

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Standardized and Enhanced Disclosure)	
Requirements for Television Broadcast)	MM Docket No. 00-168
Licensee Public Interest Obligations)	
)	
Extension of the Filing Requirement)	MM Docket No. 00-44
For Children's Television Programming)	
Report (FCC Form 398))	

PETITION FOR RECONSIDERATION

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SUMMARY

The Joint Public Television Petitioners, representing a broad cross-section of the public television industry, request reconsideration in part of the Report and Order in the above-referenced docket, 23 FCC Rcd. 1274 (2008) ("R&O").

Petitioners urge the Commission to reconsider the imposition of the new detailed quarterly program reporting requirements on public broadcasters qualified for federal grants by the Corporation for Public Broadcasting. The new rules were adopted by the Commission without any finding that there is a problem with the level of public service or public responsiveness by public television licensees, much less a problem that justifies the extraordinarily burdensome requirement that has been adopted.

As a matter of record, public television stations (1) are chartered and required to provide educational programming, (2) broadcast tremendous amounts of national, regional, and local issue-oriented programming serving broad and specialized audiences, on both analog and digital channels, and (3) broadly disseminate information on and documentation of this programming. None of these facts were considered by the Commission in establishing the new quarterly reporting requirements.

In analogous circumstances involving the lack of educational and informational children's programming after the Children's Television Act of 1990 was enacted, the Commission correctly concluded, based on an extensive record, that public television licensees should not be subject to reporting requirements on children's television because of their manifest service in the area and the

unjustified cost of compliance. The same circumstances clearly are present here, warranting similar treatment of public television licensees in this case.

While the Joint Television Petitioners agree that while it is sensible to enable access to the public file via the Internet, they nonetheless urge the Commission to reconsider and to adopt a more reasonable phase-in of this requirement. In this regard, the logical route would be to require posting going forward, without necessitating the time-consuming burden of retrofitting old documents for a use to which they were not intended to be put.

Finally, the Joint Television Petitioners respectfully request that the Commission reconsider the frequency of announcements publicizing the existence and accessibility of the public file and require that they be made less frequently. Because public television licensees broadcast relatively little non-program material, the length of the hourly hole into which station identification is inserted is limited. The Commission neither analyzed the effect on public television broadcasters of requiring 730 announcements per year nor stated the basis of its choice. The requirement as it stands is excessive; a few announcements a week should adequately publicize the public file, and certainly there is no documented case for more than one such announcement per day.

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PETITION FOR RECONSIDERATION

Joint Public Television Petitioners Ball State University; Barry Telecommu-
nications, Inc.; Blue Ridge Public Television, Inc.; Board of Regents of the
University of Oklahoma/Rogers State University; Capital Community
Broadcasting, Inc.; Channel 5 Public Broadcasting, Inc.; Connecticut Public
Broadcasting, Inc.; Detroit Educational Television Foundation; ideastream;
Maryland Public Broadcasting Commission; Mid-South Public Communications
Foundation; Mississippi Authority for Educational Television; New Jersey Public
Broadcasting Authority; Oregon Public Broadcasting; South Texas Public
Broadcasting System, Inc.; University of New Hampshire; and WQED Multimedia
(also referred herein as "Petitioners")¹ hereby seek reconsideration, in part, of the
Report and Order in the above-referenced docket, 23 FCC Rcd. 1274 (2008)
("R&O"). In support thereof, the following is shown:

¹ A listing of the Petitioners showing all of their broadcast stations is appended as Appendix A.

INTRODUCTION

1. The Joint Public Television Petitioners include every type of public broadcasting licensee, including school boards, universities and colleges, state authorities, and nonprofit community groups. The governmental units are expressly chartered by law to provide a noncommercial educational program service. The local organizations are all organized to provide a noncommercial educational program service and, as required by the Commission, have governing boards that are representative of their communities. All of these licensees are qualified for grants by the Corporation for Public Broadcasting. The nongovernmental licensees by law must therefore maintain Community Advisory Boards.² Those boards advise the governing body of the station with respect to whether the programming and other policies of the station are meeting the specialized educational and cultural needs of the communities served by the station. In short, the sole mission of these stations is to provide programming responsive to community needs. There is no tension between their mission and their public service obligations.

2. Petitioners urge the Commission to reconsider the imposition on public broadcasters qualified for federal grants by the Corporation for Public Broadcasting of the new detailed quarterly program reporting requirements. The new rules were adopted by the Commission without any finding that there is a problem with the level of public service or public responsiveness by public television licensees, much less a problem that justifies the extraordinarily burdensome

² 47 U.S.C. Section 396(k)(8)

requirement that has been adopted. In fact, the rules were adopted without any consideration of, or even reference to, the differences between commercial and noncommercial broadcast stations. As shown below, there is no need for such detailed reporting by public television licensees. Moreover, even if an enhanced reporting requirement were warranted, the reporting form proposed by the Commission is not designed to be efficient or useful for gathering information from public television station licensees. Finally, while the Petitioners do not object to moving the public file into the Internet age, they suggest that the Commission reconsider the method of imposing the Internet posting requirement to phase it in over time and to reduce the required number of on-air announcements.

PUBLIC TELEVISION LICENSEES SHOULD BE CATEGORICALLY EXEMPT FROM
THE FORM 355 PROGRAMMING REPORTING REQUIREMENTS

3. All of the Joint Public Television Petitioners but one are Public Broadcasting Service ("PBS") members. Most of the stations broadcast the entire PBS primetime schedule on their analog channels, supplemented by programs from American Public Television and other sources. They either simulcast that programming as part of their primary digital channels or plan to broadcast it on their primary digital channels when the DTV transition is complete. Some licensees with service areas that overlap those of other public television stations broadcast a complementary schedule that includes substantial PBS programming as well as other noncommercial educational programming. Station KRSC in Claremore, Oklahoma obtains its programming from sources other than PBS or produces it locally. Without exception, these stations broadcast very substantial amounts of issues-oriented programming.

4. Public television's signature national cultural and issues programming is well known to the public and likely to the Commission. It includes *The NewsHour with Jim Lehrer*, a nightly in-depth news program; *Washington Week*, a weekly summary of national news, *The McLaughlin Group*, a journalistic review of current news stories; *BBC World News*; *Bill Moyers Journal*; *Charlie Rose*, a probing interview program; *Nightly Business Report*; *Frontline* news documentaries; *Nova's* exploration of science and nature; *Independent Lens* documentaries; *Now on PBS*, a weekly TV news program that goes behind the headlines to report on how corporations and government policies effect society and America's democracy; *Religion and Ethics Newsweekly*; *Tony Brown's Journal*, public affairs documentaries with interviews of special interest to the African-American community; and others. These programs are uninterrupted by commercials. The news programs do not incorporate promotions for entertainment shows. Many of the programs air in primetime. They often are rebroadcast to encourage maximum viewership.

5. In addition to the unique national program fare noted above, some stations cooperate to produce statewide or regional public television issue programming. Most of the Petitioners produce local issue-oriented public television programs for their discrete audiences. For example, WQED Multimedia, Inc., Maryland Public Broadcasting Commission, Mississippi Authority for Educational Television, Barry Telecommunications, Inc., Capital Community Broadcasting, Inc., Rogers State University, and Florida West Coast Public Broadcasting, Inc., all produce an extensive variety of public affairs programming uniquely responsive to the problems, needs and interests of their respective

audiences. And, too, a number of public television licensees, despite their limited financial resources, produce local news programs. For example, New Jersey Public Broadcasting produces a local weekday half-hour news show, broadcast twice a day, which provides its constituents with information uniquely tailored to their needs and interests. Station WVIZ-TV, Cleveland, operates the Statehouse News Bureau on behalf of Ohio Public TV stations. The Bureau is located in the State Capitol Building and produces various programs for all Ohio PTV stations and for individual stations or groups of stations. Appendix B hereto describes in greater detail a representative sample of such local issues programming. Public television stations also engage in substantial outreach efforts to provide an opportunity for local learning, dialogue, and hands-on follow through in connection with national programming.

6. Public television station digital channels similarly provide a diverse program service with very substantial public affairs programming, as well as programming targeted to minority group viewers. For example, Maryland Public Television broadcasts on one of its DTV streams the programming of V-me, a national Spanish-language channel that includes such programming as *Viva Voz*, a nightly platform for interviews and opinions from guests including newsmakers, *Wide Angle: Crónicas de nuestro tiempo*, an international documentary series, *La Plaza: Conversaciones con María Hinojosa*, in depth-interviews with major U.S. Latino personalities, including writers, activists, and civic leaders, *Oppenheimer Presenta*, featuring interviews with newsmakers and journalists from across the Americas, and *AIR – Reportajes de Investigación*, reviewing recent headline

stories and the journalists who covered them, and Religion & Ethics /Creencias, examining how religion and ethics shape the news.

7. Petitioners are familiar with and support the Petition for Reconsideration being filed herein by the Association of Public Television Stations, which sets forth in greater detail the extensive public interest programming of public stations and their close connection to and extensive communications with their communities. In sum, commercial and public television each fill vital roles in the nation's communications, but the nature of public television is that it is fundamentally committed to providing public interest programming and there is no lack of public communications as to what it does. The bottom line is that public television's non-profit educational mission is entirely different from that of its commercial counterpart, yet the Commission's rationale set forth in the *R&O* for the imposition of the extraordinarily detailed new reporting requirements did not consider at all these substantial differences. Public television licensees are subject to entirely different eligibility standards than commercial broadcasters. Licensing turns on a showing that the station will be "used primarily to serve the educational needs of the community, for the advancement of educational programs, and to furnish a nonprofit and noncommercial service."³ Other than governments and schools, an applicant for a public television authorization is eligible only if the applicant's leaders are representative of a broad cross section of community elements.⁴ These distinctive elements in the eligibility and mission of public

³ See Section 73.621.

⁴ See Form 340, Section II, Item 3 and accompanying Worksheet #2.

television broadcasters form the basis for myriad logical regulatory distinctions. For example, public broadcasters, which are locally oriented, are not subject to the multiple ownership rules.⁵ There are separate public file rules reflecting the varying operations of public and commercial stations.⁶ There are starkly different rules governing on-air announcements of program support.⁷

8. It is instructive to recall how the Commission in analogous circumstances went about fashioning a remedy for the lack of educational and informational children's programming after the Children's Television Act of 1990 was enacted. That Act requires the Commission to review in connection with license renewal applications the extent to which noncommercial as well as commercial licensees have served the special program needs of children.⁸ After compiling a record, the Commission found in implementing the Act that public television licensees should not be subject to reporting requirements on children's television because of their manifest service in the area and the unjustified cost of compliance. When it last tightened the children's programming rules for analog television, the Commission determined that:

We will continue to exempt noncommercial television licensees from children's programming reporting requirements, see Memorandum Opinion and Order, 6 FCC Rcd at 5101, and we will also exempt them from the other public information initiatives we adopt today. In light of Congressional intent to avoid unnecessary constraints on broadcasters, and in view of the commit-

⁵ See Section 73.5555(f).

⁶ Cf., Sections 73.3526 and 73.3527.

⁷ Cf., Sections 73.1212 and 73.621(e).

⁸ Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, 394, see Sec. 303b(a).

ment demonstrated by noncommercial stations in general to serving children, we believe it is inappropriate to impose reporting obligations on such stations. *Id.* We nonetheless encourage noncommercial stations voluntarily to comport with these initiatives to the extent feasible as a means of providing parents and other members of the public with additional information about the availability of children's educational and informational programming on all broadcast stations.

In the Matter of Policies and Rules Concerning Children's Television Programming, 11 FCC Rcd 10660, (1996), fn. 119.

9. The Commission stated at the outset of the *R&O* that it was addressing an earlier finding that the public does not have sufficient access to television program information, citing *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Notice of Proposed Rulemaking, 15 FCC Rcd 19816 (2000). However, a review of that Notice shows that there was no mention, let alone discussion, of public television. The Commission did not consider and thus could not draw a conclusion as to whether the public has sufficient access to information about public television programs. The *R&O* again does not mention, much less discuss, any need for detailed reporting requirements for public television. The fact is that there is no dearth of public information on public television programming. To the contrary, such information is readily available.

10. Each of the Joint Public Television Petitioners posts its program schedules on its website. That is the industry norm and, to the Petitioners' knowledge, uniform practice. Anyone with Internet access, which through private computers, computers in the workplace, and school and library computers means pretty much everyone in the country, can review current programming and,

generally, programming for at least the past two calendar quarters.⁹ Licensees also commonly send program guides with detailed program information to their members.

11. So the facts with respect to public television are that (1) public television stations are chartered and required to provide educational programming, (2) public television stations broadcast tremendous amounts of national, regional, and local issue-oriented programming, including news, public affairs, and other information programming serving broad and specialized audiences, on both analog and digital channels, and (3) information on and documentation of this programming is already broadly disseminated and readily available to the public. None of these facts were considered by the Commission in establishing the new quarterly reporting requirements.

12. The quarterly report form as applied to public television thus addresses a non-existent problem. Moreover, as applied to public television, the form is not only unnecessary but onerous, burdensome, and poorly designed as well. Absent grant of reconsideration, this new requirement, adopted with the stated intent of encouraging public access to program information that is already widely available will inevitably consume valuable resources that are currently deployed to produce and broadcast the very programming that the Commission is trying to encourage.

13. On their face, the categories in draft Form 355 do not make sense for public television. For example, the category "Independently Produced Programming" at Section 2(f) requires a report of information on the producer, date and

⁹ See http://www.pbs.org/stationfinder/stationfinder_relocalize.html.

time aired, length, and number of times aired. "Independent programming" is defined in the instructions to the draft form as follows:

Independently produced programming is programming aired during prime-time that is produced by an entity not owned or controlled by an owner of a national television network, including but not limited to ABC, CBS, NBC, and FOX. If an owner of a national television network owns or controls more than a one-third financial interest in the program, acts as the distributor of such program in syndication, or owns the copyright in such program, the owner of a national television network will be considered to be the producer of that program.

This definition was obviously devised with commercial television stations in mind and with no thought to public television stations. Initially, there is no definition of "prime time" in the *R&O*, instructions to draft Form 355, or draft Form 355 itself. However defined, none of the prime-time programming broadcast by public television stations is produced by a national television network. While a typical commercial television station might well have no independently produced prime-time programming to report, a typical public television station would have to report every prime-time program in this category. Its programs are produced by an enormous variety of producers, within and outside of the public television systems. For example, looking at a typical Friday night schedule and assuming that 8 to 11 p.m. is considered to constitute prime time, a PBS member station would broadcast five programs that fall within this category, each from a different producer (and each addressing public issues). On the other hand, if the draft form and filing requirement stand, this might well be the most expeditious place to report the entire prime-time program schedule, inasmuch as programs reported in any category are not to be reported in any other category.

14. Assuming that a public television licensee did not choose to categorize all of its programming as independent, eliminating the need to respond with respect to other categories, there are no guideposts provided as to the priorities for categorization. For example, local news programs or segments of local news programs must be listed if not listed elsewhere, but they could just as easily be listed as programs with significant treatment of community issues or as locally originated, or as civic affairs if appropriate, or in other categories. In the chart at Section 2(a) of the form, "local civic affairs" and "local electoral affairs" programming is to be left out of the news programming categories, but the remaining categories are overlapping, so that programs might have to be sorted into multiple categories. Also, it is not clear whether or not the question as to whether programming "has been broadcast for payment or any sort of consideration to the licensee" is intended to elicit information from public stations on program underwriting.

15. The cataloguing of programs required to complete form 355 by a public television station would be overwhelming, because for most stations a very high percentage of the non-children's schedule would fall within one or the other of the reportable categories. So, for example, the Mississippi Authority for Educational Television, which operates an eight-station statewide network, estimates that completion of Form 355 would require the services of one full-time employee to complete the form and maintain a daily database necessary to be able to review every program broadcast by MAET for its suitability for inclusion in the form as required by the FCC. The cost of such an employee is estimated at approximately \$44,000; by contrast, the cost of preparing the currently required

issues/programs lists is a fraction of that amount. Funding for this additional employee would require a state general appropriation or a cut in existing services. Similarly, the University of New Hampshire's public television network estimates that completion of the form would require 75% of one full-time position at an estimated cost of over \$34,000 per year, compared with the current devotion of 25% of one full-time position to complete required issues/programs lists. Such a new requirement would necessitate the hiring of an additional employee, most likely requiring some reduction of current programming. WQED Multimedia estimates that completion of the form would take approximately 30 work days per quarter. The Detroit Educational Television Foundation calculates time for this task at over nine employee weeks per year, which would require a cut in some existing service inasmuch as the licensee is not in a position to add staff to handle this job.

16. The Joint Petitioners firmly believe that these estimates are representative of the magnitude of the burden that is imposed on the industry by Form 355's requirements; by any measure, it is large. While the Commission may believe that this is a simple or routine information collection requirement, this is emphatically not the case for public broadcasters because so much of what they air would be subject to reporting. Indeed, the irony of the FCC's application of Form 355 to public broadcasters is that it in effect will punish them because they provide extensive amounts of this programming. Faced with the very real and substantial compliance issue created by this regulatory regime, public broadcasters may be forced to scale back some of their efforts in this area. Accordingly, the Joint Petitioners submit that the application of Form 355

requirements to the public broadcasting industry is unnecessary, unfair, and unwise, and they urge the Commission on reconsideration to eliminate this burdensome requirement as it applies to their industry.

17. The requirement at Section 2(k) that public television licensees report to the government whether or not they have broadcast sectarian religious services is inappropriate.¹⁰ It is particularly so for governmental licensees that in many cases are constrained under the Fourteenth Amendment from taking actions that constitute an establishment of religion. This reporting requirement is an implicit endorsement of broadcasts of sectarian services. The Commission does not ask for reports on comparable nonsectarian discussions of ethical issues, or nonsectarian presentations on matters of morals, or nonsectarian lectures on cosmological topics. Rather it seeks to track, and thereby implicitly encourage, free broadcast of religious services, a matter beyond government purview under the First Amendment. The Commission should reconsider this unexplained and inexplicable foray into faith-based broadcasting regulation.

18. Similarly, the requirement at Section 4(b) to report whether a licensee “voluntarily” provided video description services for the vision impaired is inappropriate. The Commission has been told that it has no authority to impose a requirement that such services be provided.¹¹ Inasmuch as the Commission may not take action against a licensee for failure to provide such services, the reporting requirement appears to be regulation “by raised eyebrow”, an attempt

¹⁰ There is no discussion of this requirement in the R&O. There is no instruction in the form for this item, one of only two items unaccompanied by instructions.

¹¹ Motion Picture Association v. FCC, 309 F.3d 796 (D.C. Cir. 2002).

to indirectly pressure licensees into providing a service that is outside of the Commission's regulatory ambit. At the same time, notwithstanding the questionable propriety of the Commission's venture into this area, it should be noted that the Joint Public Television Petitioners, through PBS, have been prime developers and supporters of video description services. The issue is not the public benefit of such services, but rather whether the Commission is attempting to regulate outside of its authority.

19. The requirement at Section 2(j) of the draft form to list "the programs aired that were aimed at serving the needs of underserved communities, *i.e.*, demographic segments of the community of license to whom little or no programming is directed" would necessitate a Herculean research effort.¹² How are public television licensees supposed to determine which segments of the community are underserved? Are they required to review the program reports of the commercial stations serving the community and make a judgment as to how well those stations, as well as their own stations, collectively serve the needs of each demographic segment of the community? Will the collective effort of area broadcasters to serve underserved communities result in a sufficient level of service to redefine those communities as adequately served, constituting a need for constant reevaluation as to which programming may reasonably be cited in response to this item? This is an example of inappropriate, unnecessary, and confusing information collection that inherently compromises the principle of licensee discretion to choose programming that lies at the heart of the federal licensing scheme. Members of the public can see for themselves what programming is

¹² There is no instruction in the form for this item, one of only two items unaccompanied by instructions.

presented on a public television station, not only through viewing but on the detailed program schedules available on every website. They can then make their own judgments, informed by their perception of discrete demographic groups and their assessment of overall program service in the community, as to whether to initiate a dialogue with the local public television licensee.

POSTING OF THE PUBLIC FILE ON THE INTERNET

20. The majority of the Joint Public Television Petitioners have never had requests to examine their local public inspection files except by FCC inspectors, "mock inspectors" provided as a service of state broadcaster organizations, and their own counsel. Inspection requests to the other licensees have occurred only sporadically. It remains to be seen whether the paucity of requests stems from lack of accessibility, lack of interest, or the fact that much of the material that anyone would want to inspect (such as Ownership Reports and EEO showings) is already available on the station's website or online through the Media Bureau's Consolidated Database. At the same time, the Petitioners agree that the pervasive place of the Internet for research in our society makes it sensible to afford the public the right to access the public file in that way. They submit, however, that while the concept is sound, the execution is flawed. The fundamental problem with the requirement to post public files on a station's website is that the requirement is not phased in. In addition, Petitioners submit that the number of required announcements of the Web posting of the public file is excessive.

21. Television licensees are now up to several years into their current license terms. There would be substantial amounts of material to scan to post

the current public file on a website. The complication is that the new rule requires that posted public file documents be accessible to the disabled, *R&O*, paras. 26-28, according to specified protocols. The Commission also noted in adopting the rule that some licensees may have other requirements for accessibility under the Americans with Disabilities Act or the Rehabilitation Act, Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990) and Section 508 of the Rehabilitation Act, 29 U.S.C. § 794(d), as amended by the Workforce Investment Act of 1998 (Pub. L. 105-220), August 7, 1998. *R&O* at fn. 69. Not surprisingly, many of the Joint Public Television Petitioners, among other public television licensees, are potentially subject to those requirements. Because of the various requirements for formatting Web content so as to facilitate access by the disabled, and particularly the sight-impaired, the posting of a vast amount of accumulated documents would impose an unreasonable and unnecessary burden on licensees. The Petitioners initial impression is that even if optical character recognition can be successfully employed, scanning existing documents will not result in documents that comply with the posting standards referenced by the Commission. Careful review and editing of all documents would be required, and in some cases reformatting or retyping would be necessary. Consider, for example, the issues/programs lists that have been accumulated in the public file during the current license term for a broadcaster four years into the term. It would have to assure that perhaps 16 such lists, in many cases for public broadcasters each comprising many pages because of their vast public issue programming, are correctly converted to a format that meets FCC and other applicable requirements. That effort would result in lists from years ago being made

available to an audience that presumably is interested in a station's current programming. Other documents include graphics that will present a challenge to convert to compliant formats.

22. The Petitioners accordingly urge the Commission to reconsider and to adopt a more reasonable phase-in of the website posting requirement. The logical route would be to require posting going forward, without retrofitting old documents for a use to which they were not intended to be put. At the most, the Commission should require posting of the public file evergreens (such as the current contour map, which in and of itself will require substantial work to create a version that is disability-friendly) and link to the *Public and Broadcasting Procedural Manual*) and new documents going forward.¹³

ON-AIR ANNOUNCEMENTS CONCERNING PUBLIC FILE AVAILABILITY

23. Finally, the Petitioners suggest that the Commission has decided to require an excessive number of announcements concerning the availability of the public file. The Commission tentatively determined when seeking comments that it would not require on-air announcements. In the R&O it reversed course and decided that announcements would in fact be helpful and that they should be made in conjunction with the regular station identification announcements. The Commission stated that "[i]n order to minimize the burden on stations, we will only require such notice twice daily." *R&O*, para. 31. The two such announcements, one to be broadcast between 6 p.m. and 12 a.m., must include "a notice

¹³ While it would still be unreasonable and arbitrary, requiring the retro-posting of one year's worth of materials would be preferable to a license term's worth.

of the existence, location and accessibility of the station's public file; state that the station's public file is available for inspection and that consumers can view it at the station's main studio and on its website." For public television broadcasters, which broadcast relatively little non-program material, the length of the hourly hole into which station identification is inserted is limited. The Commission has with one conclusory sentence gone from a tentative finding that no on-air announcements are required to a finding that 730 announcements are required each year. While the Commission states that the number was chosen to minimize the burden, it did not analyze the effect of the requirement or state the basis of its choice. The Petitioners respectfully suggest that the Commission reconsider the frequency of such announcements and require that they be made less frequently. A few announcements a week should adequately publicize the public file, and certainly there is no documented case for more than one such announcement per day.

CONCLUSION

24. The Joint Public Television Petitioners urge the Commission to reexamine the basis for the new quarterly reporting requirement in light of the distinctive and substantial public service offered by public television and the ready availability to the public of public television programming information. For the reasons set forth herein, the Form 355 is wholly inappropriate and unnecessary for public television licensees. The Commission on reconsideration should decide to treat public television here just as it has with respect to children's television. Public television licensees by no means disclaim their public interest

programming obligations. They so obviously discharge those obligations in an exemplary fashion that detailed reporting requirements are not required. Finally, any public file website posting requirements should be prospective only, and the number of announcements mandated to publicize the public file should be reduced.

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**JOINT PUBLIC TELEVISION PETITIONERS
IN PETITION FOR RECONSIDERATION
DOCKET NO. 00-168 AND DOCKET NO. 00-44**

BALL STATE UNIVERSITY

WIPB(TV), Muncie, Indiana

BARRY TELECOMMUNICATIONS, INC.

WXEL-TV, West Palm Beach, Florida

BLUE RIDGE PUBLIC TELEVISION, INC.

WBRA-TV, Roanoke, Virginia

WMSY-TV, Marion, Virginia

WSBN-TV, Norton, Virginia

**BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA --
ROGERS STATE UNIVERSITY**

KRSC-TV, Claremore, Oklahoma

CAPITAL COMMUNITY BROADCASTING, INC.

KTOO-TV, Juneau, Alaska

CHANNEL 5 PUBLIC BROADCASTING, INC.

KNPB(TV), Reno, Nevada

CONNECTICUT PUBLIC BROADCASTING, INC.

WEDH(TV), Hartford, Connecticut

WEDN(TV), Norwich, Connecticut

WEDW(TV), Bridgeport, Connecticut

WEDY(TV), New Haven, Connecticut

DETROIT EDUCATIONAL TELEVISION FOUNDATION

WTVS(TV), Detroit, Michigan

IDEASTREAM

WVIZ(TV), Cleveland, Ohio

MARYLAND PUBLIC BROADCASTING COMMISSION

WMPB(TV), Baltimore, Maryland

WMPT(TV), Annapolis, Maryland

WCPB(TV), Salisbury, Maryland

WFPT(TV), Frederick, Maryland

WGPT(TV), Oakland, Maryland

WWPB(TV), Hagerstown, Maryland

MID-SOUTH PUBLIC COMMUNICATIONS FOUNDATION

WKNO(TV), Memphis, Tennessee

MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION

WMPN-TV, Jackson, Mississippi
WMAB-TV, Mississippi State, Mississippi
WMAE-TV, Booneville, Mississippi
WMAH-TV, Biloxi, Mississippi
WMAO-TV, Greenwood, Mississippi
WMAU-TV, Bude, Mississippi
WMAV-TV, Oxford, Mississippi
WMAW-TV, Meridian, Mississippi

NEW JERSEY PUBLIC BROADCASTING AUTHORITY

WNJB(TV), New Brunswick, New Jersey
WNJN(TV), Montclair, New Jersey
WNJS(TV), Camden, New Jersey
WNJT(TV), Trenton, New Jersey

OREGON PUBLIC BROADCASTING

KOPB-TV, Portland, Oregon
KEPB-TV, Eugene, Oregon
KOAB-TV, Bend, Oregon
KTVR-TV, LaGrande, Oregon
KOAC-TV, Corvallis, Oregon

SOUTH TEXAS PUBLIC BROADCASTING SYSTEM, INC.

KEDT(TV), Corpus Christi, Texas

UNIVERSITY OF NEW HAMPSHIRE

WENH-TV, Durham, New Hampshire
WEKW-TV, Keene, New Hampshire
WLED-TV, Littleton, New Hampshire

WQED MULTIMEDIA

WQED(TV), Pittsburgh, Pennsylvania
WQEX(TV), Pittsburgh, Pennsylvania

Appendix B

JOINT PUBLIC TELEVISION PETITIONERS' REGIONAL AND LOCAL ISSUE-RESPONSIVE PROGRAMMING AND RELATED OUTREACH ACTIVITIES

In addition to issue-responsive programming described in the Petition, set forth below is a sampling of the non-entertainment program fare provided by various of the Joint Public Television Petitioners.

Ideastream (WVIZ-TV, Cleveland, Ohio):

ideastream produces and broadcasts a range of regular local issues-oriented programming. These include Feagler and Friends, a weekly news analysis program, Applause, a weekly cultural affairs program, the City Club Forum, a weekly public address by a prominent national or local speaker, Newsdepth, a weekly statewide news program targeted to secondary school students, and Ideas, an occasional prime-time program about a selected public affairs issue, that is developed in conjunction with other multiple media components including radio features and call-ins.

ideastream operates the Statehouse News Bureau on behalf of Ohio Public TV stations. The bureau is located in the State Capitol Building and produces various programs for all Ohio PTV stations, and for individual or groups of stations. These include the weekly State of Ohio program on which legislators and state officials talk about such things as the state budget, regulations, court decisions, legislative measures and state politics. Other programs include production of the governor's annual State of the State address and occasional debates among state and federal candidates.

ideastream produces individual public issues programs such as political debates, public affairs and human interest documentaries and concerts for its own use and for distribution to other public TV stations directly, via PBS, or through other non-commercial distribution networks.

ideastream engages in broadcast outreach efforts to provide audience members with additional resources associated with national PBS programs. These have included Lion in the House, about children with cancer, The Forgetting, about Alzheimers, And Thou Shalt Honor, about caregiving, and The Truth About Cancer. ideastream also has organized studio audience screening and meet-and-greet events associated with national PBS programs such as African American Lives 2, The Jewish Americans, Washington Week in Cleveland, Through Deaf Eyes and The Return of the Cuyahoga.

ideastream operates the Ohio Government Television office on behalf of the State Legislature. The office manages the video production and distribution of all

of the sessions of both houses of the Ohio General Assembly, and the arguments before the Ohio Supreme Court for over-the-air use by public TV stations and non-commercial pass-through to cable services around the state. The primary distribution comes in the form of the twenty-four/seven "Ohio Channel" video stream, produced by the OGT office. That stream also includes the statewide rebroadcasts of public issues programs produced at individual Ohio Public TV stations.

WQED Multimedia (WQED-TV, Pittsburgh, PA)

WQED produces a series of 22 episodes of an educational Program entitled "Teens On Q". These are ½ hour programs which address issues related to career choices for teenagers, issues teenagers face such as adoption, drug use, driving, divorce, smoking, obesity, bullying, etc. These programs were aired locally and over a number of other Pennsylvania Public Television network stations such as WHYY in Philadelphia, WQLN in Erie, and WLVT in the Lehigh Valley.

In addition, the licensee has done several special programs which have aired on its own and other local facilities: for example, it recently sent its Program "Stone Soldiers: Saving the Gettysburg Monuments" to the local cable channel in Gettysburg to run for the next 2 years. It also have recently aired locally our program "Fly Boys: Western Pennsylvania's Tuskegee Airmen", a program about the African American Pilots trained in Tuskegee, Alabama, with ties to Western Pennsylvania.

WQED produces a nightly ½ hour magazine-style program called "On Q Magazine". This program runs four evenings per week, and addresses local issues. The following are titles and subjects that On Q Magazine has looked at over the past 6 months:

Biofuels: Local Alternative Fuels

Green Buildings: Making your home healthier and green

Type 2 Diabetes: Following Diagnosis and Treatment of Teenage boy

Pennsylvania's Energy Future: Where is Pennsylvania going?

Lasting Lessons: Dr. Randy Pausch & the Last Lecture: CMU professor diagnosed with pancreatic cancer gives a lecture to his students about life

Return to the Roots of Civil Rights: Western Pa citizens take a trip to the sites of the civil rights movement

Health Literacy: Story of how local hospitals address language barriers with their patients.

Catholic Charities: Charitable organization sets up a free health clinic in the Pittsburgh area for citizens with no health insurance.

Male Breast Cancer: Look at some causes of this disease in men

Profile on Brother's Brother: A look at this local charitable organization which supplies countries throughout the world with medical supplies, textbooks, clothing.

Infection Prevention: How a local hospital has implemented infection control and serves as a model for programs throughout the country.

Alicia's Message: I'm Here to Save Your Life: a victim of an on-line predator visits schools to warn children about the dangers of on-line chat-rooms.

Breast Cancer In The Family

Profile On Center For Environmental Oncology

The Pittsburgh Fish Study: A look at the study which follows carcinogenic elements in the Pittsburgh waterways.

WQED has also produced several "town hall" type programs in the last year where it airs a national program or addresses an issue of general interest and controversy, conducts on the air discussion with a forum of experts in the field, and then takes questions from the studio audience as well as call-in questions. Examples of these programs include:

- 1) "Our Region's Next Renaissance": this was a series of 12 60-minute programs, airing over the last 2 years, designed to raise awareness of the region's non-profit resources and how they benefit and people and businesses in the Western Pennsylvania region.
- 2) Pittsburgh Mayoral Debates: aired live in November of 2007
- 3) "The Bodies Exhibition: An On Q Town Hall Meeting": controversial subject of the plasticized "Bodies" exhibition on display at the Carnegie Science Center.
- 4) "Pennsylvania Healthy Kids": doctors available to take calls regarding children's health matters
- 5) "Unnatural Causes" Town Hall program: a four part series about disparity in health care and related discussion.
- 6) "On Q Presents: Making the Grade: A Forum on Public Education".

Maryland Public Television (MPT)

MPT's "Public Square" local programming lineup, now in its fifth year, has become a central component of its service to the statewide community.

Each weeknight at 7:30 p.m., Maryland's Public Square comes alive with a slate of unique and provocative programs that explore the day-to-day issues affecting our diverse communities:

- Direct Connection with Jeff Salkin is a different type of local public affairs program with its focus on personalities from all arenas. Through his thorough investigative style, Salkin elicits in-depth answers to questions viewers want asked. Viewers join in by asking questions via phone and e-mail.
- Outdoors Maryland is Maryland's guide to the outdoors, and one of MPT's most popular local programs. This series delights viewers each week with stories depicting the region's diverse collection of ecosystems, people, and places.

- ArtWorks This Week features hosts Rhea Feiken and Nate Howard exploring innovation and creativity throughout Maryland. From dance and music to the visual arts and theatre, the longtime program explores every nook and cranny of our region's most creative spots and highlights its most creative people.
- Business Connection brings Marylanders the facts on the State's economic development, helping them make informed decisions on finance and business. Every Thursday, MPT joins with The Baltimore and Washington Business Journals to cover breaking local financial stories, profile local businesses, interview regional financial experts, business leaders, and local investors.
- State Circle has provided balanced reporting on Maryland politics and government for over 20 years. No other source brings Marylanders as much legislative news during the General Assembly session. Year-round, host Jeff Salkin and reporters Lou Davis, Mindy Mintz, and Charles Robinson bring citizens up-to-the-minute, in-depth analysis of Maryland's major issues and pending bills. Interviews with experts shed light on various viewpoints and actions.

During Fiscal Year 2007, MPT utilized its Public Square to focus on important Maryland issues across the program block, including special primetime programs.

In October and November 2006, MPT produced the second annual Focus on Philanthropy, a series of special vignettes about Maryland charities on Public Square programs. Each report spotlighted people and organizations making a difference, highlighting the good work they are doing, and providing information about similar philanthropic efforts around Maryland. The profiled charities were selected with the help of the Association of Fundraising Professionals. MPT plans on continuing this well-received project in FY 08.

MPT offered comprehensive coverage of Maryland's 2006 elections, including live debates in the gubernatorial and U.S. Senate campaigns.

In late April, MPT brought viewers its third annual Chesapeake Bay Week, an initiative to increase public awareness and foster discussion around Chesapeake Bay issues. The initiative explored the Chesapeake's challenges, celebrated its triumphs, and helped citizens understand what the bay means to those within its reach.

Programming highlights of Chesapeake Bay Week 2007 included a special edition of MPT's award-winning Outdoors Maryland, "Hidden Rivers," which explored the little-known impact of Maryland's storm water runoff; the quirky Independent Lens: Muskrat Lovely, which documented the wild world of muskrat skinning and the Miss Outdoors beauty pageant at the annual National Outdoors

Show in Golden Hill, Maryland; a closer look at the first permanent British colony in the New World in Jamestown: The Buried Truth; and EcoViews: Chesapeake Bay, a collection of short films about the Chesapeake Bay watershed by graduate students at American University's Center for Environmental Filmmaking.

MPT closed out Chesapeake Bay Week by giving viewers a chance to donate volunteer hours to help clean up the bay by hosting its first annual Chesapeake Bay Week Volunteer-a-thon. More than 5,600 hours were pledged by viewers and MPT supporters, both over the phone and online, far exceeding the 1,000 expected to be pledged in the inaugural effort.

The Chesapeake Bay Week 2007 syndication initiative saw the number of partnerships between MPT and public television stations in the watershed region increase from six in FY 2006 to eight in FY 2007. Eight of the eleven public television stations within the watershed area enthusiastically participated in the Chesapeake Bay Week initiative, including: New Jersey Network; WCNY in Syracuse, NY; WITF in Harrisburg, PA; WHYY in Philadelphia, PA; WHRO in Norfolk, VA; WVIA in Wilkes-Barre, PA; and WCVE in Richmond, VA. All stations are expected to participate again in 2008.

Mississippi Authority for Educational Television (MAET)

MAET produces a wide array of locally responsive programming. This programming includes many hours of locally produced programming each year. For example, Mississippi Roads tells the Mississippi story in state and surrounding states covering a variety of subjects of local importance. Last year, segments aired from 47 Mississippi towns from Waveland to Lula. In addition, Farm Week covered a variety of topics oriented toward agricultural issues affecting the state.

MAET's local activities also include extensive election coverage, including the only statewide audience for various local candidates.

The Production Department produced many hours of new local programs. These included new programs in our continuing series, such as Mississippi Roads, Mississippi Outdoors, Conversations, Writers and Quorum, along with one-time special programs featuring musicians and sports events. Closed captioning for the hearing impaired was provided for many of these productions. Highlights of locally produced programs in Fiscal Year 2007 are provided below:

- **Beyond Katrina**

Completed a special series of ten, one-hour programs that followed the aftermath and reconstruction of the Mississippi Gulf Coast in the wake of Hurricane Katrina.

- **International Ballet Competition**

Location taping for this event held once every four years in Jackson during July. The winning performances of international competitors was recorded and aired.

- **Story Teller's Ball**

Recorded highlights of the annual Story Teller's Ball held in August.

- **Woman to Woman**

A weekly talk show hosted by the late Pat Fordice and Juanita Sims Doty exploring such topics as health, business, the arts and entertainment.

- **Eyes on the Prize: Mississippi Reflects**

A taping of a panel discussion about race relations in Mississippi was aired following a rebroadcast of the PBS series, Eyes on the Prize.

- **Mississippi Remixed**

Joined independent producer Myra Ottewell to produce a documentary which examined race relations in Mississippi and how they have changed since the 1960s.

- **State of the State Address**

The annual State of the State Address to a special joint session of the Mississippi Legislature was recorded and televised. The mobile digital production unit was used to record this program and to supply the press pool coverage to several commercial television stations.

- **Response to the State of the State Address**

The Democratic response to the Governor's State of the State Address was recorded in the MPB Studios and aired following the Address.

- **Statewide Teacher's Meeting**

Produced two live meetings between the State Superintendent of Education and educators throughout the state.

- **Governor's Awards for Excellence in the Arts**

This annual event recognizes the achievements of Mississippians who have excelled in the arts.

- **G.I.V.E. Awards**

This special ceremony, sponsored by the Mississippi Commission for Volunteer Service, honors volunteers for their service throughout the state. The program was recorded and televised statewide.

- **State Spelling Bee**

Full and unedited live coverage of the State Spelling Bee Championship finalists from all over Mississippi as they "spelled--it-out" for the top honors to see who would go to the National Spelling Bee.

New Jersey Public Broadcasting Authority (NJPBA)

Operating for over 35 years as the state's public broadcasting network, NJPBA provides universal access to programs and services that address the special needs of New Jersey and its citizens. NJPBA is creating "Uniquely New Jersey" quality programs specifically targeting the needs of the people of New Jersey.

NJPBA's weekly broadcast schedule features local, New Jersey-oriented productions. Its news department produces a week-day news broadcast, NJN News; other public affairs programs including On the Record and Reporters Roundtable with Michael Aron; gubernatorial debates; Election Night coverage; Governor's Budget Message and State of the State Address; and more. The program Due Process addresses legal issues while Another View focuses on New Jersey's African American community, and Images/Imagenes focuses on

New Jersey's Hispanic Community. State of the Arts, a weekly series produced in partnership with the New Jersey State Council on the Arts, showcases New Jersey's artists and arts institutions, while Classroom Close-up, a half-hour, weekly magazine program, examines innovative best practices in New Jersey's public schools.

NJPBA also produces a variety of documentaries that preserve New Jersey's culture on film and video. These documentaries also address critical issues that New Jersey citizens care about such as the environment and health, and they provide a forum for discussion, analysis, and action.

NJN's local productions have earned many accolades, including more than 230 regional Emmy Award nominations from the New York and Philadelphia chapters of the National Academy of Television Arts and Sciences since 1984.

Barry Telecommunications (WXEL-TV, West Palm Beach)

South Florida Today is a locally-produced weekly magazine-format program highlighting the people, places and unique aspects of South Florida, covering topics such as the arts, education, culture, transportation, money management, health and travel. It is the only weekly magazine show in the West Palm Beach/Broward market that focuses strictly on issues of interest to the licensee's local viewing area.

Capital Community Broadcasting, Inc. (KTOO-TV, Juneau, Alaska)

The licensee originates the *360 North* television service, which is broadcast on one of the station's DTV streams and on other public television stations in the state, as well as distributed through cable to remote areas. This channel presents programming of special interest to Alaskans, including gavel-to-gavel coverage of a wide variety of state legislative activities.

Board of Regents of the University of Oklahoma/Rogers State University (KRSC-TV, Claremore, Oklahoma)

The licensee produces a weekly public affairs program series titled "Green Country Perspectives" that airs Fridays at 8:30pm, Sundays at 6:30pm and Wednesdays at 1:00 pm. The program addresses a variety of issues of local importance. The licensee also airs quarterly live call-in programs addressing issues of local interest, such as women's issues and legislative updates.

Florida West Coast Public Broadcasting, Inc., (WEDU-TV, Orlando, Florida)

The licensee produces and airs "Gulf Coast Journal", a monthly public affairs program repeated weekly, highlighting issues of importance to the community. In addition, the licensee produces and airs "Florida This Week", a live weekly political roundtable discussion program.