

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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Broadcast Localism)	MB Docket No. 04-233
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**COMMENTS OF THE ASSOCIATION OF PUBLIC TELEVISION STATIONS
AND THE PUBLIC BROADCASTING SERVICE**

Association of Public Television Stations

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SUMMARY

The Association of Public Television Stations and the Public Broadcasting Service, on behalf of the 364 local television stations that are qualified to receive funding from the Corporation for Public Broadcasting (CPB) (“Public Television Stations”), strongly support the Commission’s efforts to examine and improve localism practices among broadcasters. Public Television Stations are in many cases the last locally owned and operated television stations in their areas, and their success—indeed, their survival—depends on their ability to connect with their communities and serve local needs through on-air programming and other initiatives. Public Television Stations are local in structure and mission, and, as these comments will indicate, have an unmatched commitment to providing local and locally oriented programming, utilize their digital capabilities to offer innovative educational and public safety services, and provide extensive outreach efforts in close cooperation with other community groups.

In light of this demonstrated commitment to localism, we urge the Commission not to impose the proposed requirements on local Public Television Stations. Some of the Commission’s proposals—a renewal processing guideline for locally oriented programming, a requirement that stations convene community advisory boards, and guidelines for fostering better communication between stations and their communities—are unnecessary given Public Television Stations’ current practices and threaten to supplant the judgment of local stations, which are best situated to determine the most effective ways of serving and interacting with their local communities. Even more gravely, the Commission’s proposed return to attended station operation and reinstatement of the pre-1987 main studio rule would be profoundly burdensome to Public Television Stations and would actually undermine rather than enhance localism by forcing stations to scale back local services.

Public Television Stations absolutely share the Commission's conviction that broadcasters should operate their stations to serve the public interest. They are doing so every day despite significant financial hurdles—diminishing state and local funding and private contributions because of the worsening economy, difficulty maintaining current corporate and individual support levels, and the threat of deep cuts in federal funding. To ensure that their scarce resources can remain committed to serving local communities, we ask the Commission to consider the inherent localism of Public Television Stations and to forbear from imposing unnecessary and burdensome requirements in this area.

TABLE OF CONTENTS

INTRODUCTION	2
DISCUSSION	3
I. PUBLIC TELEVISION IS LOCAL IN STRUCTURE, MISSION AND PRACTICE.	3
A. Public Television Stations Have a Long History of Providing Vast Amounts of On-air Programming on Issues of Importance to Their Local Communities	4
B. Public Television Stations Are Using New Digital Capabilities to Enhance Local Service	11
1. Educational Datacasting.....	11
2. Enhancing Public Safety and Public Health	12
C. Public Television Stations Engage in Meaningful Local Partnerships And Outreach Efforts	14
II. THE COMMISSION SHOULD NOT IMPOSE THE PROPOSED REQUIREMENTS ON PUBLIC TELEVISION STATIONS.	17
A. A Requirement that Public Television Licensees Maintain a Physical Presence at Each Television Station during All Hours of Operation Is Unnecessary and Would Be Extremely Burdensome.	17
B. A Return to the Pre-1987 Main Studio Rule Would Not Enhance Localism.	22
C. Renewal Processing Guidelines Based on Locally Oriented Programming Have Never Applied, and Should Not Now Apply, To Public Television Stations.	26
D. A Requirement that Public Television Stations Convene Community Advisory Boards is Unnecessary Given Current Practices and Policies. ..	30
E. Public Television Stations Foster Communication with Communities Through a Variety of Methods, and Regulation in this Area Is Not Needed.	35
CONCLUSION	38

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The Association of Public Television Stations (“APTS”)¹ and the Public Broadcasting Service (“PBS”)², (collectively referred to as “Public Television”), hereby submit comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned proceeding.³ Local television stations qualified to receive funding from the Corporation for Public Broadcasting (CPB) (“Public Television Stations”) embody the values that the Commission seeks to promote in this proceeding. When applied to Public Television Stations, however, certain of the proposed regulations would disrupt the existing, successful formula that Public Television Stations employ to serve their local communities. Accordingly, in these comments we urge the Commission to forbear from applying such regulations to Public Television Stations.

¹ 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.

² PBS is a media enterprise that serves 355 public noncommercial television stations and reaches nearly 73 million people each week through on-air and online content. A trusted community resource, PBS uses the power of noncommercial television, the Internet and other media to enrich the lives of all Americans through quality programs and education services.

³ *In re Broadcast Localism*, Report on Broadcast Localism and Notice of Proposed Rulemaking, MB Docket No. 04-233, FCC 07-218 (rel. January 24, 2008) (hereinafter “*NPRM*”).

INTRODUCTION

In this proceeding, the Commission seeks comment on several proposals intended to enhance broadcasters' connection with and service to their local communities, including (1) a requirement that licensees maintain a physical presence at each broadcasting facility during all hours of operation; (2) a return to the pre-1987 main studio rule; (3) the reintroduction of renewal application processing guidelines with respect to "locally oriented" programming; (4) a requirement that each licensee shall convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station; and (5) rules or guidelines establishing certain delineated approaches for fostering better communication between licensees and their communities.

Public Television strongly supports the Commission's efforts to examine and improve localism practices among broadcasters. Local television stations that are qualified to receive funding from the Corporation for Public Broadcasting (CPB) ("Public Television Stations") are in many cases the last locally owned and operated television stations in their areas, and their success—indeed, their survival—depends on their ability to connect with their communities and serve local needs through on-air programming and other initiatives. Public Television Stations are local in structure and mission, and their outreach efforts extend beyond the television screen to education and community involvement on the local level.

We ask the Commission to consider the inherent localism of Public Television Stations and to recognize that, with regard to such stations, its proposals are unnecessary and, in some cases, would undermine rather than enhance localism by forcing stations to scale back local services. In light of Public Television's unique and unparalleled record of community service and locally responsive programming, and the burdensome nature of some of the suggested rules,

we urge the Commission not to impose the proposed requirements on local Public Television Stations.

To aid the Commission’s understanding of Public Television’s inherently local orientation, in Section I of these comments, we provide a comprehensive overview of Public Television Stations’ activities in their local communities. In Section II, we explain how certain of the *NPRM*’s proposed regulations would restrict Public Television Stations’ ability to maintain such a high level of local service.

DISCUSSION

I. PUBLIC TELEVISION IS LOCAL IN STRUCTURE, MISSION, AND PRACTICE

As reflected in federal statute and policies established by the Commission and CPB, the essential purpose of Public Television is to serve the public interest by providing educational and informational services to their local communities.⁴ The public television “system” in this country is, by design, decentralized. The 364 local Public Television Stations are operated by local community foundations, colleges, universities, and school districts as well as locally

⁴ 47 U.S.C. § 396(a)(5) ([I]t furthers the general welfare to encourage public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and will constitute a source of alternative telecommunications services for all citizens of the Nation”); § 396(a)(6) (“[I]t is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities”); § 396(a)(8) (“[P]ublic television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs”). In addition, CPB is authorized to “facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained by diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.” 47 U.S.C. § 396(g)(1)(A). *See also* 47 CFR § 73.621 (FCC rules requiring public television stations primarily to serve the educational needs of the community and requiring a noncommercial educational service).

responsive state commissions. In addition, most Public Television Stations have community advisory boards that allow direct input and feedback from the community regarding the stations' performance and adherence to Public Television's mission.⁵ Moreover, as the Commission has recognized, Public Television Stations' daily operations are directly funded by donations from local viewers, ensuring community responsiveness in a very concrete financial way.⁶ In fact, one-quarter of Public Television's funding comes from individual donations, while on average only about 15 percent of funding comes from the Federal Government. The balance is funded by local businesses, state and local governments, local colleges and universities, and foundations.⁷

Pursuant to their mission, Public Television Stations provide a variety of services, both on and off the air, to enhance the lives of persons in their particular communities.

A. Public Television Stations Have A Long History of Providing Vast Amounts of On-Air Programming on Issues of Importance in their Local Communities.

While local Public Television Stations fulfill their mission in an ever-growing number of ways—including person-to-person outreach and the provision of educational and informational materials through the Internet, datacasting, and other media—they achieve their broadest reach through on-air programming that is targeted to the needs of all members of their communities.

⁵ See Section II.D. *infra*.

⁶ *In re Revision of Program Policies and Reporting Requirements Related to Public Broadcasting Licensees*, Report and Order, 98 F.C.C.2d 746 (1984) (“1984 Report and Order”), at ¶ 19 (“Contributions from individual viewers are a very important source of public broadcast support. In this respect the relationship between the audience and the local public broadcaster is even more direct than in the case of commercial broadcasting because public broadcasting's subscribers pay directly for programming that meets their needs and interests. Failure to discover and respond to audience needs and desires would lead inevitably to a reduction in such contributions. We believe that this essential economic relationship between the public licensee and its audience will ensure that public stations discover and serve local needs.”).

⁷ See Corporation for Public Broadcasting's Station Performance Report for FY2005, available at http://www.cpb.org/stations/sabs/05peers/SPR1AllPTVStations_All.pdf.

Many local Public Television Stations devote at least one-third of their broadcast schedule to a slate of children's programming that, more than any other on television, is aimed at readying young children for the academic rigors of school.⁸ During the rest of the day, Public Television Stations offer varied programming for all viewers that is designed to enhance public awareness and knowledge of history, politics, science, literature, and the performing arts, among others.

With the transition to digital-only broadcasting, local Public Television Stations are leveraging their new digital capabilities to expand their educational and informational offerings through multicasting. Highlighting their stewardship of the public airwaves entrusted to them, many Public Television Stations are utilizing their multicasting capabilities to provide dedicated channels for public affairs programming or programming designed to reach underserved audiences. As just one example, a number of local Public Television Stations are using a multicast stream to offer "V-me," a Spanish-language educational and informational service developed by Thirteen/WNET, a Public Television Station serving the New York City area. There can be no doubt that Public Television has led the broadcast industry in taking advantage, to the benefit of local communities, of the added capacity offered by digital broadcasting.

Though a significant portion of many Public Television Stations' programming is focused on issues of broad interest and national import, each local station has complete autonomy to select and schedule programs in a way it deems will best serve the interests of its local community. As the Government Accountability Office noted in a recent report on the structure and funding of public television, "Public television began as, and continues to be, a largely decentralized enterprise, with ownership and control of the stations maintained at the

⁸ For an in-depth examination of the current state of children's programming on Public Television, see Joint Comments of the Association of Public Television Stations and the Public Broadcasting Service, *In re Children's Television Obligations of Digital Television Broadcasters*, MM Docket No. 00-167 (June 1, 2007).

state or local level.”⁹ For example, while most Public Television Stations have the right to air PBS-distributed programs such as *NOVA* and *Frontline*, which provide the most rigorous treatment on television of important issues of the day, Public Television Stations independently select and schedule their programming lineups.

Furthermore, despite their limited resources and the fact that it costs a Public Television Station at least *20 times* as much to produce its own programming than to acquire it from PBS or other suppliers,¹⁰ Public Television Stations are producing and airing a wide array of programs focused specifically on their local communities and the issues that affect them. In many cases, Public Television Stations are the only source in their community of local programming unrelated to news or sports.¹¹ The following are some recent examples of the local programming produced and aired by licensees of Public Television Stations.

- **Barry Telecommunications, Inc. (WXEL, West Palm Beach, FL):** Barry produces more than 1,100 hours of locally produced programming, including Emmy Award-winning weekly news magazine program *South Florida Today* and interview program *South Florida Profile*.
- **Brazos Valley Public Broadcasting Foundation (KWBU, Waco, TX).** KWBU, one of the last locally owned and operated stations in Central Texas, currently offers more than 250 hours of Texas-based programming each year, including *Texas Monthly Talks* and its popular local food program, *Eat This!*
- **University of Central Missouri (KMOS, Sedalia, MO).** As the public television provider to central Missouri residents, KMOS-TV produces 4 programs of local interest

⁹ *Issues Related to the Structure and Funding of Public Television*, Government Accountability Office, GAO 07-150, 8 (Jan. 2007), available at <http://www.gao.gov/new.items/d07150.pdf> (hereinafter “GAO Report”).

¹⁰ See CPB Station Performance Report, supra note 7. In Fiscal Year 2005, stations spent \$1,785 per hour aired on local programming, versus \$24 to \$119 per hour aired for all other programming sources. In FY2004, stations spent \$3,647 per hour aired for local programming, versus \$29 to \$129 for all other programming sources.

¹¹ GAO Report at 22.

on a regular basis: *SportsPage*, *Jerry Adams Outdoors*, *Show Me Ag*, and *University Magazine*. Each program features stories that directly relate to local viewers.

- **Connecticut Public Broadcasting (Four stations throughout the state).** CPBI provides more than 200 hours of local programming each year on topics of local interest such as disabilities, diversity, senior citizens, economic development, workforce development, and Connecticut history and heritage.
- **Delta College (WDCQ, Bad Axe, MI, and WDCP, University Center, MI).** Delta College's Q-TV airs a wide and diverse array of local programs, including *Currently Speaking*; *Somos Hispanos*, a monthly news magazine about issues facing the local Hispanic community; and *Soul Issue*, the only regularly scheduled program in the region devoted to issues in the African-American community.
- **Detroit Educational Television Foundation (WTVS, Detroit, MI):** Detroit Public Television produces five half-hour programs per week: *In the Frame: Exploring the DIA*, which goes behind the scenes at the Detroit Institute of Arts; *American Black Journal*, which presents information from African American perspectives; *Am I Right?*, which offers news analysis from liberal and conservative viewpoints; *The Detroit Economic Club Presents*, which features America's political and business leaders; and *Due Process*, which explores legal issues of relevance to the community. In addition, DPTV produces specials on young African American and Latino classical musicians, artistic and literary achievement, and local issues.
- **Eastern Illinois University (WEIU, Charleston, IL).** WEIU currently provides five hours per week of locally produced programming, including nightly news and weather coverage, plus *Heartland Highways*, *Hootenanny* (a country music program), and *Sportstalk*.
- **Educational Broadcasting Corporation (WNET, New York, and WLIW, Garden City, NY).** In addition to being a leading producer of nationally televised programs, Thirteen/WNET and WLIW have produced or presented outstanding locally focused programming. Highlights over the past year include: *New York Goes to War* and *New York War Stories*, which featured viewer-submitted content. Other local programs include *New York Voices*, *Inside Trenton*, and *Keeping Kids Healthy*. WLIW's local programs include *Q&A* (key figures from local politics discussing current events and issues), *Crosson and Welles* (with guests including community and civic leaders), and *Ticket* (features Long Island arts, culture and cuisine).
- **Florida State University (WFSU, Tallahassee, and WFSG, Panama City).** In partnership with the Florida State Legislature, WFSU operates the Florida Channel, a public affairs network that is carried by several public television stations in the state on a multicast stream. The Florida Channel features live, gavel-to-gavel coverage of the Florida Senate and House of Representatives, as well as other local electoral and public affairs coverage.

- **Idaho State Board of Education (Five stations throughout the state):** Idaho Public Television provides more than 2,900 hours of free local programming available statewide and in portions of six surrounding states. Local programs include *Outdoor Idaho*, which recently celebrated its 25th anniversary; *Dialogue*, a statewide public affairs program that has aired since 1994; *D4K* (Dialogue For Kids), a science program; *Idaho Reports*, which addresses legislative news and analysis; and *Legislature Live*, which features gavel-to-gavel coverage of the state legislature.
- **Indiana University (WTIU, Bloomington, IN).** WTIU, the only local television station for much of southern Indiana, produces more than 200 hours of local programming per year. *The Weekly Special* covers the big issues making news and the little features that make the area special. *Third House* is a live, discussion-format program that allows constituents to submit questions directly to members of the Indiana General Assembly.
- **Iowa Public Broadcasting Board (Nine stations throughout the state).** Iowa Public Television produces many local shows. For example: *Assignment Iowa* examines the issues and events that shape what it means to be an Iowan; *Iowa Press* features issues and newsmakers as they affect Iowa and the nation; *Market to Market* is a weekly journal on agribusiness. In addition, Iowa PTV airs extensive coverage of local college wrestling.
- **KCTS Television (KCTS, Seattle, and KYVE, Yakima, WA).** KCTS produces two local half-hour programs weekly. It also produces quarterly *Ask The Governor* specials providing state-wide access to call in to the governor, and annual specials such as *The KCTS 9 Golden Apple Awards*, recognizing the accomplishments of educators from across Washington.
- **KVIE, Inc. (Sacramento, CA).** KVIE provides in-depth programming about its region that would not be covered by other stations in the area. *City at Risk* showed Sacramento's flood risk, while *New Valley* presented a number of programs about the future of California's Central Valley, and the *ViewFinder* weekly series is unique in the market in its sole focus on the region.
- **Louisiana Educational Television Authority (Six stations throughout the state).** *Louisiana: The State We're In*, the only statewide news magazine is in its 30th season on the air. *Louisiana Public Square*, now in its fourth season, is designed to stimulate intelligent, focused discussion of pressing, topical issues. Louisiana Public Broadcasting also has produced a number of outstanding short series and local documentaries.
- **Maryland Public Broadcasting Commission (Six stations across the state).** Maryland Public Television produces nearly 400 hours of local programming per year, including coverage of important public affairs issues and partial coverage of the State General Assembly proceedings.
- **Michigan State University (WKAR, East Lansing, MI).** As the only public broadcaster serving Michigan's capital region, WKAR is uniquely positioned to provide

important local content for other Michigan public broadcasters, including the news analysis *Off the Record* show and the governor's *State of the State* special.

- **Milwaukee Area Technical College (WMVS and WMVT, Milwaukee).** Milwaukee Public Television provides a vast amount of local public affairs programming, including eight weekly, locally focused series, such as *¡Adelante!*, a Spanish-language program with English subtitles, and *Black Nouveau*, which explores issues related to the local African-American community.
- **Montana State Univ. and Univ. of Montana (KUSM, Bozeman, and KUFM, Missoula).** MontanaPBS produces nearly 200 hours of local programming each year and delivers that programming to more than 150 communities, reaching 600,000 viewers each week. Local programs include *The Backroads of Montana*, *Montana Focus*, and *Montana Ag Live*.
- **Mountain Lake Public Telecommunications Council (WCFE, Plattsburgh, NY).** Mountain Lake PBS produces ongoing series including *Rustic Living*; *Art Express*, devoted to profiling area artists working in all media; *Mountain Lake Journal*; *Roadside Adventures*, an area travel and food program; and *Adirondack Outdoors*.
- **University of North Carolina (11 stations throughout the state).** UNC-TV is one of the nation's most prolific producers of original, local content. Last year UNC-TV produced 419 hours of local programming specifically designed to meet the needs of North Carolinians. Regular series include *Black Issues Forum*, *Carolina Business Review*, *Carolina Outdoor Journal*, *Exploring North Carolina*, *Legislative Week in Review*, and *North Carolina Now*.
- **Northern California Public Broadcasting (KQED, San Francisco, and KTEH, San Jose).** KTEH produces *video i*, the Bay Area's premier showcase of independent film and video, celebrating the voices seldom heard in the mass media. In 2006, KQED launched the "Local Strip," five programs that address a range of Bay Area interests, one each weeknight at 7:30 p.m. These local programs focus on the arts, science, nature, culture and politics.
- **North Texas Public Broadcasting, Inc. (KERA, Dallas).** KERA, provides local content in three strategic areas: news and public affairs, Southwest history and culture, and children/family programming. KERA has a long tradition of producing local and statewide election specials, including debates with candidates for major offices.
- **Public Television 19, Inc. (KCPT, Kansas City, MO).** KCPT is the only locally owned station in Kansas City, and it provides more local programming than any other television station in the area. Programs such as *Kansas City Week in Review*, *Ruckus*, and *Talkback Live with Steve Rose* help citizens stay informed about local issues and politics.
- **Rocky Mountain Public Broadcasting Network (Five stations throughout the state).** Rocky Mountain PBS has produced the public affairs program *Colorado State of Mind*

for more than six years. Each week, the program features newsmakers and experts discussing the most important political and social issues facing Colorado. In addition, *Life Wise* raises awareness of critical health care issues for seniors in Colorado.

- **Shenandoah Valley Educational Television Corporation (WVPT, Staunton, VA, and WVPY, Front Royal, VA):** As Harrisonburg and the Shenandoah Valley’s last truly “local” broadcaster, WVPT was able to provide almost 300 hours of local programming in 2007, including several regularly scheduled programs: *Consider This*, a weekly public affairs program which provides coverage of the state legislature’s session and in-depth discussions on relevant topics; *Miller Center Forums*, a broadcast version of a popular nonpartisan weekly lecture series at the University of Virginia; and *Virginia Farming*, the Commonwealth’s only local, weekly farm program on television. In addition, *Virginia Reports* is a documentary series focusing on compelling local issues and topics of importance in communities across the WVPT viewing area.
- **South Carolina Educational Television Commission (11 stations throughout the state).** South Carolina ETV produces local programs such as *The Big Picture*, *Carolina Stories*, *Connections*, and *Remember My Name*. ETV also broadcasts the South Carolina Channel, a multicast stream with coverage of Statehouse proceedings, local college sports, and other local programming.
- **Twin Cities Public Television (KTCI and KTCA, St. Paul, MN).** TPT’s public affairs program *Almanac* invites newsmakers and experts to discuss the most important issues facing Minnesota. Every year, TPT broadcasts the Minnesota legislative session live and *Almanac: At the Capitol*. During election years, TPT broadcasts more candidate debates than any local television station. TPT also has an all-local program service, the Minnesota Channel.
- **University of Utah (KUED, Salt Lake City, KUES, Richfield, and KUEW, St. George).** KUED produces two weekly local public affairs programs: *Utah Now* and *Utah Conversations with Ted Capener*, and a monthly *Governor’s News Conference*. It also produces from ten to fifteen specials and documentaries a year. KUED is the only station in Utah that produces long-form programs that reflect Utah’s history, culture and environment.
- **Western Kentucky University (WKYU, Bowling Green, KY).** WKYU-PBS produces programming targeted specifically toward the citizens of South Central Kentucky. This includes the Emmy award-winning weekly public affairs program, *OUTLOOK; MAIN STREET*, broadcasts of Western Kentucky University sporting events; and special events programming such as election candidate forums and WKU music department concerts.
- **WHYY, Inc. (WHYY, Wilmington, DE, and WDPB, Seaford, DE).** WHYY currently produces nearly 650 hours of programming, including *Delaware Tonight*, a nightly news program that is billed as “The only TV news from The First State, for The First State”; *Radio Times on TV*, a weekly version of the popular radio talk show; and *Experience*, featuring regional arts and culture organizations.

- **WITF, Inc. (WITF, Harrisburg, PA).** WITF airs nearly 400 hours of original programming per year, including *Smart Talk*, the only weekly prime-time public affairs program that explores topics of interest to Central Pennsylvanians; *Life Styles*, which highlights the local arts scene and personalities; and *Issues PA 2008*, which focuses on issues important to local viewers.
- **WMHT Educational Telecommunications (WMHT, Schenectady, NY).** WMHT produces several regular local programs: *The Bottom Line*, giving fresh ideas about business and living in the region; *Health Link*, which features discussions with members of the local medical community; *It's an Age Thing*, highlighting the creative and caring ways people in the region are making a difference in their communities; and *New York Now*, a public affairs program.
- **WNPT Public Television Corp. (WNPT, Nashville, TN).** Nashville Public Television's local series *Tennessee Crossroads* and *Volunteer Gardener* are consistently among the most successful local programs in the nation. Other regular local series include *NPT Arts Break*, Nashville's weekly window to the arts; and *A Word on Words*, which has celebrated authors and literature. Recent documentaries include *LivingOn: Tennesseans Remembering the Holocaust*.

B. Public Television Stations Are Using New Digital Capabilities to Enhance Local Service.

With the conversion to digital broadcasting, Public Television Stations are able to deliver a number of enhanced services to the public in ways that could only be dreamed of in the analog world. In addition to multicasting, Public Television Stations are maximizing their digital capabilities to serve the public interest both by enhancing their traditional educational offerings through datacasting and by venturing into entirely new arenas with an eye toward our nation's priorities in a post-9/11 world.

1. Educational Datacasting

The inherent flexibility of digital broadcast technology can allow for the delivery of data at extraordinary speeds. In conjunction with other technologies designed to provide a return path capability, this mechanism can facilitate the delivery of high-quality noncommercial educational services through a broadband-like pipe. Many Public Television Stations have dedicated

portions of their digital bandwidth to providing access for all Americans to educational data services. For example:

- **WHYY**, which serves Philadelphia and Delaware, is “datacasting” adult basic education materials. Using a combination of national and local programming, WHYY has digitized 58 half-hour video segments and more than 700 pages of text for delivery to desktop computers. These computers can receive and store datacast transmissions and have been placed—in partnership with the Workforce Investment Boards of Chester, Philadelphia, Delaware and Montgomery Counties—in libraries, hospitals, community centers and colleges, locations easily accessible to the targeted population.
- The **Utah Education Network (KUEN in Ogden)** and sister station **KUED** in Salt Lake City are bringing education to incarcerated youth using multiple digital platforms, including broadband and datacast delivery. Utah’s public television network delivers educational content over UEN-TV’s digital broadcast signal to about 1,200 youths in 13 facilities across the state. Content for UEN’s “Youth in Custody” program includes UEN-TV’s core curriculum for K-12 students; select programming from both KUED and PBS; telecourses from the University of Utah; PBS LiteracyLink’s GED Connection, a multimedia adult basic education series; and Essential Workplace Skills, an online series delivering the employment strategies and skills to find a first job or get a better one.
- **Ozarks Public Television (KOZK in Springfield, MO and KOZJ in Joplin, MO)** is helping to improve student performance at rural Missouri Schools. OPT is creating and broadcasting professional development curriculum, two-way live panel meetings, and interactive materials received via digital receivers for schools and rural teachers.

2. Enhancing Public Safety and Public Health

Public Television’s congestion-free bandwidth can support public alert systems, as well as closed networks to enable public safety and emergency management agencies to securely transmit critical information. On a national level, Public Television has teamed with the Department of Homeland Security (DHS) to use its digital network to enhance the Emergency Alert System (EAS). After a successful pilot project, APTS and DHS agreed to deploy nationally the Digital Emergency Alert System (DEAS), and by the end of 2007, APTS had added technological upgrades to every Public Television station across the country, creating the backbone infrastructure of a digital presidential emergency alert and warning system. Once fully built, the DEAS will supplement the current EAS that uses 34 Primary Entry Point (PEP) radio

stations to provide the President and other designated officials the capability to speak to the American public during periods of national emergency. It will also serve as foundational infrastructure that can be built upon to facilitate governors' and local authorities' use of the DEAS for state and local emergencies.

In addition, several local Public Television Stations have pioneered local public safety datacasting networks and have experimented with using datacasting to enhance public health services. For example:

- **Wisconsin Public Television (five stations statewide)** recently provided leadership in a pair of simulations that allowed first responders to test the efficacy of a unique combination of communication technologies. WPT piloted the use of datacasting, wireless transmission and satellite to send and receive live audio, video and data during emergency simulations. These tests allowed local firefighters, police and paramedics to send and receive media to and from moving public safety vehicles equipped with antennas and laptop computers.
- **Kentucky Educational Television (14 stations statewide)** has partnered with the state Department for Public Health to enhance the state's alternative communications capabilities between local public health agencies and hospitals with the addition of datacasting and compressed video teleconferencing systems. Datacasting allows preparedness and response agencies to communicate over a secure wireless network. The materials transmitted by KET are received by local public health agencies using a digital television antenna and downloaded to a computer.
- **KLVX-Vegas PBS**, licensed to the Clark County School district, has gathered data files on local buildings and training methods and can send specialized, secured information to laptops (with antennas and ATSC decoders) in 60 emergency vehicles. As the system develops, responders will be able to produce live content for communication with the general public or specified users. KLVX has fiber links and is developing wireless links to various police and fire operations centers. Those facilities can function as remote studios in times of emergency without making emergency personnel leave their command posts. The station also has open and closed circuit connections with county high schools.
- **New Jersey Network (NJN) (four stations statewide)** is working with state and federal officials on several homeland security projects. Through these projects, NJN will deliver emergency information to Emergency Planning Zones around the Oyster Creek Nuclear Generating Station and Salem Nuclear Power Plant; transmit and receive information from the U.S. Army Communications Electronics Research, Development, and Engineering Center (CERDEC) for training and awareness programs, traffic and weather advisories, and more; provide business and industry with a wireless preparedness network

for emergency management and ongoing training; and potentially support a regional homeland security alert system.

C. Public Television Stations Engage in Meaningful Local Partnerships and Outreach Efforts.

Through their extensive ties to their local communities, Public Television Stations enhance their local programming with effective community outreach services. These include additional efforts to enhance early reading, provide support for child-care professionals, to address health issues and issues of importance to underserved audiences, to provide worker retraining, to enhance democracy, and to respond to community crises. In this way, the educational and informational services Public Television Stations provide extend far beyond the television screen. Recent examples of these local outreach efforts are described below.

- **Alabama Public Television (nine stations throughout state)** sponsors “SciGirls Summer Camp,” a weeklong residential science camp for Alabama girls ages 9-12 that brings together twenty girls from diverse backgrounds. The goal of the camp is to help girls create new visions and possibilities for themselves in the scientific field. The camp seeks to ignite their excitement for the adventures of science and to increase their confidence in themselves as problem solvers.
- Through a project based on the series *American Family*, **WXEL (Barry Telecommunications in West Palm Beach, FL)** and project partners provided diabetes and high blood pressure screenings for child care centers of The Hispanic Human Resources Council of Palm Beach County.
- In conjunction with *Country Boys*, a documentary on the lives and struggles of two boys from Appalachia, **Blue Ridge Public Television (stations in Roanoke, Marion and Norton, VA)** produced a live call-in discussion program. It featured guest experts and phone-bank volunteers from regional community service organizations who answered questions, registered mentors and volunteers, and made referrals to youth-based organizations that could offer help to callers in need.
- Through workshops, **Connecticut Public Broadcasting’s Ready to Learn** program has trained 30,000 children and 2,000 parents since its inception in 1994. Efforts to improve literacy include the annual distribution of 3,000 free books along with companion teaching materials and guides.
- For the third straight year, **Educational Broadcasting Foundation’s** Thirteen/WLIW Teaching and Learning Celebration drew record numbers of educators. Over two days in

March 2008, the Celebration emphasized best practices for using technology in teaching and learning, with a focus on science and global awareness. The program featured nationally renowned speakers including primatologist Jane Goodall, explorer and environmentalist Jean-Michel Cousteau and astronaut Barbara Morgan.

- In the summer of 2007, **Iowa Public Television** launched an ambitious plan to encourage Iowa kids to keep reading throughout the summer. Dan Wardell, host of the IPTV Kids Clubhouse, embarked on a “Summer Reading Tour” of 54 libraries, carrying with him the message to turn off the television and read, play and make healthy choices all summer long. The program served more than 12,000 Iowans.
- Through its *Math Can Take You Places* (MCTYP) project for grades 3-6, **KERA (Dallas, TX)** reached 500 teachers and after-school providers as well as 22,000 students in 2007. This multimedia, standards-based project is designed to help students build a solid foundation of pre-algebra skills and includes classroom materials for teachers, student videos, professional development videos, and hands-on lessons, games, and activities for kids in the classroom and in after-school programs. All materials are tied to Texas’ educational standards, and videos and materials are available in Spanish.
- In the *Health Matters* program, **KUED (Salt Lake City)** staff work with local medical, social behavioral, public service professionals and organizations, and state, county and city governments to prepare materials that are offered free to the public and supplement national and local health-related programs. Free program screenings and panel discussions and website materials are also offered. Annually, KUED offers *Speaking of Women’s Health*, a day-long conference and workshops, to more than 1,200 participants.
- In 2006, **KMOS (Sedalia, MO)** received the media partner award from the Missouri Public Health Association for its outreach activities in support of *RX for Child Survival*, designing and conducting outreach activities for *Healthy Lifestyles for Missouri’s Kids*. More than six thousand families received packets of information and tools to live healthier lifestyles. 270 educator kits were distributed through training sessions to early childhood educators. At least 20,925 Missouri children were impacted by the project.
- In conjunction with many health-related programs, **KWBU (Waco, TX)** offers free screenings and discussions to facilitate education and interaction among Central Texas residents. Examples in the past year include screenings of *The Hidden Epidemic: Heart Disease in America* and *Fat: What No One is Telling You* at the Waco Family YMCA.
- In the wake of Hurricane Katrina in 2005, **Louisiana Public Broadcasting** (six stations throughout state) provided a range of services. LPB opened a new discussion board on its website called Teacher Connection to allow teachers and other educators to connect with colleagues, share ideas and provide support for one another. The licensee’s Adult Education Division provided 10 public job workshops throughout the state. In addition, the stations teamed with local governmental agencies to produce and distribute educational materials, including (1) “FEMA How To,” a step-by-step tutorial on the application process for federal help for both individuals and businesses affected by the

hurricane, and (2) “Coping Skills,” a series of videos on how to aid adults and children with the aftermath of Katrina.

- **Montana PBS**’s outreach department conducts about 75 workshops per year with teachers and child care providers; partners with Tribal Head Start on the Rocky Boy Reservation to assist with teaching early literacy; and sends hundreds of monthly packets to K-12 educators around the state.
- In 2005, with the help of a CPB *Ready to Lead in Literacy* grant, **Nashville Public Television (NPT)** began working in partnership with community organizations including the Nashville Kurdish Forum, the Somali Community Center, Iraqi House and Metro Nashville Public Schools to provide literacy training and assist refugee families in building at-home libraries, increase English skills and help prepare preschool children for kindergarten. Over the past two years, as an integral part of the Next Door Neighbors project, NPT has continued to implement and expand these workshops to provide family literacy training to Nashville’s foreign-born communities.
- **WETA (Washington, DC)** created a multimedia project with the Boys and Girls Club of the Greater Washington area to support the documentary *African-American Lives*. The project was designed to engage young people in the study of their heritage and history. By using the documentary and its accompanying educational materials and companion website, outreach staff provided training to Boys and Girls Club employees on how to use this educational video as a launch point for discussion with youth.
- Following up on its *Surviving Abundance* documentary, which addressed pediatric obesity in Hampton Roads, the **WHRO (Hampton-Norfolk, VA)** Center for Regional Citizenship is working with the Consortium for Infant and Child Health (CINCH) and the Center for Pediatric Research at Eastern Virginia Medical School to create community action guides that focus on policy and procedure changes in early childhood centers and elementary school.
- **WHYY**’s Learning Lab has partnered with Thomas Jefferson University to teach medical, nursing and occupational therapy students to capture video of their interactions with chronically ill patients serving as mentors. The footage will be edited by WHYY for a piece on new approaches to community health. In addition, also in partnership with Jefferson, as well as the Southeast Asian Mutual Assistance Associations Coalition, the University of Pennsylvania and Temple University, the Learning Lab will teach Southeast Asian immigrant elders to produce short videos addressing topics essential to Vietnamese and Laotian immigrant health as part of a three-year *New Routes to Community Health* media project funded by The Robert Wood Johnson Foundation.
- In 2006, five stations in communities with large military bases—**WHUT (Washington, D.C.)**, **KPBS (San Diego)**, **KLRN (San Antonio)**, **New Jersey Network (Fort Dix, N.J.)** and **KETC (St. Louis)**—worked with CPB and the Pentagon to help educate military families financially. The initiative launched five seminars featuring live presentations by Kelvin Boston, host of award-winning PBS series *Moneywise*, and

nationally recognized financial advisors addressing topics such as credit, financial planning, savings and investments, home ownership, fraudulent and predatory lending, bankruptcy and retirement.

- **New Jersey Network**, in partnership with the New Jersey Department of Labor, continues to provide adult literacy multi-media programs and services in more than 50 locations throughout the state. These workplace literacy services are helping unemployed and underemployed adults prepare for today's evolving job market. Since it started in 2001, the program has served more than 13,500 adults and placed thousands in new jobs.

The National Center for Outreach, through funding provided by CPB, assists Public Television Stations in facilitating meaningful outreach to local communities and also serves as a repository for stories of stations' outreach efforts. Many more examples of station's recent activities can be found at the National Center for Outreach's website, <http://nationaloutreach.org>.

II. THE COMMISSION SHOULD NOT IMPOSE THE PROPOSED REQUIREMENTS ON PUBLIC TELEVISION STATIONS.

- ### A. A Requirement That Public Television Licensees Maintain a Physical Presence at Each Television Station during All Hours of Operation Is Unnecessary and Would Be Extremely Burdensome.

The Commission in its *NPRM* notes that it is considering requiring that licensees maintain a physical presence at each radio broadcasting facility during all hours of operation, and seeks comment on whether it should extend this requirement to television stations.¹² This proposal would revive a requirement the Commission eliminated more than 12 years ago on the grounds that unattended operation of transmitters had proven reliable and would enable stations to operate more efficiently.¹³ Public Television urges the Commission not to revisit these rules. Remote station operation has enabled Public Television licensees to increase efficiency and

¹² *NPRM* at ¶ 29.

¹³ *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Unattended Operations of Broadcast Stations and to Update Broadcast Station Transmitter Control and Monitoring Requirements*, Report and Order, 10 FCC Rcd. 11479 (1995), at ¶¶ 7-8.

direct resources toward enhancing services, and a return to attended operation—at an annual cost in the millions of dollars for many licensees—would seriously undermine localism by forcing stations to cut back on operating hours and the provision of local programming and activities.

In its 1995 *Report and Order*, the Commission expressly acknowledged that technology had advanced sufficiently to permit unattended and remotely controlled technical operation of transmission facilities.¹⁴ Since then, technology has only improved. Transmitters and other broadcast equipment are even more stable and reliable, and with the rise of internet protocol-based technologies, today's sophisticated automation equipment provides stations with enhanced monitoring and control capabilities. For example, WHYI, licensee of Public Television Stations serving the Philadelphia and the Delmarva Peninsula, states that it has never had a problem with the remote operation of its transmitters and reports that its system is configured to automatically call five people when it senses a transmission malfunction or issue. Alamo Public Telecommunications Council, licensee of KLRN in San Antonio, Texas, notes that it, like other Public Television Stations, can correct problems remotely or shut down the transmitter remotely as required.

In addition, there is no evidence to suggest that unattended station operation limits law enforcement and public safety officials' ability to access broadcast stations effectively during emergencies. The current Emergency Alert System ("EAS") is designed so broadcasters can choose between automatic and manual operations. Idaho Public Television reports that it has a direct microwave link to the Governor's office to receive and transmit statewide emergency announcements. All stations make up-to-date emergency contact information available to state and local communications officials. With the rise of cellular telephones and wireless Internet—

¹⁴ *Id.*

which were not widely in use in 1995—station engineers and other personnel are reachable at any time, in any place, in case of an emergency. Public Television is not aware of any instance in which public safety officials were unable to access a Public Television Station effectively during an emergency because that station’s transmission facilities were unattended or the appropriate station personnel could not be reached.

The Commission notes in its *NPRM* that remote station operation has a “perceived negative impact” on licensees’ ability to serve local needs,¹⁵ but Public Television’s experience is that remote station operation has provided only benefits to the public. Remote station operation permits smaller and rural stations that had previously signed off during the late-night hours to remain in operation and serving the public 24 hours a day. It has also allowed Public Television Stations to achieve the broadest possible reach, and further their universal service mission¹⁶, by placing transmitters in locations that are not easily accessible but enable more robust signals to rural viewers and translator networks. Finally, remote station operation has permitted Public Television Stations to create efficiencies in their engineering operations and utilize the money saved to enhance local programming and services.

In contrast, a return to attended station operation would place an immense burden on Public Television Stations. APTS surveyed its member stations on this issue, and the results were staggering. In APTS’ survey, 94 percent of licensees reported that they would need to hire at least one full-time engineer to fulfill this requirement. On average, licensees would require

¹⁵ *NPRM* at ¶ 87.

¹⁶ *See* 47 U.S.C. § 396(a)(5) ([I]t furthers the general welfare to encourage public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and will constitute a source of alternative telecommunications services for all citizens of the Nation”).

four to five new engineers to staff each transmitter; UNC-TV, with 12 transmitters and associated equipment, estimated it would need to hire 66 engineers at a total annual personnel cost of \$3.126 million. Well over half of the licensees would be forced to reduce hours of operation as a direct result of this requirement. Some of the smaller Public Television licensees report that the requirements could create virtually unbearable financial constraints. For example, Northern Minnesota Public Television (a/k/a Lakeland Public Television), which operates two stations in Bemidji and Brainerd, reports that it would need to add 10 or more engineers to a current staff of 24 employees. West Central Illinois Educational Telecommunications Corporation (a/k/a Pioneer Public Television), which operates stations in Jacksonville, Macomb, and Quincy, states that it would need to add 15 engineers, which would more than double its staff.

Many stations noted that they would not be able to reduce operating hours but would likely have to cut local production or other services. Mountain Lake Public Telecommunications Council, licensee of WCFE in Plattsburgh, NY, notes that its transmission site is in an environmentally controlled state park and has no road access so the station would have to transport its engineers by helicopter (in winter) or snowcat (in fall and spring) every 48 hours. (Engineers could travel by foot during the warmer-weather months.) Because of the steep transportation costs, necessitating the 48-hour shifts, the station would gain no cost reduction by trimming its hours of operation. Thus, the station would need to cut expenses in other areas.

On the following page is a table featuring other representative responses.

Licensee	New Employees Needed to Fulfill Requirement	How Licensee Would Likely Deal with New Requirement
Bowling Green State University (WBGU/Bowling Green, OH)	9	Reduce hours of operation or cut local production
Charlotte-Mecklenburg Public Broadcasting Authority (WTVI/Charlotte, NC)	2	Cut back 8 hours of operation per day
Greater Cincinnati Television Educational Foundation (WCET)	1.5 FTE	Cut back 42 hours of operation per week
Community Television Foundation of South Florida (WPBT/Miami)	3 full-time, 2 part-time	Reduce staff in other areas
Delta College (WDCQ/Bad Axe, MI and WDCP/University Center, MI)	6	Might cut back 6 hours per day
Florida State University (WFSU/Tallahassee and WFSG/Panama City)	10	Requirement might put station out of business; staffing requirement would cost \$700,000 per year, or 10 percent of annual budget
Florida West Coast Public Broadcasting (WEDU/Tampa)	3	Cut back 8-10 hours of operation per day
Idaho State Board of Education (5 stations)	17.5 FTE	Not sure; staffing requirement would cost \$650,000 per year
Illinois Valley Public Telecommunications Corp. (WTVP/Peoria)	1.5 FTE	Cut back 50 hours per week
KCTS Television (KCTS/Seattle and KYVE/Yakima)	9	Likely cut back 5-6 hours per day
Iowa Public Broadcasting Board (9 stations)	At least 18	Cut back 10 hours per day
Louisiana Educational Television Authority (5 stations)	18	Decrease local programming by more than 50 percent and curtail outreach and education
Maryland Public Broadcasting Commission (6 stations)	25	Might turn off transmitters serving rural parts of state
Mississippi Authority for Educational Television (8 stations)	33	Staffing requirement would cost \$1.47 million per year; would have to cut back hours
Southwest Missouri State University (KOZK/Springfield and KOZJ/Joplin)	6	Would likely discontinue service in Joplin and would cut back 8.5 hours per day in Springfield
Northern California Public Broadcasting (KQED/San Francisco, KTEH/San Jose and KQET/Watsonville)	8	Would reduce hours of operation at one or more stations or possibly sell one station
St. Lawrence Valley Educ. TV Council (WPBS/Watertown, NY and WNPI/Norwood, NY)	8 to 10	Likely cut back 5 hours per day
San Mateo County Community College District (KCSM)	3	Cut back 8 hours per day

South Dakota Board of Directors for Educational Television (9 stations)	27	Cut back 8 hours per day
Tri-State Public Teleplex (WNIN/Evansville, IN)	4 PTE	Cut back 6 hours per day
Twin Cities Public Television (KTCI and KTCA/St. Paul, MN)	At least 4	Might consider turning off during overnight hours
WITF, Inc. (WITF/Harrisburg, PA)	6	Would affect local production and staffing in other areas
WJCT, Inc. (WJCT/Jacksonville, FL)	At least 4	Likely cut back 25 percent in operating hours

Public Television supports the Commission’s efforts to ensure broadcast stations are accessible to their communities, but a return to attended station operation would have the opposite effect. Requiring stations to have highly trained engineers sitting at often remote transmitter sites in the middle of the night would not enhance meaningful public access to the station and, as discussed above, would not improve the ability of stations to control transmissions or the ability of public safety officials to access the station during emergencies. However, this requirement would force nearly all Public Television Stations to make significant and obvious reductions of service that would have a tangible impact on millions of viewers. As one station manager put it, this proposal is akin to “requiring a coal-shoveling fireman on a diesel-powered freight train.” Therefore, Public Television urges the Commission not to revisit these rules as they apply to Public Television Stations.

B. A Return to the Pre-1987 Main Studio Rule Would Not Enhance Localism.

The Commission in its *NPRM* seeks comment on whether it should revert to its pre-1987 main studio rule in order to encourage broadcasters to produce locally originated programming, and on whether accessibility of the main studio increases interaction between the broadcast station and the community of service.¹⁷ As with the Commission’s attended station operation

¹⁷ *NPRM* at ¶ 41.

proposal, the revival of the pre-1987 main studio rule would undo many of the efficiencies and benefits that liberalization of the rule has brought to broadcasters and the public over the past two decades. Likewise, it would actually undermine localism by burdening many Public Television licensees to the point that they would have to cut back on local programming and activities and face other budget constraints that could in the extreme force them off the air. Thus, Public Television encourages the Commission not to revisit the main studio rule. If the Commission does make changes to the rule, Public Television urges it to maintain current waivers and to continue to apply a liberal policy toward granting waivers to Public Television Stations that demonstrate “good cause.”¹⁸

Prior to 1987, the Commission required each broadcaster to maintain its main studio in its community of license. In 1987 and again in 1998, the Commission relaxed this rule, citing the desire to allow stations to gain efficiencies and the fact that telephone and mail serve to ensure that members of the community still have reasonable access to the stations.¹⁹ In addition, the Commission has granted waivers of the main studio rule to numerous Public Television Stations, noting “the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations.”²⁰ Over the past two decades, these policies have

¹⁸ See 47 C.F.R. § 73.1125(b)(2).

¹⁹ *In re Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Report and Order, FCC 87-137, 2 FCC Rcd. 3215 (rel. June 1, 1987) (“1987 Main Studio Order”); *In re Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, FCC 98-175, 13 FCC Rcd. 15691 (Rel. Aug. 11, 1998).

²⁰ *In the Matter of Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, FCC 88-235, 3 FCC Rcd. 5024 (rel. Aug. 17, 1988), ¶ 30.

enabled some Public Television Stations to save money by moving studios to lower-cost areas,²¹ and others to connect more closely to their viewership by locating in population centers within their regions.²² In addition, waivers have enabled several licensees to operate networks of satellite stations that broaden their reach and ensure that nearly every American has access to public television.

If the Commission reverts to the pre-1987 rule, especially without upholding current waivers and retaining a liberal waiver policy, these benefits would be lost. In addition, for many Public Television Stations, the cost of complying with the pre-1987 rule would be significant and likely come at the expense of local programming and activities and even the provision of service to rural communities.²³ In an APTS survey of member licensees, about half identified costs associated with the proposed change to the main studio rule. For example, Duluth-Superior Area Educational Television has a main studio in Duluth, MN, where WDSE is licensed, but not in Hibbing, MN, where WRPT is not yet on the air. The licensee estimates that it would cost \$1 million to acquire and equip a studio in Hibbing and \$100,000 to operate it annually, and that

²¹ For example, the Detroit Educational Television Foundation is in the process of relocating the studio for WTVS from a 53-year-old building in Detroit to a new location in Wixom, a suburb within its service contour. It would cost the station \$10 million to renovate its current building to improve energy efficiency and adapt it to digital conversion requirements, and the station searched eight years unsuccessfully for a suitable alternate site in Detroit. If the pre-1987 main studio rule is reinstated, WTVS would not be permitted to move into its new main studio.

²² For example, West Tennessee Public Television Council's city of license for station WLJT is Lexington, TN, a small town without the necessary resources or revenue to support its main studio. WLJT has located its main studio in Martin, TN, site of a large University of Tennessee campus and within its service contour.

²³ It is not clear in the *NPRM* whether the Commission intends to return to pre-1987 program origination requirements for the main studio; if so, this would increase cost estimates. Prior to the 1987 changes, broadcasters were required to originate certain amounts of programming from their main studio. Currently, the Commission requires that both a full-time management-level officer and a full-time staff member be located at the main studio, and that the studio must have equipment capable of originating broadcast-quality local programming and transmitting it to the broadcast location.

this added expense would lead it to seriously consider surrender of the Hibbing license.

Shenandoah Valley Educational Television, licensee of WVPY in Front Royal, VA, and WVPT in Staunton, VA, currently has its main studio at James Madison University in Harrisonburg, just outside of Staunton, and operates WVPY as a satellite station. It estimates that just to operate one additional studio would cost \$300,000 per year plus startup costs. Given that these stations' current annual budget is only \$3 million, the possibility that the licensee would have to terminate service is "very real scenario."

A return to the pre-1987 main studio rule would be especially costly for licensees with several stations, particularly state networks. For example, Louisiana Educational Television Authority operates six stations but has just one main studio. It estimates that placing a main studio in each community of license would require a capital investment of \$10 million and annual costs of \$5 million. Mississippi Authority for Educational Television has one main studio and operates seven stations, and estimates that each of the six new studios would require \$2.7 million for startup and incur annual expenses of \$750,000. Maryland Public Broadcasting Commission, which currently has one main studio to support six markets, estimates that it would cost anywhere from \$500,000 to several million dollars per location just to acquire land and construct and equip facilities.

While the costs of a return to the pre-1987 main studio rule are significant for many Public Television Stations, it is not clear whether the public would benefit at all from a change to the rule. First, as the Commission noted back in 1987, a main studio located in a station's "community of license" is not necessarily more accessible to the population served by the

station.²⁴ For example, Pennsylvania State University's WPSU is licensed to, and has its transmitter in, Clearfield, a town of fewer than 7,000 people. However, the station's main studio and production facilities are located in nearby State College, which has nearly 40,000 people, and the station reaches hundreds of thousands of households in central and western Pennsylvania and southern New York. To require WPSU to have its main studio in Clearfield would truly be an elevation of form over substance. Second, as the Commission noted in 1987, the physical location of a station's main studio is of diminishing importance because most residents communicate with a station by telephone or mail.²⁵ Given citizens' growing reliance on cell phones, electronic mail and the World Wide Web, there are more ways than ever before for Public Television Stations and their viewers to communicate. Finally, as discussed in depth in these comments, Public Television Stations employ a wide variety of methods of fostering communication with their communities, including opportunities for in-person interaction. In light of the obvious and significant costs a return to the pre-1987 main studio rule would impose on Public Television Stations, and the lack of any evidence that such a move would have any benefits for the public, Public Television urges the Commission not to revisit this rule.

C. Renewal Processing Guidelines Based on Locally Oriented Programming Have Never Applied, and Should Not Now Apply, to Public Television Stations.

Consistent with past practice, the Commission should not extend any reintroduced renewal processing guidelines to Public Television Stations. As demonstrated by the record in this proceeding, Public Television Stations already devote substantial resources to locally oriented programming. Public Television Stations provide locally oriented programming not

²⁴ *1987 Main Studio Order* at ¶ 32 (“A studio located outside a community may be as accessible to residents as a facility within the community.”)

²⁵ *Id.*

because of any regulatory mandate, but because they are locally owned, locally operated institutions with a mission to educate, serve and inspire viewers in their community. The imposition of processing guidelines thus would burden stations without providing any corresponding benefit.

As the Commission considers its tentative conclusion to “reintroduce” the renewal application processing guidelines in place prior to 1984, it should bear in mind that those guidelines did not apply to Public Television Stations.²⁶ The 1970s-era rule that the Commission intends to reintroduce, Section 0.281, provided that the Bureau could not process renewal applications for “commercial TV” applicants that provided less than a set percentage of local, non-entertainment programming.²⁷ To quote an earlier Commission Order: “Public broadcasters have never been subject to the non-entertainment programming guidelines.”²⁸ Accordingly, in proposing to “reintroduce” the renewal processing guideline, the *NPRM* necessarily implies that the Commission will not apply the processing guideline to Public Television Stations. Nevertheless, we address the proposal herein to ensure that the record further reflects the lack of a need for application of such guidelines to Public Television Stations.

In limiting processing guidelines based on locally oriented programming to commercial stations, the Commission reflected the uniquely local orientation of Public Television Stations.

²⁶ *NPRM* at ¶ 124 (“We tentatively conclude that we should reintroduce specific procedural guidelines for the processing of renewal applications for stations based on their localism performance”).

²⁷ See *In re Amendment to Section 0.281 of the Commission’s Rules: delegations of authority to the Chief, Broadcast Bureau*, Order, 59 F.C.C. 2d 491, 493 (1976) (amending Sections 0.281(a)(8)(i) and 0.281(a)(10) of the Commission’s rules).

²⁸ *In re Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees*, Notice of Proposed Rulemaking, 87 F.C.C. 2d 716, 726 ¶ 22 (1981) (“1981 *NPRM*”).

As the GAO commented last year in its report on the structure and funding of public television, “Public television stations’ most visible activity is broadcasting programs to serve the educational and cultural needs of their communities.”²⁹ The GAO added that “[l]ocal programming broadcast by [public] stations includes a variety of topics that represent the local interests of the community, including history and public affairs, arts and culture, and community events.”³⁰

Proponents of adopting renewal processing guidelines for commercial television stations have similarly acknowledged Public Television Stations’ impressive local programming. Research by the McGannon Center at Fordham University, cited favorably by the *NPRM*, finds: “On average, commercial broadcast stations provided 45 minutes of [local public affairs] programming during the period. In contrast, 90 percent of the public stations surveyed aired some local public affairs programming — 3.5 hours per week, on average.”³¹ The list of just some of the programming recently produced and aired by Public Television Stations, described at Section I of these comments, underscores and confirms the findings of the McGannon Center.³²

Public Television Stations provide these local programs despite operating under tight financial constraints. In contrast to commercial television stations, which generate a large

²⁹ GAO Report at 10.

³⁰ *Id.* at 5.

³¹ *NPRM* at ¶ 38 (citing the McGannon Center’s study, “Market Structure, Station Ownership and Local Public Affairs Programming on Local Broadcast Television”).

³² Of course, that list reflects only locally *produced* programming; Public Television Stations air other locally oriented programming that is responsive to the needs and interests of their communities.

portion of their revenues in connection with local newscasts,³³ Public Television Stations face steep costs in producing and airing local programming. In a recent year stations paid approximately \$86 per hour for PBS-distributed programming versus an average of \$1,785 per hour for local programming.³⁴ While local production would be even greater were it not for these cost constraints, the fact that stations nevertheless invest scarce resources in local production highlights their deep-seated commitment to local programming. There is accordingly no need or justification for applying the former, commercial processing guidelines to Public Television Stations.

Renewal processing guidelines based on locally oriented programming would not only be unnecessary; they would affirmatively harm Public Television Stations and the local viewers they strive to serve. We are particularly concerned that the *NPRM* describes a processing guideline that may be tethered to specific types of programming, such as local electoral affairs.³⁵ While this focus may be appropriate for commercial stations, it is not uniformly applicable to Public Television Stations. As locally owned and operated entities, Public Television Stations are in the best position to determine the focus and mix of local programming for their viewers. One licensee may provide gavel-to-gavel coverage of the state legislature, while another licensee

³³ See, e.g., Project for Excellence in Journalism, *The State of the News Media in 2008* (2008), available at http://stateofthenewsmedia.p2technology.com/2008/printable_overview_economics.htm (“Though local stations do not break out these figures publicly, news generally makes the lion’s share of a station’s total dollars”).

³⁴ GAO Report at 20 n. 20.

³⁵ *NPRM* at 124. See also Reply Comments of Alliance for Better Campaigns and Campaign Legal Center, MB Docket No. 04-233 (Jan. 3, 2005), at Att. A (proposing a processing guideline based on the airing of at least three hours per week of local electoral and civic programming, with at least two hours per week during the six weeks prior to the election devoted to local electoral affairs programming during the 5pm-11:35pm window).

provides in-depth coverage of issues important to local minority communities. Moreover, if local commercial stations are devoting their local coverage to elections, the need for a local Public Television Station to address other local issues could increase.

While a less issue-specific processing guideline would not be *as* harmful as one focused narrowly on electoral affairs, like any superfluous regulation it would impose a burden. Currently Public Television Stations schedule locally oriented programming in response to the needs and interests of local viewers; under a processing guideline that focus would shift to the needs of a regulatory regime. A processing guideline tied to locally oriented programming would also represent a dangerous precedent of government involvement in Public Television Stations' programming decisions. The Commission recognized the danger of such involvement in programming decisions even as it considered ascertainment procedures in the 1970s, explaining that “[w]hatever the distinct role of public broadcasting may be, it should evolve as the service matures, and not be defined and imposed by the government.”³⁶ Particularly in light of the lack of a demonstrated *need* to extend a reintroduced commercial processing guideline to Public Television Stations, the Commission should not insert itself into the programming decisions of public broadcasters.

D. A Requirement that Public Television Stations Convene Community Advisory Boards is Unnecessary Given Current Practices and Policies.

The Commission in its *NPRM* tentatively concludes that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station, and states that such boards will promote both localism and diversity.³⁷ The

³⁶ *In re Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, Further Notice of Proposed Rulemaking, 54 F.C.C. 2d 766 (1975).

³⁷ *NPRM* at ¶ 26.

Commission also proposes that if a licensee already has formal groups in place with which it consults to determine the needs of its community, it should be deemed to have satisfied this requirement, and it seeks comment on under what circumstances a licensee should be deemed to have satisfied this requirement.³⁸ Public Television agrees with the Commission that advisory boards and other formal groups are effective methods of ensuring that local stations receive input and feedback from various segments of their communities. Federal statute requires most Public Television licensees to have community advisory boards, and many other Public Television licensees, though under direct public control, voluntarily assemble such boards to enhance their interaction with and responsiveness to their communities. Thus, a Commission requirement that Public Television Stations convene such advisory boards is not necessary. If, however, the Commission institutes such a requirement and does not formally exempt Public Television Stations, we submit that all Public Television Stations should be deemed to have satisfied this requirement with their current practices.

Community advisory boards have long been an integral part of the operation of Public Television Stations. Section 396 of the Communications Act of 1934 provides that any Public Television Station that receives federal funding—with the exception of stations that are owned and operated by a state, a subdivision of a state, or a public agency—shall convene a community advisory board.³⁹ The board’s role, as delineated by statute, is to advise the station’s governing body on whether its programming and policies meet the educational and cultural needs of the communities served by the station, and to make recommendations as appropriate on how the

³⁸ *Id.*

³⁹ 47 U.S.C. § 396(k)(8)(A).

station may meet such needs.⁴⁰ With regard to Public Television Stations that must convene such boards, CPB mandates that each station document its compliance with this requirement, including describing the methods for determining the board’s composition, the role the board plays with respect to the station, and the activities of the board.⁴¹ CPB advocates “maximum flexibility” for stations on issues of compliance because it “allow[s] the composition, organization, and the role of advisory groups to be tailored to the individual needs of the respective communities.”⁴²

Thus, all Public Television licensees that are operated by nonprofit foundations or associations or private universities—accounting for more than half of all Public Television licensees—already have in place formal community advisory boards. To ensure that such boards are representative of the diverse needs and interests of the communities served by stations, licensees seek board members through general appeals to their viewership as well as outreach to community groups, social service organizations, and educational agencies. The community advisory boards meet in person, generally on a quarterly basis or even more frequently, and board members also communicate via telephone and electronic mail. Public Television Stations interact with their community advisory boards in a variety of ways. In many cases, representatives of the station management or governing board will attend community advisory board meetings, and often a representative of the community advisory board will report to the

⁴⁰ 47 U.S.C. § 396(k)(8)(B).

⁴¹ CPB Certification Requirements: Community Advisory Board Requirements, Section V.A.1. CPB’s statement of Community Advisory Board Requirements is attached hereto as Exhibit A and is available at <http://www.cpb.org/stations/certification/cert3.html>.

⁴² *Id.* at Section IV.

station's governing board or sit ex officio on the governing board.⁴³ WJCT, Inc., a community licensee operating the Public Television Station in Jacksonville, Florida, describes its interaction with its community advisory board as follows:

At each quarterly meeting the CAB is polled to determine a list of the most pressing issues facing the community. Those issues are prioritized by consensus and presented to the station's editorial team for consideration. Typically, issues that have been identified as high priority are addressed through local programming in the form of interactive public forums and weekly roundtable discussion programs. Subcommittees of the CAB work with the editorial team to suggest potential program participants and fine-tune the issues.

The current system, as CPB contemplates, allows each Public Television Station to form and operate its community advisory board in a way that fits the needs of its particular community.

Public Television Stations that are owned and operated by a state, a subdivision of a state, or a public agency, by virtue of their immutable link to their communities, are not required to convene community advisory boards. As the Commission has recognized, "[T]hese stations are often under even more direct public control since state and local officials are accountable for their action or inaction through the electoral process."⁴⁴ The citizens who govern these Public Television Stations are, by the nature of their public-service positions, fundamentally attuned to the needs and interests of their communities. Still, many of these stations and licensees voluntarily convene or associate themselves with community advisory boards. For example, WKAR, a Public Television Station operated by Michigan State University and licensed to East Lansing, Michigan, has had a community advisory board since 1972. The board meets six times per year, and its mission is described in its bylaws:

⁴³ Examples of these stations' website descriptions of the workings of their community advisory boards are attached hereto as Exhibit B.

⁴⁴ *1984 Report and Order* at ¶ 21.

The purpose of the Board is to reflect and communicate the needs and the interests of the community to station management. Duties include advising station management on such topics as general station policy and programming goals; heightening community awareness; advocating for broad-based support of WKAR; identifying and encouraging new sources of funding for specific projects to improve or expand service to the community; reviewing and advising on legislation designed to improve the quality of public telecommunications; and considering other responsibilities as requested by station management.⁴⁵

Idaho Public Television, a statewide network of five stations licensed by the Idaho State Board of Education, submits monthly reports on its programming to the state board and also associates itself with The Friends of Idaho Public Television. The Friends of Idaho Public Television board of directors meets quarterly and is composed of 28 individuals representing the diverse geographic and ethnic makeup of the state. The stations' administrative and programming staff members regularly attend both board meetings and working committee meetings to obtain input.

In an APTS member survey conducted in March 2008, more than 75 percent of respondents stated that they utilize community advisory boards. The few that do not employ such formal groups are nevertheless closely connected to their local communities by virtue of their governance and activities. In light of these facts, a Commission requirement that Public Television Stations convene community advisory boards is unnecessary and would be contrary to Congressional and Commission policy to minimize regulatory burdens consistent with the public interest.⁴⁶ If, however, the Commission institutes such a requirement and does not formally

⁴⁵ See description of WKAR Radio and Television Community Advisory Board (CAB), available at <http://wkar.org/cab/page.php?fill=about>.

⁴⁶ See Communications Act of 1996, S. Conf. Rep. 104-230, at 1 (1996) (purpose of 1996 Act is "to provide for a pro-competitive, deregulatory national policy framework"); *In re Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd. 15,691 at ¶ 8 ("There is longstanding congressional and Commission policy in favor of reducing regulatory burdens consistent with the public interest whenever appropriate.")

exempt Public Television Stations, we submit that all Public Television Stations—all of which have in place community advisory boards and/or answer to state and local public servants—should be deemed to have satisfied this requirement by their current practices. A Commission requirement on Public Television Stations in this area would only complicate stations’ ability to form and operate their community advisory board and other advisory channels in a way that fits the needs of their particular communities.

E. Public Television Stations Foster Communication with Communities Through a Variety of Methods, and Regulation in this Area is Not Needed.

In addition to its proposal for community advisory boards, the Commission seeks comment on whether it should adopt rules or guidelines that encompass certain delineated approaches, or other similar efforts, for fostering better communication between licensees and their communities.⁴⁷ Public Television Stations, by virtue of their public service mission and their reliance on public support, are enthusiastic and creative in their methods of obtaining input and feedback from viewers and other members of their communities. The Commission in its *NPRM* notes four methods that have proven successful for licensees, all of which are widely utilized by Public Television Stations:

- Seventy-seven percent (77 %) of respondents in APTS’ March 2008 survey state that they conduct formal or ad hoc listener or viewer surveys, by telephone, Internet or other means;
- Forty-two percent (42%) conduct focus sessions or “town hall” meetings with viewers and listeners to help prioritize issues to be covered through news, public affairs, public service, and special programming;⁴⁸
- Ninety-eight percent (98%) report that station managers and other personnel sit on various community boards, committees, councils and commissions; and

⁴⁷ *NPRM* at ¶ 27.

⁴⁸ This number does not include stations that conduct “town hall” meetings focused primarily on specific community issues, such as aging and health topics.

- Ninety-two percent (92%) use dedicated telephone numbers, websites and e-mail addresses to facilitate community dialogue, and more than half of those publicize the existence of such outlets on the air.

Stations also reported a wide variety of other methods, including:

- Soliciting caller input on programming and other issues during pledge drives;
- Giving presentations and conducting question-and-answer sessions at meetings of other community organizations;
- Seeking feedback during community meetings and speaking engagements;
- Seeking feedback at station-sponsored events;
- Soliciting member input in membership renewal letters;
- Questionnaires about programming;
- General Manager and Board member meetings with community leaders;
- Reviewing editorial pages of local newspapers;
- Calling new members to solicit input; and
- Participating in community broadcasters' groups that meet on a regular basis to hear from community leaders.

Licenses statewide or similar groupings, which must determine and serve the unique needs of multiple communities, are particularly energetic in their efforts. For example, at the University of North Carolina Center for Public Television (UNC-TV), which operates eleven full-power Public Television Stations throughout the state, the Director and General Manager visits each county manager to discuss issues and ideas for stories that can be addressed in local productions. In addition, UNC-TV features a Production Proposal Form on its website and reviews production ideas from the public on a weekly basis. Oregon Public Broadcasting, a community licensee with five full-power stations in the central and northern parts of the state,

established “Bend Ambassadors” in 2006 to strengthen its presence and deepen relationships in central Oregon and plans to expand the program to other communities in 2009.

Public Television Stations are strongly invested in serving their local communities; as the Commission has recognized, the “essential economic relationship between the public licensee and its audience will ensure that public television stations discover and serve local needs.”⁴⁹ Further, because each Public Television Station is locally owned and operated, it is best situated to determine the most effective means by which it can foster community relationships and gain insight from its viewers and the public at large. Rules or guidelines from the Commission in this area would potentially force Public Television Stations to divert precious resources from practices they deem effective in favor of ascertainment activities that might not best suit their individual situations. Thus, we urge the Commission to forbear from adopting rules and guidelines for Public Television Stations that set forth specific approaches for fostering communication between licensees and their communities.

⁴⁹ *1984 Report and Order* at ¶ 19.

CONCLUSION

Public Television Stations absolutely share the Commission's conviction that broadcasters should operate their stations to serve the public interest. They are doing so every day despite significant financial hurdles—diminishing state and local funding and private contributions because of the worsening economy, difficulty maintaining current corporate and individual support levels, and the threat of deep cuts in federal funding. In light of this, we ask the Commission to consider the inherent localism of Public Television Stations and to forbear from imposing unnecessary and burdensome requirements in this area.

Respectfully submitted,

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