

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: The Commission

**COMMENTS OF THE PENNSYLVANIA STATE UNIVERSITY IN SUPPORT OF THE
JOINT PETITION FOR PARTIAL RECONSIDERATION AND CLARIFICATION OF
THE ASSOCIATION OF PUBLIC TELEVISION STATIONS AND PUBLIC
BROADCASTING SERVICE**

The Pennsylvania State University (“Penn State”), by its undersigned counsel, hereby respectfully submits these Comments in support of the Joint Petition for Reconsideration and Clarification filed by the Association of Public Television Stations and Public Broadcasting Service (“Joint Petitioners”) on April 14, 2008 in the above-captioned proceedings (the “Petition”).¹ Penn State agrees with Joint Petitioners that the Commission should reconsider the portion of its *Report and Order* in the above captioned proceeding, released on January 24, 2008 (FCC 07-205), that adopted a standardized programming report form to replace the existing quarterly issues/programs disclosure for all television broadcasters. Penn State submits that “. . . an exemption for Public Television Stations from the new standardized disclosure requirement is

¹ The Petition was published in the Federal Register on May 15, 2008, which established a deadline for filing oppositions to, or comments with respect to, the Petition of May 30, 2008 (73 Fed. Reg. 28116).

warranted and will ensure that these stations do not have to divert scarce resources from their core public service activities.”²

Penn State is the licensee of primary analog VHF noncommercial, educational television broadcasting station WPSU-TV, formerly known as WPSX-TV, NTSC Channel *3, Clearfield, Pennsylvania (Facility Identification No. 66219).³ Penn State also holds a construction permit from the Commission and a special temporary authorization from the Commission, as extended, that authorize Penn State to build and operate primary digital UHF noncommercial, educational television broadcasting station WPSU-DT on Channel *15 in Clearfield.⁴

Penn State strongly supports the Petition’s request to “. . . exempt all Public Television Stations from the requirement to complete a quarterly standardized programming report form in place of the existing quarterly issues/programs disclosure,”⁵ as such an exemption would serve the public interest. As noted by Joint Petitioners, the Commission’s new Form 355 Standardized Television Disclosure Form “. . . does not contemplate the differences between Public Television Stations and their commercial counterparts, and presents an undue burden for Public Television Stations, which rely *entirely* on locally produced, independently produced and issues-responsive programming.”⁶ These differences, which were not adequately considered by the Commission in its *Report and Order*, are crucial in demonstrating that the Commission’s new requirements are unduly burdensome upon Public Television Stations.

² Petition at 2.

³ File No. BMLET-20061108ABP, granted on July 17, 2007.

⁴ See File Nos. BPEDT-20000501AHR, granted on August 8, 2000, and BDSTA-20030424ACA, granted on May 9, 2003.

⁵ Petition at 4.

⁶ *Id.* at 4.

Furthermore, Public Television Stations, such as Penn State's stations, have a limited amount of funding with which to provide programming to the public. These funds encompass not only costs of programming, but staffing costs as well. Mandating Public Television Stations to prepare and submit this revised form would impose a burden upon such stations to log each relevant program individually. In essence, such a requirement would punish stations for providing such programming, as it would force them to “. . . expend substantially more effort to log these programs than stations who do not undertake such service.”⁷ Indeed, the Commission's revised form is “. . . tantamount to and in some respects more onerous than a program logging requirement.”⁸ Requiring Public Television Stations to comply with these new requirements would compel them to expend limited resources upon additional staffing – and possibly be forced to reduce the resources to provide the very programming that the Commission is seeking to promote.

In the event that the Commission deems a standardized disclosure necessary for Public Television Stations, Penn State supports the alternative approaches presented by Joint Petitioners: “. . . (i) that the Commission permit Public Television Stations to file with the Commission, on an annual basis, their quarterly issues/programs lists and copies of the portions of their CPB Station Activities Survey (SAS) and Station Activities Benchmarking Study (SABS) that address local community outreach, issues-responsive programming, origin and types of programming, and amount of closed-captioning; or (ii) that the Commission revise its Standardized Television Disclosure Form, as it applies to Public Television Stations, to more

⁷ *Id.* at 15.

⁸ *Id.* at 10.

closely model the format and content of the SAS and SABS forms that stations currently submit to CPB.”⁹

Lastly, Penn State also urges the Commission to clarify “. . . the requirement that licensees, when placing their public files on their websites, adhere to the most recent Conformance Level A of the World Wide Web Consortium’s Web Content Accessibility (W3C/WAI) guidelines,”¹⁰ particularly with respect to older documents that are not currently compliant with those guidelines.

CONCLUSION

WHEREFORE, the foregoing having been duly considered, Penn State respectfully urges the Commission to reconsider and clarify the *Report and Order* in the manner advocated by the Joint Petitioners.

Respectfully submitted,

THE PENNSYLVANIA STATE UNIVERSITY

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⁹ *Id.* at 5.

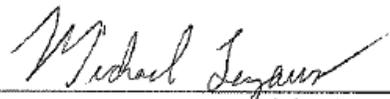
¹⁰ *Id.* at 22.

CERTIFICATE OF SERVICE

I, Michael Lazarus, hereby certify that a true and correct copy of the foregoing Comments of the Pennsylvania State University in Support of the Joint Petition for Partial Reconsideration and Clarification of the Association of Public Television Stations and Public Broadcasting Service was mailed by first-class United States mail, postage prepaid, on this 30th day of May 2008 to the individuals on the following list:

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