



February 8, 2008

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: In the Matter of DTV Consumer Education Initiative  
MB Docket No. 07-148

Dear Mr. Chairman:

Public Television is deeply committed to consumer education on the digital transition. To further our universal service mission, local Public Television stations are investing more than \$50 million in airtime, grassroots efforts, and other resources to ensure that no viewer is left behind after February 17, 2009.

On behalf of our members, the Association of Public Television Stations (APTS) is a founding member and active participant in the DTV Transition Coalition. On its own, APTS has commissioned and funded nationwide surveys to monitor consumer awareness of the transition, and recently sent some of the first digital-to-analog converter boxes off the assembly line to our stations for community demonstrations. In addition, Public Television stations have committed *more time* to on-air consumer education than that put forth in the “Safe Harbor Proposal” of the National Association of Broadcasters (NAB), even though noncommercial stations have barely three minutes of non-program time per hour compared to 15 to 20 minutes for commercial stations.

APTS is in favor of voluntary consumer education efforts by stations and heretofore has been supportive of the NAB’s Safe Harbor Proposal. However, the current iteration of the Proposal does not recognize the many differences between commercial and noncommercial stations and contains certain elements that are not feasible for Public Television stations. Thus, to the extent that the Commission finds it necessary to impose consumer education requirements, we request that it consider alternative safe harbor requirements for Public Television stations.

Most notably, the “Crawls, Snipes, and/or Tickers” provision of the Safe Harbor Proposal does not take into account the unique constraints—financial, personnel- and content-related—that Public Television stations face. As we have noted in our filings in this

proceeding, a mandated on-screen crawl is problematic for Public Television stations for technical, aesthetic, and legal reasons:

- Some Public Television stations lack the technical capability to do crawls, and even for those stations that are able to do crawls, the process is more involved, and requires more manpower than the Commission might realize.
- Crawls threaten to obscure lower thirds and local station and PBS identification “bugs,” which aid viewers in their location and understanding of Public Television programming. In addition, the presence of crawls would disturb the integrity of the thoughtful programming that Public Television embraces. For example, the powerful effect of original footage in a program such as Ken Burns’ World War II documentary *The War* undoubtedly would have been undermined by an obtrusive crawl. Likewise, a crawl would impair viewers’ comprehension of scientific images in a program such as *NOVA*. Fewer than half of Public Television stations currently have the ability to program a crawl in such a way that it does not obscure programming.
- It is our understanding that it would be a violation of the user agreement between stations and PBS to superimpose a crawl for anything other than a local emergency. In addition, to the extent crawls would obscure essential content, they might put stations and distributors such as PBS in violation of their contracts with program producers.

While the remaining elements of the Safe Harbor Plan likely contain sufficient flexibility to enable Public Television stations to comply, the Plan seems to assume that most broadcasters house substantial news departments that produce daily local news broadcasts. This is not the case for local Public Television stations, and thus, for example, many of the suggested methods for fulfilling the “100 Day Countdown” are not particularly relevant for Public Television.

Therefore, to the extent the Commission finds it necessary to impose consumer education requirements, we request that it consider an alternative safe harbor plan for Public Television stations along the lines of a proposal we have already presented. Under this plan, Public Television stations will be considered to have fulfilled their on-air consumer education requirements if they air:

- Through April 30, 2008, at least 60 seconds per day of on-air consumer education, in variable timeslots, including at least 7.5 minutes (450 seconds) per month between 6 p.m. and midnight;
- From May 1 through October 31, 2008, at least 120 seconds per day, including at least 15 minutes (900 seconds) per month between 6 p.m. and midnight; and

- From November 1, 2008 through February 2009, at least 180 seconds per day, including at least 22.5 minutes (1,350 seconds) per month between 6 p.m. and midnight.

Thank you very much for seeking our input on this very important issue. The Public Television industry is committed to working with the Commission to ensure the digital transition is successful. I am happy to provide any other information you may need and to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonna Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lonna Thompson  
Senior Vice President and General Counsel  
Association of Public Television Stations  
666 Eleventh Street, NW, Suite 1100  
Washington, DC 20001  
Phone: 202-654-4215  
Fax: 202-654-4236

cc: Commissioner Jonathan S. Adelstein (c/o Rudy Brioché)  
Commissioner Michael J. Copps (c/o Rick Chesson)  
Commissioner Robert M. McDowell (c/o Cristina Chou Pauzé)  
Commissioner Deborah Taylor Tate (c/o Amy Blankenship)  
Michelle Carey  
Monica Desai, Media Bureau