

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

)	
In the Matter of)	
)	
Broadcast Localism)	MB Docket No. 04-233
)	
)	

To: The Commission

REPLY COMMENTS OF THE PENNSYLVANIA STATE UNIVERSITY

The Pennsylvania State University (“Penn State”), by its undersigned counsel, hereby respectfully submits these Reply Comments in response to the Comments submitted in this proceeding on April 28, 2008 on behalf of the Association of Public Television Stations (“APTS”) and the Public Broadcasting Service (“PBS”) with respect to the *Report on Broadcast Localism and Notice of Proposed Rulemaking*, FCC 07-218, released January 24, 2008¹ in the above-captioned proceeding. The following is respectfully shown:

Penn State agrees with APTS and PBS that a “. . . 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.”² This is particularly true in the case of Penn State’s main studio location for primary analog VHF noncommercial, educational television broadcasting station WPSU-TV, formerly known as WPSX-TV, NTSC Channel *3,

¹ See *In the Matter of Broadcast Localism*, Report on Broadcast Localism and Notice of Proposed Rulemaking, FCC 07-218 (rel. January 24, 2008), 73 Fed. Reg. 8255 (February 13, 2008). The Chief of the Commission’s Media Bureau subsequently extended the comment and reply comment filing dates to April 28, 2008 and June 11, 2008, respectively. See *Public Notice*, Media Bureau Grants Extension of Time to File Comments and Reply Comments in Response to Broadcast Localism Notice of Proposed Rulemaking, DA 08-515 (rel. Mar. 6, 2008).

² Comments of APTS and PBS, at 23.

Clearfield, Pennsylvania, and primary digital UHF noncommercial, educational television broadcasting station WPSU-DT, Digital Channel *15, Clearfield, Pennsylvania (Facility Identification No. 66219) (the “Station”).³ Penn State’s main studio and production facilities are currently located on the Penn State campus in State College, Pennsylvania, pursuant to a waiver of the Commission’s main studio location rule that was granted to Penn State on June 22, 2005, by a letter from the Chief of the Video Division of the Media Bureau.⁴ However, the Station is licensed to, and has its transmitter in, Clearfield, Pennsylvania. Allowing the Station’s main studio to be established on the campus, outside of Clearfield, has facilitated operation of the Station using Penn State’s considerable resources. Those resources, including students and staff at Penn State, would not be available were the Station’s main studio to be located in Clearfield. It would be a severe hardship for the students and staff who work at the Station to have to travel from the campus to Clearfield for studio production and the training and course work that are currently part of the Station’s mission and the students’ curriculum.

In order to ensure that the residents of Clearfield are not unduly disadvantaged by virtue of the fact that the Station’s main studio is located in State College, the Station currently maintains a toll-free “800” telephone number for residents of Clearfield to call station personnel at the main studios in State College without incurring a long-distance telephone toll charge. The Station also maintains an advisory Board of Representatives (one member of which is a resident of Clearfield), comprised of local residents from throughout the Station’s coverage area, in order to provide suggestions and feedback to the Station regarding its programming and the communities’ needs and interests. Thus, the Station continues to “. . . employ a wide variety of

³ File No. BMLET-20061108ABP, granted on July 17, 2007, and file No. BPEDT-20000501AHR, granted on August 8, 2000.

⁴ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to John Griffith Johnson, Counsel to Penn State, date June 22, 2005.

methods of fostering communication” with its communities.⁵ A change that would force Penn State to alter its main studio location would “. . . truly be an elevation of form over substance.”⁶

Thus, the Commission should not revisit the main studio location rule. However, if the Commission does make changes to its main studio location rule, it should maintain in place, as “grandfathered,” all current waivers of that rule, and should continue to apply a liberal policy toward granting waivers to all noncommercial, educational broadcasting stations that demonstrate good cause for such waivers.⁷

Respectfully submitted,

THE PENNSYLVANIA STATE UNIVERSITY



By:

John Griffith Johnson, Jr.
Michael Lazarus
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 Fifteenth Street, NW
Washington, DC 20005
Telephone: (202) 551-1700
Facsimile: (202) 551-1705

Counsel to The Pennsylvania State University

June 11, 2008

⁵ Comments of APTS and PBS, at 26.

⁶ *Id.*

⁷ *Id.* at 23.