longer-form programs are necessary to get beyond the basics on this complicated transition.

Thus, one possibility we have considered proposing includes the following requirements for Public Television –

- Through April 30, 2008, at least 60 seconds per day of on-air DTV consumer education, at variable timeslots, including at least 7.5 minutes (450 seconds) per month during the evening daypart;
- From May 1 through October 31, 2008, at least 120 seconds per day, including at least 15 minutes (900 seconds) per month during the evening daypart; and
- From November 1, 2008 through February 2009, at least 180 seconds per day, including at least 22.5 minutes (1350 seconds) per month in the evening daypart.

In addition, we are concerned about a crawl requirement for Public Television stations. Crawls are currently used by PBS and stations only in emergencies, and we fear that “crawl creep” will undermine the effectiveness of this tool. Furthermore, a crawl requirement will absorb limited station resources that would be better directed toward viewer outreach, an area in which PTV stations are uniquely suited to assist the FCC in its consumer education task.

Thanks for your attention to this, and please feel free to contact me or Lonna if you have any questions.

Sincerely,  
Malena

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