

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

In the Matter of)
)
Annual Assessment of the Status of) MB Docket No. 07-269
Competition in the Market for the)
Delivery of Video Programming)

**REPLY COMMENTS OF THE
ASSOCIATION OF PUBLIC TELEVISION STATIONS
AND THE PUBLIC BROADCASTING SERVICE**

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EXECUTIVE SUMMARY

As the National Association of Broadcasters and other commenters have noted in this proceeding, broadcast television continues to be a competitive force in the video marketplace by offering a diverse mix of free services to the public. This is particularly true in the case of public television. Because of their noncommercial nature, public television stations occupy a unique role in the video marketplace. Local public television stations, in many cases the last locally owned and operated television stations in their areas, provide a variety of services, over the air and on the ground, to enhance the lives of individuals in their communities, with a special focus on those who are underserved by commercial media. In recent years, stations have also been pioneers in utilizing the Internet both to enhance the impact of their over-the-air programming and to create entirely new content and applications to further their core missions of education, localism, and diversity.

Through a series of historic agreements, the customers of most of the nation's largest multichannel video programming distributors (MVPDs) have access to a wide array of local public television stations' digital programming. On behalf of local public television stations, APTS and PBS have implemented excellent carriage agreements with the National Cable and Telecommunications Association (NCTA), the American Cable Association (ACA), and Verizon so that households that receive their video programming through cable or fiber will have access to their local public television stations' multicast offerings. Most recently, APTS and PBS reached an agreement with DIRECTV whereby the satellite carrier will provide to its subscribers the high-definition signals of local public television stations and will enable stations to offer additional local programming through dedicated, personalized on-demand portals. APTS and

PBS are currently in discussions with DISH Network that we hope will lead to a similar agreement to benefit DISH's 13.6 million subscribers.

Finally, in response to the Commission's inquiry on the effect of the current economic climate on broadcasters' operations, APTS and PBS are compelled to call attention to the dire financial situation of many local public television stations. At a time when local public television stations are rolling out new digital content and applications to keep pace with ever-changing technology and to provide compelling services to all Americans, stations are facing the greatest economic challenge in the system's 42-year history. Local stations are suffering dramatic declines in the non-federal sources of funding—states and municipalities, individual contributions, and corporate underwriting—that constitute 85 percent of public television's operating revenue. As a result, nearly two-thirds of stations have been forced to reduce programming and/or services. The public broadcasting system is working tirelessly to obtain emergency federal funding to offset these declines and to enable stations to continue to fulfill their public service mission and provide essential services to their local communities. We would welcome the Commission's support in our efforts.

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The Association of Public Television Stations (“APTS”)¹ and the Public Broadcasting Service (“PBS”)² submit this reply in response to the Commission’s *Supplemental Notice of Inquiry* requesting data and information on the status of competition in the market for the delivery of video programming as of June 30, 2009.³ As the National Association of Broadcasters and other commenters have noted, broadcast television continues to be a competitive force in the video marketplace by offering a diverse mix of free services to the public.⁴ This is particularly true in the case of public television.

¹ APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation’s 364 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 Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Supplemental Notice of Inquiry, MB Docket No. 07-269, FCC 07-207 (rel. April 9, 2009) (“*Supplemental Notice*”).

⁴ Reply Comments of the National Association of Broadcasters at 2-3 (June 22, 2009); *see also* Comments of Comcast Corporation at 37-39 (May 20, 2009); Comments of the National Cable

Because of their noncommercial nature, public television stations occupy a unique role in the video marketplace. Local public television stations, in many cases the last locally owned and operated television stations in their areas, provide a variety of services, over the air and on the ground, to enhance the lives of individuals in their communities, with a special focus on those who are underserved by commercial media. In recent years, stations have also been pioneers in utilizing the Internet both to enhance the impact of their over-the-air programming and to create entirely new content and applications to further their core missions of education, localism, and diversity. For example, through funding from the *Ready to Teach* program at the Department of Education, PBS and local stations have developed a variety of digital educational services aimed at enhancing teacher performance. These innovative programs have served more than 90,000 teachers across the nation in the past five years and solidified public television's position as one of the foremost creators of professional development programming for educators.

Through a series of historic agreements, the customers of most of the nation's largest multichannel video programming distributors (MVPDs) have access to a wide array of local public television stations' digital programming. On behalf of local public television stations, APTS and PBS have implemented excellent carriage agreements with the National Cable and Telecommunications Association (NCTA), the American Cable Association (ACA), and Verizon so that households that receive their video programming through cable or fiber will have access to their local public television stations' multicast offerings. Most recently, APTS and PBS reached an agreement with DIRECTV whereby the satellite carrier will provide to its subscribers the high-definition signals of local public television stations and will enable stations to offer additional local programming through dedicated, personalized on-demand portals. APTS and

and Telecommunications Association at 15-16 (May 20, 2009); Comments of Verizon at 16 (May 20, 2009).

PBS are currently in discussions with DISH Network that we hope will lead to a similar agreement to benefit DISH's 13.6 million subscribers.

Finally, in response to the Commission's inquiry on the effect of the current economic climate on broadcasters' operations, APTS and PBS are compelled to call attention to the dire financial situation of many local public television stations. At a time when local public television stations are rolling out new digital content and applications to keep pace with ever-changing technology and to provide compelling services to all Americans, stations are facing the greatest economic challenge in the system's 42-year history. Local stations are suffering dramatic declines in the non-federal sources of funding—states and municipalities, individual contributions, and corporate underwriting—that constitute 85 percent of public television's operating revenue. As a result, nearly two-thirds of stations have been forced to reduce programming and/or services. The public broadcasting system is working tirelessly to obtain emergency federal funding to offset these declines and to enable stations to continue to fulfill their public service mission and provide essential services to their local communities. We would welcome the Commission's support in our efforts.

I. PUBLIC TELEVISION DISTRIBUTES INNOVATIVE NONCOMMERCIAL EDUCATIONAL CONTENT THROUGH A UNIQUELY LOCAL PRESENCE IN AMERICAN COMMUNITIES.

As reflected in federal statute and policies established by the Commission and the Corporation for Public Broadcasting (CPB), the essential purpose of public television stations is to serve the public interest by providing educational and informational services to their local communities.⁵ The public television "system" in this country is, by design, decentralized. The

⁵ 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

364 local public television stations are operated by local community foundations, colleges, universities, and school districts as well as locally responsive state commissions. Though many stations are members of PBS and thus receive access to the children’s cultural, educational, public affairs, and other programming acquired, promoted, and distributed by PBS, each station has total control to select programming—from its own productions, PBS, or other producers or distributors—that best serves the station’s local community.

Stations do not make these determinations in a vacuum. 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. Moreover, as the Commission has recognized, local 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

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).

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

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

Because of the system's inherently local structure, public television programming is uniquely responsive to the needs of local communities. As the Senate Commerce Committee has observed:

Public broadcasting stations exercise complete discretion over programming decisions – all licensees are owned and controlled at the local level. This structure is due, in part, to the institutional and financial factors that motivated the founding of each individual public television station. Unlike commercial television stations, which typically involve business-related investment decisions, establishing a public television station entails a local-level commitment to the education and cultural enrichment of viewers.⁸

In this regard, the Senate Commerce Committee further noted that “the locally owned and controlled public broadcasting stations are models of local service in their communities” because they “control their own programming content and schedules and tailor them to the interests of their communities.”⁹

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.

⁸ Public Broadcasting Reauthorization Act of 2004, Report of the Committee on Commerce, Science and Transportation on S. 2645, S. Rep. No. 108-396 (2004) at 3.

⁹ *Id.* at 10; see also *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> (“Public television began as, and continues to be, a largely decentralized enterprise, with ownership and control of the stations maintained at the state or local level.”).

II. PUBLIC TELEVISION USES DIGITAL TRANSMISSION CAPABILITIES TO DELIVER A NUMBER OF ENHANCED SERVICES TO THE PUBLIC.

With the transition to digital-only broadcasting, local public television stations are leveraging the new digital technologies to expand their educational and informational offerings and deliver a number of enhanced services to the public that could only be dreamed of in the analog world. In response to the needs of their individual communities, public television stations are offering a mixture of high-definition (HD) programming and multiple standard-definition (SD) streams. In addition, 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.

A. High-Definition Programming

Increasingly in the past several years, local public television stations have been producing their own groundbreaking programming in high-definition for broadcast locally and regionally. For example, in 2008 Blue Ridge PBS in southwestern Virginia used HD equipment to film and produce an award-winning episode of "Blue Ridge Adventures" about the Upper Gauley River in West Virginia, one of the top-rated whitewater rivers in the world. The station used a camera in a specially designed, waterproof container tied to the front of a raft, and other cameras in strategic points along the river, to capture the experience of rafting on Class III, IV, and V rapids. It was believed to be the first time the entire length of the Upper Gauley had been filmed in HD. Louisiana Public Broadcasting uses its HDTV mobile production truck to film events such as the New Orleans Jazz and Heritage Festival.

Public television stations also broadcast HD programming from other distribution sources, including PBS. Earlier this year, PBS completed the conversion of its National

Programming Service (NPS) to all HD. PBS distributes hundreds of hours of high-definition content each year, much of which is produced by local public television stations around the country for national distribution.

B. Multicasting

Public television stations have led the broadcast industry in taking advantage, to the benefit of their local communities, of the added capacity offered by digital broadcasting. Highlighting their stewardship of the public airwaves entrusted to them, many local public television stations are using their multicasting capabilities to provide dedicated channels for public affairs programming or programming designed to reach underserved audiences. For example:

- A number of local public television stations are using a multicast stream to offer “V-me,” a 24-hour Spanish-language educational and informational service developed by **Thirteen/WNET**, a public television station serving the New York City area. V-me offers drama, music, sports, current affairs, food, lifestyle, and nature programming, along with more than 40 hours per week of children’s educational programming.
- **WFSU** (Florida State University) operates, and several Florida public television stations air, the Florida Channel, which features live, gavel-to-gavel coverage of the Florida Senate and House of Representatives, as well as live coverage of the Florida Supreme Court, Public Service Commission, and meetings of the Governor and his cabinet, and other local electoral and public affairs programming.
- **South Carolina Educational Television** (SCETV), which operates 11 stations throughout the state, broadcasts the South Carolina Channel, which includes coverage of Statehouse proceedings, local college sports, and other local programming.
- **Twin Cities Public Television** in St. Paul, Minnesota, airs the Minnesota Channel, which features a variety of programming from or about Minnesota and its close neighbors. Many of the programs are produced by TPT in partnership with the state’s finest nonprofit and public service organizations.

More than 90 percent of public television licensees are utilizing their spectrum to transmit more than one channel of programming to viewers. More than 30 percent of licensees are transmitting four or more streams of programming.

C. Educational Datacasting

The inherent flexibility of digital broadcast technology can allow for the delivery of data at extraordinary speeds. In conjunction with broadband and 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. WHYY is also testing datacasting as a method to distribute early-childhood educational materials directly to day-care providers.
- Through the datacasting system of **Mississippi Public Broadcasting**, child-care centers in the Mississippi Delta region are receiving “Between the Lions” episode segments and a professional development course showing how to use the “Between the Lions” preschool literacy curriculum. “Between the Lions,” a national Emmy® Award-winning PBS KIDS series, is co-produced by MPB at its studios in Jackson, Mississippi.
- **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 interactive materials received via digital receivers for schools and rural teachers, as well as professional development curriculum and two-way live panel meetings.

D. 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, PBS and DHS agreed to deploy nationally the Digital Emergency Alert System (DEAS), and by the end of 2007, APTS and PBS 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.

Through funding from NTIA, public television is now in the process of obtaining geotargeting and dynamic allocation equipment that would help them to transmit alerts to mobile service providers as part of the Commercial Mobile Alert System (CMAS). Once fully completed, the DEAS will supplement the current EAS, which 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 of Family and Health Services 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 enables local health departments across the state to hold meetings and training sessions without traveling to specific locations, and also allows local hospitals to receive up-to-date information from the Department of Health Services and the Centers for Disease Control. In addition, the Louisville Fire Department uses KET's digital network to

provide simultaneous data and video, as well as weather radar images, forecasts, and warnings from NOAA, to Louisville fire stations.

- **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 120 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.

III. PUBLIC TELEVISION EXTENDS THE REACH OF ITS MISSION THROUGH EFFECTIVE NATIONAL AND LOCAL OUTREACH INITIATIVES.

Pursuant to their statutory mission to serve their local communities,¹⁰ public television stations across the country have engaged in local and national partnerships and outreach efforts to extend education beyond the television screen. Stations serve as “conveners” of interested and engaged community groups, which in partnership with the stations conduct direct person-to-person activities specifically designed to change our towns, villages, and cities for the better.

Public television’s local outreach presence is bolstered by its national scope. For example, through the national *Ready to Learn* initiative, public television has contributed measurably toward one of our nation’s most urgent educational goals: ensuring that all children begin school ready to learn. *Ready to Learn*, a cooperative agreement between the Department of Education, CPB, PBS and the Ready to Learn Partnership, harnesses public television’s universal reach to improve early-childhood learning through research-driven programming and content, targeting young children from low-income families. While *Ready To Learn* programming and content are widely available, program places an emphasis on reaching

¹⁰ 47 U.S.C. § 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”).

underserved populations most in need of advanced technologies and resources, with a particular focus on more than 150,000 low-income households in 23 states and the District of Columbia. Through programming and community outreach efforts, such as summer reading camps, *Ready to Learn* has had proven positive effects; more than 60 studies provide solid evidence of improved literacy skills of the program's target audience.

In recent years, spearheaded by "The Forgetting," a national program on Alzheimer's disease produced by Twin Cities Public Television in St. Paul, Minnesota, public television stations all over the country joined forces with local hospitals, retirement centers, social service agencies, the Alzheimer's Foundation and others. Through these collaborations, stations provided written and broadcast information, town meetings, specialized websites, and telephone hotlines to assist people with Alzheimer's, their caregivers and relatives with practical, valuable, actionable information on the disease. The program's website, www.pbs.org/theforgetting, features up-to-the-minute information about the disease, streaming video of the entire documentary, a resource library, and more.

In addition to nationally supported outreach efforts, each local public television station independently conducts its own outreach efforts in conjunction with active and engaged community groups. Public television stations have decades of experience and proven success in conducting effective outreach to all segments of their communities by convening with local and regional partners, including libraries, hospitals, schools, councils on aging, state and local governmental support agencies, community centers, and civil rights groups.

For example, stations have partnered with a variety of community organizations—libraries, Head Start, Boys and Girls Clubs, and juvenile justice groups, among others—to deliver comprehensive, cost-effective approaches to local educational needs.

- **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 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.
- For the fourth straight year, the **Educational Broadcasting Foundation** has hosted the Thirteen/WLIW Teaching and Learning Celebration with the assistance of a variety of community sponsors. Over two days in March 2009, the program focused on literacy, math, science, global awareness, Autism, English Language Learners, technology, and whole school policy. This year’s program, attended by more than 8,000 teachers, featured nationally renowned speakers, including the world’s most recognized autistic scholar and New York Times bestselling author, Temple Grandin.
- For the past several years, **Iowa Public Television** launched an ambitious plan to encourage Iowa kids to keep reading throughout the summer. This year Dan Wardell, host of the IPTV Kids Clubhouse, embarked on a “Summer Reading Road Trip” of 62 libraries, carrying with him the message to turn off the television and read, play and make healthy choices all summer long. In the previous two years, more than 25,000 Iowans attended Reading Road Trip events throughout the state.
- Through its *Math Can Take You Places* (MCTYP) project for grades 3-6, **KERA** (Dallas, TX) reaches hundreds of teachers and after-school providers and thousands of students each year. 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 this way, through effective partnerships with local and regional organizations, the noncommercial educational services public television stations provide extend well beyond the screen and deep into the communities they serve. In particular, public television stations have extensive experience delivering outreach services to populations that are underserved by traditional media outlets, including minorities, older Americans, lower-income families; and persons with disabilities.

A. Outreach to Minorities

Pursuant to their statutory mission to address issues of concern to underserved audiences and minorities, local public television stations have developed strong connections to their minority communities and are engaged in significant efforts to serve their diverse viewerships.

- 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 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.
- **WILL** in Urbana, Illinois, offers a Youth Media Workshop, an after-school program that empowers African-American middle school and high school youth to make media and change. Workshop students from two Champaign-Urbana schools spent a recent school year taking a critical look at hip-hop music.
- **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.
- **KRCB** in Rohnert Park, California, partners with the Sonoma County Public Library and the Sonoma County Museum in “Tengo la Voz”, which trains Latino youth in radio and television production. The two-year project is designed to explore and amplify the voices of Latino youth in Sonoma County through the broadcast, visual and literary arts.
- **WSIU** in Carbondale, Illinois, spearheaded a project documenting the oral histories of local African-American community members.

B. Outreach to Older Americans

Public television stations have also been instrumental in highlighting issues of concern to elderly Americans and facilitating community engagement with their elder citizens. For example, in connection with the film “Do Not Go Gently: The Power of Imagination in Aging,” several public television stations are actively engaging older adults in their communities as they explore new experiences in the arts. WQED in Pittsburgh is hosting William Novelli, the national president of AARP and a native Pittsburgher, for a community conversation on the subject and is supporting a dialogue with local medical and arts professionals regarding activities in the area that can improve the quality of life for seniors.

Other examples of public television outreach to older Americans:

- **WCMU** (Mount Pleasant, Michigan), a historically successful community convener in rural Michigan, last year built and facilitated a coalition of professionals to strengthen community awareness of depression, develop strategies to improve support and services, and provide information and access to support. WCMU's project, which featured a Community Summit, targeted the elderly and their caregivers, and was inclusive of a large Native American community.
- **New Hampshire Public Television** and Seniors Count (an initiative of Easter Seals New Hampshire) developed “Seeing Seniors: Shaping the Future of Aging in NH,” a collaborative outreach project to generate a state-wide community-based discussion what older citizens need to optimize their quality of life. Through a series of six stories on local program “NH Outlook” and four community forums, the station and the organization convened citizens and policymakers to begin the conversation about how New Hampshire should care for its growing senior population.
- **WHYY** in Philadelphia has partnered with the Asian Health Initiatives of the University of Pennsylvania and several other organizations to develop “Our Stories, Our Health.” Through the project, Vietnamese and Laotian elders have been taught to shoot video interviews about health topics that they have identified as important to their communities. The footage is being used in health workshops throughout the Southeast Asian community in the Philadelphia area.

C. Outreach to Rural Communities

Numerous public television stations have extensive experience addressing the rural communities they serve, and not only broadcast special programming of relevance to rural communities but also engage in targeted and effective outreach.

- 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.
- **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.
- **WLJT-TV** in Martin, Tennessee, works with Head Start Centers and The Boys and Girls Clubs in rural areas to help increase children’s literacy. Hundreds of children and their teachers and care providers have received free books, lesson plans, and learning activities.

D. Outreach to Lower-Income Families

Local public television stations have also engaged in significant efforts to raise awareness and engage communities in activities designed to alleviate poverty. As the nation’s economic troubles have mounted, stations have responded with increased initiatives in this area.

- “Facing the Mortgage Crisis” is a nationwide collaboration between public broadcasters and local organizations to educate their communities about the consequences of mortgage foreclosure, types of mortgage scams, and options to foreclosure. Stations across the country are creating local programming and hosting telephone banks and hotlines to direct citizens at risk of foreclosure to information and resources in their communities.
- **KAET** in Tempe, Arizona, has partnered with the Mesa United Way for its Family Fun Van service, which provides literacy activities to underserved low-income Mesa residents.
- **Rhode Island PBS** offered “Waging a Living: Building Strong Families”, a local production and outreach designed to educate low-income families and the elderly about tax credits, housing, and predatory lending. The project brought together a team of

community partners dedicated to building sustainable futures for low-wage earners and their families.

E. Outreach to Persons With Disabilities

Since its inception, the public television system has been instrumental in working closely with the disability community to ensure full and fair access to educational programming and resources. Public television has been at the forefront in the development of captioning and technology through the WGBH Carl and Ruth Shapiro Family National Center for Accessible Media (NCAM) in Boston. The Caption Center at WGBH was established in 1971 as the world's first captioning center. Additionally, PBS was instrumental in establishing the National Captioning Institute in Virginia. Until 1980, only public broadcasting stations carried closed captioning, and presently, nearly 100 percent of the national programming, and the vast majority of the local programming, carried on public television stations is closed captioned.¹¹

Public television has also been airing described video programming for nearly 20 years. Video description is the description of key visual elements in programming, inserted into natural pauses in the programming audio, and is designed to make television programming more accessible to Americans with visual disabilities. The descriptive video service was first developed by public broadcasting through WGBH¹², and the NCAM's Descriptive Video Service has described thousands of PBS programs and provided video description for a variety of regular programming, special programming, and cinematic productions. As the Commission has

¹¹ In general, the few national programs that are not closed captioned are visually oriented (such as dance performances), non-verbal in nature (such as classical music concerts), or foreign-language programs where subtitles are already present.

¹² In 1988, PBS tested descriptive video nationally throughout its season of *American Playhouse*, and in 1990, PBS aired the first nationally described program, *American Playhouse*'s "Sense and Sensibility." In 1990, public television was honored by the National Academy of Television Arts and Sciences for its development of descriptive video services.

recognized, public television has pioneered this service, and “noncommercial television stations provide video description in the absence of Commission rules requiring them to do so.”¹³

IV. PUBLIC TELEVISION STATIONS UTILIZE THE INTERNET TO ENHANCE THE IMPACT OF THEIR PROGRAMMING AND CREATE NEW CONTENT AND APPLICATIONS TO FURTHER THEIR MISSIONS.

Local public television stations have been pioneers in utilizing the Internet both to enhance the impact of their over-the-air programming and to create entirely new content and applications to further their core missions of education, localism, and diversity. Stations are playing a unique role in creating and delivering 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.

A. Using The Internet to Advance Education

As public television stations have expanded services in the digital world, on-line content is helping to enhance the learning experience and to bridge in-school and out-of-school learning. Such content and services have strong potential to stimulate the demand for and adoption of broadband by teachers, students, and parents.

For example, developed by Boston public television station WGBH from high-quality, critically acclaimed and trusted sources such as “NOVA” and “A Science Odyssey”, the free Teachers’ Domain collections currently house more than 2,000 standards-based digital resources in all content areas for students and teachers. With more than 333,000 registered users in more than 177 countries around the world, Teachers’ Domain (www.teachersdomain.org) features video and audio segments, Flash Interactive, images, explanatory articles, lesson plans for teachers, and student-oriented activities. Teachers’ Domain has also developed online

¹³ See *In the Matter of Implementation of Video Description of Video Programming*, Notice of Proposed Rulemaking, MM Docket No. 99-339, FCC 99-353 (November 18, 1999), ¶ 2.

professional development courses that assist K-12 science teachers in effectively teaching inquiry-based science utilizing media from the collections. Most recently, Teachers' Domain has launched an adolescent literacy media resource collection. Teachers choose a science or history topic, then have students proceed through reading passages, videos, and interactive activities, using a glossary to build vocabulary and a note-taking area to submit reading assignments. The resources are designed to help struggling readers in grades 5-12 improve their literacy skills by building comprehension and encouraging active thinking.

Thinkport (www.thinkport.org), developed by Maryland Public Television, harnesses digital technology to help teachers teach more effectively, inspire students to learn, and build bridges between schools and homes. For example, through "Think Classroom," one of Thinkport's four distinct "experience channels," teachers can utilize a Lesson Builder to help create lessons that utilize rich multimedia content, and take students on Online Field Trips. Thinkport also enables teachers to store resources for future use and facilitates teacher-to-teacher discussions and sharing over the Internet.

KQED in San Francisco has created QUEST, a multimedia series about the people behind Bay Area science and environmental issues and how their work is changing the way Bay Area citizens live. The nucleus of QUEST is its website, which makes available all television and radio broadcasts, as well as web-only segments. Unique features of the site include an interactive map created with Global Positioning Satellite technology to "geotag" locations and images where QUEST segments were recorded; on-line "Explorations"—nature hikes and walks; a new community science blog with daily contributions from scientists, experts, teachers and students; and discussion groups and photo sharing. The Quest Education Network (EdNet) offers guides, workshops and activities, all available for free download.

On a national level, PBS recently announced the launch of the PBS Digital Learning Library, a PBS system-wide online repository of digital education assets from public broadcasting programs and services nationwide. The Digital Learning Library will contain high-quality multimedia resources from PBS member stations and award-winning PBS broadcast programs, aligned to national and local educational standards, tagged for easy searching, and offered through customized digital services provided by local public television stations. It is anticipated that the Digital Learning Library will enable students to interact with, assemble, share and modify the available resources to create engaging and transformative educational experiences. More than 20 public television stations have been participating in the pilot project, and services will be available to the public in fall 2009.

Finally, through CPB, public television is working to develop the American Archive, which will serve the American public by preserving, digitizing, exhibiting, and sharing the enduring programming produced and distributed by local public television stations. The Archive will make use of emerging digital technologies to allow access to this content by educational and cultural institutions, public broadcasting stations, and the general public. In the education realm, it is envisioned that the Archive could tie content from public television and radio stations through a single portal, accessible through stations websites, through which educators could search for and access content. The Archive could also support efforts to create instructional gaming, online tutoring, and virtual simulation tools. Public Television has developed a blueprint for the American Archive, and last spring CPB selected Oregon Public Broadcasting to manage a pilot program.

B. Using The Internet to Advance Health Awareness

As the health needs of communities across the country grow, local public television stations are uniquely situated to play an indispensable role in developing and delivering health care and wellness education and disease prevention resources through broadband.

The following are just a few of the multimedia health initiatives local public television stations have undertaken recently:

- **KCET** in Los Angeles has created *The Time to Care*, a multi-platform project devoted to the unique needs of aging adults and the people who care for them. Expected to launch this year, *The Time to Care* will include a weekly broadcast program that will address concerns for the elderly and for the caregiver, and provide healthy lifestyle information, tips and habits for everyone—regardless of their age now. Additionally, the online component to this initiative will provide a platform for caregivers to connect to each other and to experts featured on the series, as well as access to additional resources.
- Nationwide, Kentucky ranks number one in deaths per capita from lung cancer, fifth in cardiovascular deaths, and sixth in obesity in the nation. Inactivity and poor diet are contributing to costly and destructive chronic illnesses such as diabetes, cancer and depression. In response to these challenges, **Kentucky Educational Television (KET)** launched *Be Well Kentucky* aimed at inspiring a culture shift in health attitudes and practices among Kentuckians. On-air, *Be Well Kentucky* has produced and aired the “CommonHealth of Kentucky”, a 13 part series on successful health care models throughout the state. On-line, the initiative created a website that offers health information, programming schedules and opportunities, and toolkits for community involvement. And on-the-ground, KET has offered health literacy workshops for children, families and minority populations—all created with a high-level of cooperation among a wide variety of stake-holders.
- *LiveFIT NH* is a **New Hampshire Public Television** community engagement project designed to encourage healthy eating and physical activity in children and adults. Recognizing the challenge of maintaining healthy habits, the *LiveFIT NH* project is focused on increasing awareness of and helping to reduce the incidence of childhood obesity, which has become an epidemic in the U.S. Health experts say that obesity causes serious health complications, shortens life spans and strains our health care system. This project consists of broadcast programming, online resources, and on-the-ground outreach through workshops focused on family health.
- **Wisconsin Public Television’s** *Creating Health* initiative was launched in response to viewer interest and the national health debate. *Creating Health* is an ongoing educational initiative that addresses health issues important to Wisconsin residents. By integrating broadcasts, Web tools, and in-person events, *Creating Health* seeks to provide

information to help guide individuals in making wise health decisions. Some of the health issues addressed by *Creating Health* focus on include Alzheimer's disease, Parkinson's disease, depression, and the problems faced by those that are without health insurance.

- **Iowa Public Television** has reached a great number of children across all of Iowa's 99 counties to encourage exercise and healthy eating. On-air, IPTV airs daily "Healthy Minutes" between children's programming that encourages children to be more active and read more. On-the-ground, students logged the minutes they spent exercising and reading throughout the month of April. Dan Wardell, the host of "IPTV KIDS Clubhouse", worked with teachers and librarians to promote the program and create customized materials. Online, teachers and librarians could track their students' progress as well as access resources on the program.
- In Chicago, **WTTW** is developing *Health Secrets: What Every Woman Should Know*, a multi-platform initiative dedicated to bring current, reliable, and medically accurate health information and disease prevention strategies to women in the greater Chicago community. On-air, *Health Secrets* will air four one-hour specials. Information and resources will be available online through an extensive and highly interactive web micro-site. Additionally, community wellness events will be conducted in conjunction with the program.
- A partnership between Kaiser Permanente and **California Public Television** stations invites families to live well, be well and thrive through a campaign that encourages children to eat healthy and stay active. *For Healthy Kids* provides valuable information for families through a series of televised spots focusing on tips for healthy eating, creating a healthy eating environment, and steps to help children maintain a healthy weight. KPBS in San Diego also provides a website full of useful information for children and their parents about kids' health.
- *Little Bites, Big Steps*, created by **KERA** in Dallas, Texas, is an early childhood education initiative designed to reach parents and care providers of children ages 0-5. This comprehensive five-hour curriculum offers video and online content to help the youngest of children develop healthy eating and exercise habits. The goal of this initiative is to reduce childhood obesity and its related effects. KERA is well on its way to impacting the intended 60,000 children and indirectly impacting 500,000 children through partnerships with other national organizations and broadcast media.
- Combining digital media with television broadcast, **Twin Cities Public Television (TPT)** of St. Paul, Minnesota created the Emergency and Community Health Outreach (ECHO) broadcast program. ECHO is a collection of health and safety programs that have been translated into Spanish, Hmong, Khmer, Lao, Vietnamese, Somali, as well as English, in order to relay vital information to the diverse communities in Minnesota. Programs in the ECHO television series provide information about topics such as flu prevention and care, exposure to poisons and dangerous chemicals, and how to keep homes safe. If there is ever a major public health emergency, ECHO takes to the airwaves in order to give information in the variety of languages in order to reach all of the diverse population. ECHO is available on the TPT Minnesota channel and the ECHO Minnesota web site.

C. Using The Internet to Advance Civic Participation

Local public television stations have been at the forefront of the development of broadband programs and applications to enhance civic participation. For example, the first round of Public Media Innovation Grants from CPB in 2007 focused on applications to use new media to enhance coverage of national and local elections in the fall of 2008:

- Through its “Citizen Voices” project, grantee **KPBS** in San Diego trained citizen bloggers to participate in the station’s coverage of the 2008 elections. The bloggers were able to approach the election from a hyper-local perspective, discussing city council races, school board races, and local propositions from their unique perspectives as neighborhood residents. The blog was the station’s top news and public affairs blog during 2008.
- Grantee **Vermont PBS** created Vermont Primary Tracker, an online forum featuring social networking, audio, and video, for voter information and discussion targeted to senior citizens. The station is considering converting the system into a complement to its monthly public affairs program “Public Square”. Vermont PBS has also begun to offer its technology and know-how in running web chats as a service to other nonprofit organizations in the state. For example, it supported a chat allowing high school students to talk directly with the Secretary of State about election and voting issues.
- Grantee **Wisconsin Public Television** undertook a project to experiment with the delivery of voter information on national and local elections to mobile hand-held Internet-connected devices. WPT launched a mobile election website, provided downloadable audio and video, and employed texting and other social networking technologies.
- Grantee **WXXI** in Rochester, New York, through its project “Overcoming Barriers to Civic Participation,” examined ways to use the Internet to provide the deaf and hard-of-hearing with full access to information about political candidates and election issues. WXXI’s election website included a section for its captioned content, and a Civic Sense Laboratory, where the station experimented with techniques to improve on-line accessibility.

Local public television stations are utilizing a wide array of digital tools to facilitate their roles as community conveners and sources of important local information, particularly to those that are unserved or underserved by commercial media.

D. Using The Internet to Advance Worker Training

Local public television stations have extensive experience in using a variety of media, including broadband, to provide effective worker training programs, and in response to this difficult economic climate, stations are ramping up their efforts to provide Americans with access to information that will enhance their likelihood of success in the workplace.

For example, the New Jersey Network, in cooperation with the New Jersey Department of Labor and Workforce Development, is using a variety of delivery systems, including online services, to offer customized, personalized access to expanded educational opportunities for adult learners. The program, called Workforce Learning Link, uses digital television technology, streaming video, computer software, the Internet and print materials to provide interactive training services to welfare registrants, dislocated workers and other job seekers.

Kentucky Educational Television teams with the Kentucky Department of Education, the PBS Adult Learning Service, and the National Center on Adult Literacy to provide LiteracyLink, which connects underserved and hard-to-reach adults with teachers for quality adult basic education and GED preparation through a variety of media. Workplace Essential Skills and GED Connection, two integrated instructional systems that have come out of the partnership, are being used by numerous other states. LiteracyLink also seeks to provide cutting-edge and cost-efficient technology-related staff development for the adult literacy professionals, and to support instructors and program directors with timely, quality learning opportunities and tools, and virtual classrooms. LiteracyLink's newest project is ESL/CivicsLink, an on-line program designed for adult education English as a Second Language teachers and offering professional development modules and related resources.

Finally, Public Television is one of the nation's foremost creators of professional development programming for teachers. Public Television's *Ready to Teach* program, authorized under No Child Left Behind, promotes the development of digital educational services aimed at enhancing teacher performance. *Ready to Teach* funds PBS TeacherLine, a fully facilitated, online professional development program that improves teacher quality, particularly in the core areas of reading and math. The program also provides station-based grants to support programs such as VITAL of WNET/Thirteen, New York; e-learning for Educators, a multi-state program headed by Alabama Public Television; and the Help with English Language Proficiency (HELP) program created by Rocky Mountain PBS in Colorado. Since 2004, professional development programs funded by *Ready to Teach* have served more than 90,000 teachers.

V. THE PUBLIC WILL BENEFIT FROM CARRIAGE OF PUBLIC TELEVISION'S VARIED DIGITAL OFFERINGS ON ALL MULTICHANNEL VIDEO PLATFORMS.

As discussed above, public television stations are maximizing their new digital capabilities to offer multiple programming streams and enhanced services. This programming provides a vital entry point through which many viewers are introduced to stations' outreach services and on-line offerings. However, without comprehensive carriage on all multichannel video platforms, much of public televisions' content and services are lost to millions of taxpayers who have invested their hard-earned dollars in public broadcasting.

Thus, APTS, PBS and local public television stations have made it a priority to reach voluntary agreements with MVPDs that provide for carriage of local public television stations' myriad digital offerings to the vast majority of Americans who receive their television via cable, fiber, or satellite. Since APTS' submission in the previous Video Competition proceeding,

APTS and PBS in 2007 reached a digital carriage agreement with the American Cable Association (ACA), which represents 900 smaller cable systems that serve more than seven million subscribers in all 50 states. The agreement is similar to the 2005 pact between APTS, PBS, and the National Cable and Telecommunications Association (NCTA), which ensured that the nation's largest cable providers would carry up to four digital streams, including HD and multicast, of each public television station entitled to carriage on a given system. In 2006, APTS and PBS reached a national agreement with Verizon for carriage of the full digital offerings of local public television stations on Verizon's fiber-based telecommunications platform FiOS.¹⁴

In addition, APTS, PBS, and DIRECTV in early 2008 reached a landmark agreement which allows DIRECTV's 18.3 million American subscribers to access a broad array of public television's digital services.¹⁵ APTS and PBS are cognizant of the direct broadcast satellite providers' concerns about capacity limitations and worked with DIRECTV on creative solutions to ensure that subscribers have access to the varied content and services provided by the local stations. The agreement provides that in each market in which it provides HD local channels, DIRECTV will carry either an HD signal or two standard-definition (SD) streams from each station, at the station's option. In addition, DIRECTV will carry two national SD feeds featuring educational programming with local stations' identification on the Electronic Programming Guide. In the future, DIRECTV will provide public television stations the ability to offer additional localized programming through dedicated on-demand services to its new MPEG4 receivers, which are equipped with broadband connections. Finally, in markets where DIRECTV

¹⁴ Negotiations with AT&T for a national agreement governing carriage on its U-verse Internet Protocol television service have been on hold since 2006. However, AT&T has proven willing to carry multiple digital streams from public television stations on a market-by-market basis.

¹⁵ *See also* Comments of DIRECTV, Inc. at 12 (May 20, 2009).

is not yet offering local broadcast signals, it will provide stations with marketing materials regarding an offer for an antenna and ATSC tuner so many customers can gain access to local signals over the air.

APTS is currently in renewed discussions with DISH Network to ensure that the DBS provider's nearly 14 million customers have access to the high-quality educational, cultural and public affairs multicast programming offered by their local public television stations. Although DISH Network offers local HD stations in 152 markets, it carries local public television stations' HD channels only in Alaska and Hawaii, only because the law so requires. For example, as recently as last week, DISH Network began offering the HD signals of the local affiliates of the "big four" networks in the Columbus-Tupelo, Mississippi market, but it did not add the HD channel of the local public television station. APTS and DISH Network are discussing creative solutions similar to those in the DIRECTV agreement that will provide viewers with more locally produced public television content while still respecting DISH Network's capacity concerns. We are hopeful that these discussions will continue and that we will soon be able to update the record in this proceeding with word of an accord.

VI. PUBLIC TELEVISION STATIONS ARE FACING UNPRECEDENTED ECONOMIC HARDSHIP AND NEED ADDITIONAL FEDERAL SUPPORT.

The Commission seeks comment on how the economy has affected broadcasters' ability to invest in new technologies and programming services, particularly their ability to provide local programming.¹⁶ In response to this inquiry, APTS and PBS are compelled to call attention to the dire financial situation of many local public television stations. At a time when more people than ever are turning to public broadcasting as a trusted source of news and information, and at a time when public television stations are rolling out new digital content and applications

¹⁶ *Supplemental Notice* at ¶ 6.

to utilize ever-changing technology, stations are facing the greatest economic challenge in the system's 42-year history.

Local stations are suffering dramatic declines in the non-federal sources of funding—states and municipalities, individual contributions, and corporate underwriting—that constitute 85 percent of public television's operating revenue.

- State funding has been reduced or, in some cases, zeroed out for the next fiscal year. For example, Pennsylvania stations are facing proposed state budget cuts of \$7.9 million, which would eliminate approximately \$1 million in funding for each station.
- A severe decline in contributions from foundations and corporate underwriters has caused a significant decrease in programming funds. For example, General Motors recently announced an end to its 22-year support of Ken Burns' documentaries. On average it had funded 35 percent of the production and outreach costs of the documentaries.
- Individual contributions from public broadcasting supporters are dropping due to rising unemployment and declining discretionary income. In a July 2009 survey by APTS, 79 percent of local public television stations reported a reduction in individual giving as compared to the same time last year.

The results of these declines have been devastating. According to the July 2009 survey, 58 percent of local public television licensees have had to lay off employees, and on average stations have reduced their workforces by 12 percent. Even the larger stations have suffered; WMFE in Orlando has laid off 43 percent of its staff, and WNET/Thirteen in New York has laid off more than 20 percent, more than 100 employees. Seventy-two percent of licensees have reduced benefits or salaries or instituted mandatory leave without pay. And most notably for the purpose of this proceeding, 69 percent of licensees reported having to reduce programming and/or services to their communities. For example:

- **Ozarks Public Television** in Springfield, Missouri, discontinued production of "Healthstyles", a locally produced newsmagazine program examining public health issues and featuring commentary from health professionals.
- **WFYI** in Indianapolis has suspended new program productions that are not already fully funded, including its signature local television program "Across Indiana".

- **WQED** in Pittsburgh has placed “OnQ”, its award-winning nightly local news program, on hiatus.
- **WLVT** in Lehigh Valley, Pennsylvania, had to cut its award-winning daily public affairs program, “Tempo”, by 50 percent.

The public broadcasting system is working tirelessly to obtain fiscal stabilization funding from the federal government to offset the declines in other sources of funding and enable stations to continue to fulfill their public service mission and provide essential services to their local communities. Public broadcasting is positioned to serve a vital role in enhancing education, addressing the nation’s health care crisis, and dealing with the effects of economic dislocation—including job retraining and workforce development—but it cannot do so without adequate funding. We would welcome the Commission’s support in our efforts to help stations endure the current economic crisis and come out the other side stronger than ever.

CONCLUSION

Public television stations play a unique role in the delivery of noncommercial educational programming and services to their local communities, and they are forever evolving in utilizing new technologies to advance their missions. It is the goal of APTS and PBS that local stations’ myriad offerings will be available to all Americans, whether they receive their video over the air, on cable or satellite, or through the Internet. And it is our hope that, at this time when the public needs trusted sources of information more than ever, stations will receive the stabilization funding they need to continue to improve these offerings and ensure their availability in the video marketplace.

Respectfully submitted,

/s/

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