



October 2, 2009

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: *National Broadband Plan*, GN Docket No. 09-51  
*Mobile Wireless Competition*, WT Docket No. 09-66  
*Fostering Innovation and Investment in the Wireless Communications Market*, GN Docket No. 09-157  
*Spectrum for Broadband*, GN Docket Nos. 09-47, 09-137  
*Public Interest Obligations of Licensees*, MM Docket No. 99-360  
*Standardized and Enhanced Disclosure Requirements*, MM Docket No. 00-168  
*Broadcast Localism*, MB Docket No. 04-233

Dear Ms. Dortch:

On October 1, 2009, the Association of Public Television Stations (“APTS”), represented by Larry Sidman, CEO, Lonna Thompson, Senior Vice President and General Counsel, and Malena Barzilai, Senior Counsel, attended meetings with Commissioner Meredith Baker and her acting senior legal advisor, William Freedman, and Commissioner Mignon Clyburn and Rick Kaplan, her acting legal advisor for media issues.

The participants discussed the unique nature of the public broadcasting system and local public television stations, and the way stations integrate a variety of delivery methods, including broadcast, Internet, and grassroots outreach, to further their goals of localism, diversity, and education. In particular, stations are increasingly aligning their video programming with their ever-growing Internet-based content, and are developing innovative online applications that can help spur demand for broadband and enhance its utility for the public.

The APTS representatives also explained that local public television stations are making full use of their spectrum to deliver high-definition programming, numerous multicast streams, and invaluable datacasting services to enhance education, public health, and public safety at the local and national levels. Finally, we emphasized our hope that, when considering the imposition of additional disclosure and public interest obligations on broadcasters, the Commission will

continue to recognize the inherent differences between commercial and noncommercial broadcasters.

Copies of the attached documents were provided. Please contact the undersigned with any questions regarding this matter.

Sincerely,

/s/ Lonna Thompson  
Lonna Thompson  
Senior Vice President and General Counsel



- ❖ Because of their noncommercial nature, the nation's 364 public television stations play a unique role in the media marketplace. In many cases the last locally owned and operated television stations in their areas, public television stations provide a variety of services—over the air, on the ground, and on-line—to enhance the lives of people in their communities, with a special focus on those who are underserved by commercial media.
  - Stations are not-for-profit, and are operated by local community foundations, colleges, universities, and school districts, as well as locally responsive state commissions. Each station has total control to select programming that best serves its local community. Public television stations are uniquely connected to their communities; most stations have community advisory boards, and stations' daily operations are directly funded by donations from local viewers, which constitute 25 percent of the system's funding.
  - Stations are offering a mixture of high-definition programming and multiple standard-definition streams, including dedicated government affairs channels and Spanish-language channels. Eighty-five percent of licensees are transmitting an HD stream. More than 90 percent of licensees are broadcasting more than one channel of programming, and more than 30 percent are broadcasting four or more channels.
  - Stations are utilizing datacasting to enhance public safety and public health. On the national level, our industry has teamed with the Department of Homeland Security to use our digital network to provide the Digital Emergency Alert System (DEAS).
  - Stations have engaged in local and national partnerships and outreach efforts to extend education beyond the screen. For example, through the national *Ready to Learn* initiative, public television had contributed measurably toward one of our nation's most urgent educational goals: ensuring that all children begin school ready to learn.
  - Stations are playing a unique and pioneering role in creating and delivering Internet content and applications to drive broadband demand and to advance national priorities, especially in the areas of education, health awareness, civic participation, and worker training.
- ❖ Public television programming provides a vital entry point through which viewers are introduced to stations' outreach services and on-line offerings. Thus, APTS and local public television stations have made it a priority to reach voluntary agreements with multichannel video programming distributors that provide for carriage of local stations' myriad digital offerings. In the past five years, public television has reached landmark agreements with the National Cable and Telecommunications Association (NCTA), the American Cable Association (ACA), Verizon, and, most recently, DIRECTV. APTS is currently in renewed discussions with DISH Network to ensure that its nearly 14 million customers have access to the high-quality programming offered by their local PTV stations.
- ❖ At a time when local public television stations are rolling out new digital content and applications to keep pace with ever-changing technology, stations are suffering dramatic declines in the non-federal sources of funding that constitute 85 percent of the system's operating revenue. Nearly two-thirds of stations have been forced to reduce programming and/or services. APTS and local stations are working tirelessly to obtain emergency federal funding to offset these declines and enable stations to continue to fulfill their public service mission and provide essential services to their communities. We would welcome the Commission's support in our efforts.

Tom Axtell, Vegas PBS  
3050 E. Flamingo Road, Las Vegas, NV 89121  
(702) 799-1010

**Testimony of Tom Axtell  
General Manager, Vegas PBS  
Before the House Committee on Transportation and Infrastructure  
Subcommittee on Economic Development, Public Buildings, and Emergency Management  
September 30, 2009**

On behalf of the Association of Public Television Stations, Vegas PBS and the nation's more than 360 public television stations, I would like to thank you for inviting me to participate in today's hearing. Public television stations are playing an integral role in the nation's alert and warning system and today I would like to speak to that role and the potential for greater alert and warning at the local, state and regional level as well.

Additionally, I would like to offer two recommendations that are necessary in enhancing national alert and warning, as well as public television's capabilities in this area. First, a renewed focus on the Integrated Public Alert and Warning System (IPAWS) by Congress is essential to ensuring the quality and reliability of alert and warning. The legislation introduced by Chairman Oberstar, H.R. 3377 includes language that we believe is the right approach. Second, the WARN Act made funding available to stations to provide the equipment necessary to send targeted messaging and allow for better bandwidth allocation management; however those funds are currently being held at the National Telecommunications and Information Administration (NTIA). We urge this Committee to request that NTIA release those funds in order for public television to further build out the Digital Emergency Alert System. Both of these recommendations will be discussed further in my testimony.

When public television stations began their investment in equipment required to make the switch to digital transmission in the late 1990s, we quickly realized the significant advantages digital technology could offer to education, public health and public safety. Digital television's bandwidth can be partitioned into multiple wireless content streams creating a system that could serve the public in many ways. An example of a different bandwidth configuration includes the following scenario:

- One stream can send open circuit information to the general public;

- Another can send closed circuit encoded information to first responders;
- A third can send encrypted information to emergency managers and policy makers; while
- A fourth can communicate with health care institutions.

This revolutionary multi-casting technology is a vital emergency response and public alert and warning asset that transforms the capacity of television broadcasters well beyond the base-line approach of merely re-transmitting Emergency Alert System (EAS) or Amber Alert messages. In emergencies, when traditional communication systems are hopelessly over-taxed, the ability of a congestion-free digital television signal to send large volumes of critical, time-sensitive data to first responders in the field, citizens and government decision makers should not be underestimated.

#### Public Television Digital Emergency Alert System

Public television's congestion-free digital bandwidth is able to simultaneously support public alert and warning systems as well as closed networks to enable public safety and emergency management agencies to transmit vital information securely. These services are provided through a broadcast technology called "digital data-casting," whereby data originating from a public safety agency is received by a local public television station, encrypted, inserted into the digital television signal, and sent through the station's transmitter to personal computers; computers in police, fire, or ambulance vehicles; or computers on local area networks. This occurs through an inexpensive DTV tuner card and a small antenna.

Such transmissions are:

- As instantaneous as live TV;
- Invulnerable to congestion-induced delays on public networks;
- Addressable to a specific pre-determined viewing device through IP coding;
- Accessible even in the middle of a parking lot without a wire connection; and
- Preserving of the spectrum demands on narrower point-to-point technologies.

At Vegas PBS, we began our planning for the digital television transition shortly after the Federal Communications Commission (FCC) DTV order was issued. However, the 9/11 terrorist attacks caused us to experiment with digital data-casting as an emergency response technique.

We believe we were the first TV station in the nation to transmit:

- Closed circuit building blueprints;
- Security camera videos;
- Utility and hazmat maps; and
- Safety training videos

The transmissions can be made at the same time – and without interrupting – broadcast programs to the general public.

Our demonstrations along with those of a dozen other public broadcasters led our industry to seek support from Congress for enhanced public alerting infrastructure that would provide nationwide alert and warning services. Because public television stations reach nearly every American household, this capacity would marry national communication needs with enhanced emergency response services at the local level.

Thus, the Digital Emergency Alert System, or DEAS, was born. In October 2004, the Department of Homeland Security (DHS) signed a cooperative agreement with the Association of Public Television Stations (APTS) to conduct the DEAS-National Capital Region pilot program. The project involved the Public Broadcasting Service (PBS), the Federal Emergency Management Agency (FEMA), the National Oceanic and Atmospheric Administration (NOAA), and the FCC's Homeland Security Office, as well as a wide range of participants from the broadcast, cable television, wireless telecommunications, and electronic equipment manufacturing industries.

Phase I of the pilot, conducted in 2004 and 2005, focused primarily on technology demonstration and proof of concept. It included the design and deployment of the basic DTV digital data-

casting system, installation of DTV data-cast receivers among participants, and development of text and audio alerting software applications that utilize the Common Alerting Protocol (CAP). The early pilot showed that digital broadcasts to media and telecommunications service providers will significantly improve and enhance the ability of Federal, State and local government to provide critical and lifesaving emergency messaging to the nation.

In Phase II, which ran during 2005 and 2006, DHS examined how public television digital technology could best provide support and enhancement to state and local activations of the alert and warning system. The exercise consisted of DHS originating encrypted test messages through an access point at local public television station WETA to digital data-cast receivers at more than 20 public television stations throughout the country.

These successes paved the way for an agreement between APTS and DHS/FEMA to deploy the DEAS nationally as part of the DHS/FEMA Integrated Public Alert and Warning System (IPAWS). Using best practices developed in the pilot program, APTS and PBS added technological upgrades to every public television station across the country, creating the backbone infrastructure of a digital presidential emergency alert and warning system to supplement the current EAS. The build-out also served as a foundational infrastructure that could facilitate governors' and local authorities' use of the DEAS for state and local emergencies.

#### WARN Act and Commercial Mobile Alert System

While the original national build-out established the basic infrastructure of the DEAS, the system was designed to be enhanced with the addition of equipment to allow geographically targeted alerts and equipment to permit public television stations to dynamically allocate bandwidth to have full use of their spectrum bandwidth when the DEAS is not triggered.

The Warning Alert & Response Network (WARN) Act, passed by Congress at the end of 2006, specified that additional funding would be made available from the Department of Commerce to provide equipment to public television stations which would enable the distribution of alerts for

the Commercial Mobile Alert System (CMAS). Under the WARN Act, funding was to be provided soon after the FCC adopted technical relevant technical standards based on recommendations from the Commercial Mobile Service Alert Advisory Committee, of which APTS was a member. In July 2008, the FCC adopted rules requiring stations to install this equipment; however, more than a year later the money remains at the National Telecommunications and Information Administration (NTIA) at the Department of Commerce, and stations continue to lack this equipment.

### IPAWS

With a new Congress and Administration there is a need for renewed interest in oversight of CMAS, DEAS, and IPAWS and consideration of new measures to improve the nation's alert and warning capabilities. H.R. 3377, the Disaster Response, Recovery, and Mitigation Enhancement Act of 2009, would create a new Integrated Public Alert and Warning System Modernization Advisory Committee, and would require that public television be represented on the Committee. We support the holistic approach Congress is taking in this area, and we are gratified that public television will be an integral part of the decision-making process as Congress moves forward with the modernization of America's alert and warning capabilities. However, we urge Congress not to permit this effort to hold up the implementation of ongoing projects, including finalizing public television's equipment needs to provide the CMAS capabilities funded under WARN. In particular, we stress that this effort should not delay the distribution of funding that is ready and waiting at NTIA. Public television stations are ready to install this necessary geo-targeting and dynamic allocation equipment that will greatly improve and enhance federal, state, and local alert and warning information, and to take additional steps to assist our nation in preparing for emergencies whether natural or man-made.

Since September 11, 2001, Vegas PBS has invested considerable time, talent and financial resources in creating strong relationships with state and local emergency response agencies. We believe it is essential to put our public telecommunications expertise and capacities to work protecting a potential terrorism target city. To achieve this goal, Vegas PBS has created links to data sources, established relationships with emergency managers, and purchased equipment that

that delivers voice, video, and data at very high speeds. The system allows the highest level of encryption.

#### Vegas PBS Local DEAS Services

One of the most comprehensive Emergency Response Broadcasting systems in the country was created at Vegas PBS using a grant from the Corporation for Public Broadcasting. Vegas PBS created a data-base that allows rapid response in the event of a school emergency. On servers in our television facility, we have assembled the information that first responders tell us they need in an emergency including:

- Building blueprints;
- Aerial photos of building sites;
- Hazardous material descriptions and locations;
- Utility connections;
- Student, parent, and staff contact information; and
- Special medical considerations for students and staff.

This data is updated daily through a computer “ping” of appropriate data repositories. We have also constructed fiber links to over 400 public buildings and much more extensive data centers operated by local governments.

Our emergency response partnerships include the following:

- Vegas PBS provides the Clark County Office of Emergency Management with a telephone bank, satellite communications, and closed circuit communications to selected sites in the event of an emergency.
- Vegas PBS is designated as the backup Emergency Operations Center for the Clark County School District and provides the school district with all levels of information sharing during an emergency.

- Vegas PBS has fiber optic connectivity with more than 400 public school sites that will be used as immunization centers or temporary shelters in the event of an emergency, as well as donated fiber connections to the county's Emergency Operations Center, the Las Vegas Fire and Metro Police Headquarters, the Regional Transportation Commission, and the Regional Flood Control District.
- Vegas PBS has completed a plan to link wirelessly in 2010 with the EOCs of Clark County, Las Vegas, Henderson and North Las Vegas, plus the Las Vegas Fire and Metro Police Headquarters.
- Vegas PBS has installed over \$500,000 in backup power generators and included earthquake resistant construction design in its new technology campus to insure continuous operations in the event of a civil emergency.
- Vegas PBS and the City of Mesquite Police have agreed to co-locate TV and police transmitters and share a backup power generator on the northbound Interstate Highway evacuation route from Las Vegas.
- Vegas PBS engineers serve on the Clark County Interoperability Communications Committee that assists multi-jurisdictional fire and police departments, the National Guard, the FBI, the Forrest Service and other emergency responders designing a current "work-around" communications plan and a future technology migration route for a common communications system.
- Vegas PBS was asked to serve on the Avian Flu Response Planning Committee with planners from the county health department, Office of Emergency Management, school district and Chamber of Commerce.

- Vegas PBS is working with the Nevada Silver Shield administrator to utilize data-casting as a back-up outlet for “in the field” delivery of Critical Infrastructure/Key Resources (CI/KR) data.

Vegas PBS also continues to expand its wireless broadband emergency response network. Vegas PBS has proposed a partnership with a wireless microwave provider that will provide redundancy for fiber that could be compromised by an earthquake. It will add wireless links to more than 100 sites in the Las Vegas Valley, including many critical public safety sites:

- Four sites - Government Data Centers;
- Three sites - Fire Stations - One municipality;
- Three sites - Police Stations - Two municipalities;
- Two sites - 911 Emergency Dispatch Centers - Two municipalities;
- One site - Traffic Management Center - State government;
- Seven sites – Hospitals or Medical Centers; and
- One site - State Headquarters.

Vegas PBS already has fiber links to the Cox Cable head end. We plan to add in 2010 connections to:

- Eighteen local radio stations (Five locations);
- Seven television stations; and
- Five regional cable head ends.

The new broadcaster links capacity will increase the likelihood that emergency communications to the general public from public safety and commercial news gathering organizations will be available even if one or more broadcasters are off the air.

Conclusion

In conclusion, we believe that public television can play an integral role in alert and warning. While the scope of alert and warning nationwide is currently limited to a Presidential emergency message, we believe that Vegas PBS can serve as a model for how digital television technology can serve the public at the local, state, and regional level as well.

There are two steps that will go a long way toward improving alert and warning, and the ability of public television stations to enhance alert and warning.

A renewed focus on IPAWS by Congress is essential to ensuring the quality and reliability of alert and warning. The legislation offered by this Committee is the right approach and we greatly appreciate being included in the IPAWS Modernization Advisory Committee as we believe that we can offer a unique perspective.

Additionally, we recommend that this Committee request the release the remaining WARN Act funds from NTIA, as our stations need that funding to complete the installation of equipment that will enable greater targeting of messages and better control of bandwidth allocation at each station.

I would like to thank the Committee for allowing me to participate in today's hearing and represent the views of the public television industry. We look forward to continuing to work with the Committee on these important issues going forward.

Tom Axtell, Vegas PBS  
3050 E. Flamingo Road, Las Vegas, NV 89121  
(702) 799-1010

Madam Chairwoman, Mr. Ranking Member, and members of the Subcommittee, thank you for inviting me to testify today.

When public television stations began their investment in equipment for digital transmission in the late 1990s, we quickly realized the significant advantages that digital technology could offer to education, public health and public safety. Digital television's bandwidth can be partitioned into multiple wireless content streams, creating a system that can simultaneously serve the public in many ways. One of these ways is sending data that contains information, video, maps, and blueprints to enhance public safety.

Public television's congestion-free digital bandwidth is able to simultaneously support public alert and warning systems, as well as closed networks, to enable public safety and emergency management agencies to transmit vital information securely to personal computers; computers in police, fire, or ambulance vehicles; or computers connected to local area networks. This is done through the use of a small digital television receiver such as this **[HOLD UP RECEIVER]**. This receiver can be purchased and installed in an emergency vehicle for under \$300.

When public television approached the Department of Homeland Security with a proposal, developed in part by my station beginning in 2002, the Digital Emergency Alert System was born through a cooperative interagency agreement. Deployed nationally as part of the original DHS/FEMA IPAWS plan, the infrastructure provides for a digital presidential emergency alert and warning system to supplement the current EAS. It also serves as a foundation that could facilitate governors' and local authorities' use of the DEAS for state and local emergencies.

At Vegas PBS, we have secured grants to build out local DEAS technology to deal with school emergencies, earthquakes and other threats. We have blueprints, hazardous material locations, utility connections and other information on 400 public buildings on a server in our building. In a school situation, we can send first responders vital medical information on medically fragile students, and authorized parent or guardian information to reunification centers. We also have

fiber links to the State Emergency Data Center with similar information on over 2500 critical infrastructure sites.

Other local public television stations, and the communities they serve across the country, could replicate the successes we have had in Las Vegas with the appropriate assistance from Congress.

I would like to offer two recommendations on behalf of our industry that will enhance national alert and warning and public television's capabilities in this area. First, a renewed focus on IPAWS by Congress is essential to ensure the quality and reliability of federal alert and warning. The legislation introduced by Chairman Oberstar, H.R. 3377, takes the right approach. We greatly appreciate being included in the IPAWS Modernization Advisory Committee, as public television believes that it can offer a unique perspective.

Second, the WARN Act made funding available to stations to provide the equipment necessary to send targeted messaging and to allow for better bandwidth allocation management. This will enhance stations' ability to create local alert and warning systems; however those funds are currently being held at NTIA awaiting coordination with FEMA. We urge this Committee to request that FEMA work with NTIA to expedite the release of those funds in order for public television to further build out the Digital Emergency Alert System. This week's headlines featured people who were allegedly acquiring chemicals for potential subway bombings—alert and warning cannot be subjected to further delay.

Again, thank you for inviting me today to describe public television's alert and warning capabilities and current innovations. I look forward to answering any questions.