



## COMMENTS SUBMITTED IN MM DOC 04-233 - BROADCAST LOCALISM

### Introduction

Colorado Public Television, Inc (CPT) is the licensee of non-commercial educational TV station KBDI, Broomfield, CO. Broomfield is a municipality embedded in the Denver metropolitan area. CPT's studios and administrative offices are located in Denver<sup>1</sup>. KBDI has been assigned technical facilities which allow it to serve the public over a radius in excess of 50 miles.

CPT's ability to serve the public would be adversely impacted if either the proposal to require attended operation during all hours of operation or the proposal to require the main studio be located within the community of license are adopted.

CPT is a program differentiated plan (i.e., part time) PBS-member station. As a PDP station it is not obligated or privileged to carry the full PBS schedule but rather it selects those that it deems of the greatest interest to this entire area. Because it is not carrying a full PBS schedule<sup>2</sup>, it has the freedom to include an unusually large amount of locally generated programming which includes participants from the entire Denver metropolitan area.

CPT is a stand alone entity with no parent organization. It has a modest \$3.5 million budget, which is based on the revenue it can raise from membership contributions, CPB community service grants and grants from foundations. With that small budget CPT provides a heavy amount of local public affairs programming, election debate coverage and international political and social news. KBDI's current analog service provides dozens of hours weekly of such programming now; under its digital multicast plan beginning in 2009 that amount will increase to hundreds of hours.

CPT has concerns about many aspects of Doc 04-233, but we wish particularly to focus here on the matters of Remote Studio Attended Operation (§§ 28, 29) and the Main Studio Rule (§ 41). If either of these two proposals is adopted the station will experience significant new operating costs without any prospect of an offsetting increase in revenue. The result will be less service to the public in our overall area.

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<sup>1</sup>CPT's studio and administrative offices are about 10 miles from the nearest edge of the Broomfield City limits. See attached map.

<sup>2</sup>KRMA is a full time PBS member in this area and carries nearly the complete schedule.

## Remote Studio Attended Operation

We believe it is universally accepted that the time is long past when any useful purpose is served by having an operator physically present at the transmitter. The question is whether the public is any better served if there is a “physical presence”<sup>3</sup> at the station during all hours of operation including the low activity time in the middle of the night.

KBDI is revamping its master control facility as part of the transition to digital operation and particularly the transition to multiple program streams. As is common among TV stations most program switching is controlled by a computer which is pre-programmed well in advance of air time. The reaction to an EBS alert is programmed in. The full-time physical presence of an operator would not improve the program switching process or the service to the public in the even of an EBS reported emergency.

The KBDI transmitter is remotely located on a mountain top, but is equipped to send an alert to the station if any critical parameter goes out of tolerance. The fault reporting system reports to master control which is manned much of the business day. It reports to a designated employee by a call to that person’s cellular telephone the rest of the time. The response time to a problem would not be significantly improved by having an employee physically present at the studio out of normal business hours. This person could not leave his post to go to the transmitter even if he were qualified for transmitter work and the response time of a qualified transmitter engineer would not be improved by this presence at the studio.

CPT notes that throughout the NPRM there is confusion between the terms “studio” and “transmitter.” In some contexts the words seem to be used interchangeably. If the Commission intends that conflation CPT believes it is creating a serious problem for countless licensees, because their studio and transmitter sites are often quite separate. If the “attended studio” proposal were to be interpreted as applying to the transmitter site the burdens on the vast majority of television licensees would be huge.

The impact on CPT would be particularly difficult. Because of the transmitter site’s altitude (11,200 ft.) and remoteness there is no firm capacity to house anyone there. Accessibility is difficult for nearly half the year. Permanent staffing there would be nearly impossible and exceeding expensive. Because the transmitter is on U.S. Forest Service land it is not clear that the requisite permits for permanent habitation could be obtained and in any case the costs of building a suitable facility would be prohibitive.

We have estimated at least \$500,000 to build a safe and secure housing capacity at the mountain site, plus an additionally large but undetermined amount to secure the federal, state and county permits.

Even if the Commission does not intend the studio and transmitter confusion, the “attended operation” requirement would constitute a serious burden. It would cost an additional \$100,000 per year to add operators for the hours not presently covered. As there is no prospect of

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<sup>3</sup>NPRM at ¶ 29

increased revenue all these costs could only be met by eliminating several other activities and simultaneously reducing service to the public.

### **Main Studio Within The Community of License**

The NPRM quotes §307(b) of the Communications Act as follows<sup>4</sup>

“ . . . make such distribution of licenses, frequencies, hours of operation among the several States and communities as to provide a fair and equitable distribution of radio services to each of the same.”

Given the reach of virtually every full service television station in urban areas, CPT believes community in the context here logically refers to the whole metropolitan area rather than one municipality.

Broomfield is a fairly small municipality among the twenty five or so that, with Denver, make up the metropolitan area. It is not notably unique nor does it have any special needs that set it apart from the other municipalities. CPT believes a much greater public interest is achieved by structuring the station's programming and other services to serve the entire metropolitan area.

CPT's offices and studio are centrally located in the metropolitan area rather than within Broomfield which is at one side of the area. Its location is adjacent to a "Light Rail" stop and readily accessible from most any place in the metropolitan area by public transportation. If a narrow interpretation of community prevailed and its studio and office were required to be within the municipality of Broomfield a much smaller fraction of the population served by the station would have ready access. As CPT's facilities are centrally located, its employees and volunteers come from and represent the whole metropolitan area. Public officials from throughout the metropolitan area frequently appear on locally produced programs. Presently the public perceives the station as devoted to the entire metropolitan area and accordingly membership support is derived from the whole area. A narrower focus would result in reduced funding and a reduction in service to the public as a whole. In particular less locally originated programming could be produced.

CPT believes its situation is not unique and the present flexible rule which generally allows a station to select the optimum location for its main studio allows for the greatest service to the public.

### **Conclusion**

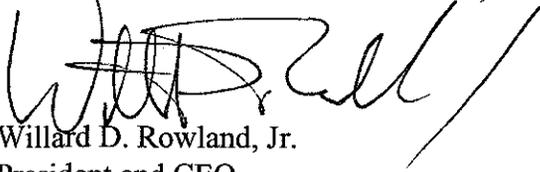
The two proposed rules changes [¶¶ 28, 29 and ¶ 41] would be counterproductive and would result in significantly less service to the public. The requirement for full-time attended operation would, by increasing the operating cost, result in a reduction of service to the public. Restricting the location of the main studio would result in the station focusing on a much smaller segment of

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<sup>4</sup>NPRM at ¶ 41

the public which can receive its signal and as outlined above would result in a reduction in service to the whole metropolitan area. Both proposals in fact work against the stated objectives.

Respectively submitted,  
COLORADO PUBLIC TELEVISION, INC.

A handwritten signature in black ink, appearing to read "Willard D. Rowland, Jr.", written over a horizontal line.

Willard D. Rowland, Jr.  
President and CEO