

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Promoting Diversification of Ownership in the) MB Docket No. 07-294
Broadcasting Services)

To: The Commission

**COMMENTS OF NATIONAL PUBLIC RADIO, PUBLIC BROADCASTING SERVICE,
ASSOCIATION OF PUBLIC TELEVISION STATIONS, AND CORPORATION FOR
PUBLIC BROADCASTING**

National Public Radio, Inc. (“NPR”)¹, Public Broadcasting Service (“PBS”)², Association of Public Television Stations (“APTS”)³, and Corporation for Public Broadcasting (“CPB”)⁴ (collectively, “Public Broadcasting”) welcome this opportunity to comment on the Federal Communications Commission’s (“Commission”) *Sixth Further Notice of Proposed Rulemaking*

¹ NPR is a non-profit membership corporation that produces and distributes noncommercial educational radio programs through more than 900 radio stations nationwide. In addition to broadcasting award-winning NPR programming, including *All Things Considered*[®], *Morning Edition*[®], and *Talk of the Nation*[®], NPR’s member stations are significant producers of local, regional, and national news, information and cultural programming. NPR also operates the Public Radio Satellite Interconnection System and provides representation and other services to its member station licensees.

² PBS, with its nearly 360 member stations, offers all Americans — from every walk of life — the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches 124 million people through television and 20 million people online, inviting them to experience the worlds of science, history, nature, and public affairs; to hear diverse viewpoints; and to take front row seats to world-class drama and performances.

³ APTS is a non-profit organization whose membership comprises the licensees of nearly all the nation’s 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.

⁴ CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming.

regarding proposed revisions to Form 323-E, the ownership report for noncommercial educational (“NCE”) broadcast stations (the “Notice”).⁵

INTRODUCTION

Public Broadcasting supports the Commission’s longstanding goal to “promote diverse ownership of broadcast stations, including ownership by women and minorities.”⁶ Public Broadcasting has a strong commitment to diversity in governance and to the provision of services to diverse audiences. In fact, a core mission of Public Broadcasting, as embodied in the Public Broadcasting Act of 1967, is to “constitute an expression of diversity and excellence” and to serve as a source of telecommunications services for “*all citizens* of the Nation,” particularly communities that are unserved or underserved by commercial media.⁷ However, there are fundamental differences between the structure and operations of public broadcasting stations and commercial stations, which are significant to the proceeding at hand.

The Notice seeks to identify and gather “accurate and usable data” on the owners of broadcast stations to better understand the diversity of broadcast ownership throughout the country.⁸ However, ownership is an inapposite concept in the context of public broadcasting stations. In no case does an individual person hold a debt or equity investment interest in a public television or radio station. Due to the fundamental differences in governance between commercial and public broadcasting stations, it would undermine the accuracy and usability of the data that the Commission is gathering if it were to include information about the governing

⁵ In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, *Sixth Further Notice of Proposed Rulemaking*, MB Docket No. 07-294 (rel. Jan. 3, 2013) [hereinafter “Sixth FNPRM”].

⁶ *Id.* at ¶ 4.

⁷ 47 U.S.C. § 396(a)(5) (emphasis added).

⁸ Sixth FNPRM at ¶ 4.

boards of public broadcasting stations. Furthermore, requiring the unpaid, volunteer board members of public broadcasting stations to obtain FCC Registration Numbers (“FRNs”) generated by the Commission’s Registration System (“CORES”) and based on the individual’s Social Security Number (“SSN”) would have the negative, unintended consequence of discouraging service on the governing boards of these non-stock, non-profit organizations or governmental entities.

I. OWNERSHIP IS AN INAPPOSITE CONCEPT IN THE CONTEXT OF PUBLIC BROADCASTING STATIONS.

There are fundamental distinctions between commercial stations and public broadcasting stations that ought to be reflected in the differences between the information collected on Form 323 and Form 323-E. In the context of commercial stations, individuals hold debt or equity interests in the licensee, which provides a personal financial stake in the station and makes such individuals clear owners. Ownership with respect to public broadcasting stations cannot be defined in the same way because only governmental or non-profit organizations are legally qualified to hold the license to a public broadcasting station.⁹ No individual may hold a personal financial interest in a public broadcasting station and thus such stations have no individual owners. Ultimately, the concept of ownership is inapposite to public broadcasting stations because such stations are not owned by individuals deemed to have an attributable interest.

The Commission has previously seen that “fundamental differences exist between traditional stock corporations and non-stock entities so that the Commission’s attribution rules applicable to commercial stations, concepts of control and transfer of control, and other rules

⁹ 47 U.S.C. § 397(6).

may not necessarily be appropriate.”¹⁰ When the Commission issued a *Notice of Inquiry* in 1989 seeking comment on establishing guidelines for identifying when transfers of control have occurred within non-stock entity licensees, the commenters set forth the fundamental differences between stock and non-stock entities.¹¹ As the commenters explained, “the makeup of a non-stock entity’s governing board is secondary in importance to its organizational document ... because the organizational documents establish a continuity of purpose that transcends the identity of the individuals designated to serve on the governing board.”¹² The Commission recognized that many public broadcasting stations are affiliated with state or local government entities, including university systems and school districts. As a result, the membership of such an entity’s governing board may be determined by political appointment or direct election.¹³

Due to the inapplicability of traditional ownership concepts to noncommercial stations, the Commission did not take any action on its proposals and formally terminated the proceeding in 2002.¹⁴ The Commission wisely recognized that ownership was an inapposite concept with respect to public broadcasting stations due to their non-stock structure and organization. The Commission should continue to recognize that there are no individual owners of public broadcasting stations.¹⁵

¹⁰ In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, *Fourth Further Notice of Proposed Rulemaking*, 24 FCC Rcd. 5896, 5910 n.69 (2009) [hereinafter “Fourth FNPRM”].

¹¹ Transfers of Control of Certain Licensed Non-Stock Entities, *Notice of Inquiry*, 4 FCC Rcd. 3403 (rel. May 25, 1989).

¹² Fourth FNPRM, 24 FCC Rcd. at 5910 n.69.

¹³ *Id.*

¹⁴ In re Termination of Rulemaking Proceedings, *Order*, 17 FCC Rcd. 1390 (2002).

¹⁵ See also Fourth FNPRM, 24 FCC Rcd. at 5910 (“Many NCE broadcast licensees are non-profit, non-stock entities, or governmental organizations that are controlled by governing boards or trustees composed of members who do not have a financial stake in the licensee organization. Their structure and organization raise difficult issues as to how to define ownership in the NCE context.”).

The individuals serving on governing boards of public broadcasting stations are not owners. While these individuals are listed on the station's current Form 323-E, that practice does not make them actual owners. The roles and motivations of such individuals are entirely different from those of commercial station owners. Board members of public broadcasting stations are not paid for their service and do not hold equity interests in the stations. These board members serve in a broad advisory capacity rather than actively managing the selection of programming or the day-to-day operations of the stations. Furthermore, as the Commission recognized in 2009 when it previously put forth similar proposals to modify Form 323-E, the board members of many public broadcasters are determined by political appointment or direct election.¹⁶ In Massachusetts, for example, the twenty-two member Board of Trustees of the University of Massachusetts, which is the licensee of Boston's WUMB-FM and Amherst's WFCR-FM, includes seventeen voting members appointed by the Governor, two voting members elected by the student body of the University, and three *ex officio* non-voting members.¹⁷ None of these appointed or elected board members could reasonably be considered owners of the station.

Many public radio and television licensees are overseen by a governing board whose responsibilities extend well beyond any given station and may include the entire public higher educational system of a state. In Alabama, California, and Illinois, for instance, a state-wide board is responsible for the state's public higher educational system as well as the public broadcasting stations licensed to colleges or universities within that system. These and other examples of the governance of public broadcasting stations have been collected in the attached

¹⁶ *Id.* at 5910 n.69.

¹⁷ *See* Appendix A at iii.

Appendix A to illustrate that the board members of these stations are clearly not owners or even reasonable substitutes for owners.

II. COLLECTING DATA ON THE BOARD MEMBERS OF PUBLIC BROADCASTING STATIONS WOULD UNDERMINE THE COMMISSION’S STATED GOAL.

The Commission’s proposal to treat the governing board members of public broadcasting stations as owners is not only inappropriate as explained above, but also harmful to the Commission’s ultimate goal in this proceeding. The stated goal of the Notice is to “gather accurate and usable data” on various ownership categories, presumably for the purpose of establishing and maintaining effective policies to promote broadcast ownership by women and minorities.¹⁸ This is a laudable and worthwhile goal, but one that would be *undermined* by including data on the board members of public broadcasting stations. Aggregating information on the owners of commercial stations and the non-owner board members of public broadcasting stations would compromise the integrity of the data and could prevent the Commission from developing records to serve as a defensible basis for future policies to promote diversity.

When the Commission previously set forth similar proposals in 2009, it asked whether looking at the composition of the board of directors of noncommercial stations would “compromise the integrity of the data.”¹⁹ The answer was a resounding yes at that time and continues to be so today. In the current Notice, which revives the proposal to treat board members of public broadcasting stations as owners, the Commission asks more broadly about the “advantages or drawbacks to applying these requirements to the Form 323-E.”²⁰ The major

¹⁸ Sixth FNPRM at ¶ 4.

¹⁹ Fourth FNPRM, 24 FCC Rcd. at 5911.

²⁰ Sixth FNPRM at ¶ 21.

drawback continues to be that collecting data on the board members of public broadcasting stations as if they were “owners” would undermine the Commission’s goal of creating a database with accurate and usable data on the state of broadcast *ownership* throughout the country. The Commission cannot possibly paint a clear picture of broadcast ownership if it includes data on the unpaid, volunteer board members of non-stock, non-profit or governmental public broadcasting licensees.

III. CREATING A CORES FRN REQUIREMENT WOULD IMPOSE HARSH COSTS BY DISCOURAGING INDIVIDUALS FROM VOLUNTEERING TO SERVE PUBLIC BROADCASTING INSTITUTIONS.

As demonstrated in Section II above, combining commercial and NCE station “ownership” data will result in *less*, not more, accurate data, contrary to the stated goal of this proceeding because the commercial concept of ownership and the NCE concept of governance are not the same.²¹ Imposing the same CORES FRN requirements on NCE stations as those applicable to commercial stations as the means of achieving the desired benefit is therefore an inappropriate course of action.²² It is not just the failure to achieve the desired benefit that is significant, however. Imposing a CORES FRN requirement on individuals deemed to hold an attributable interest in NCE stations by virtue of serving on a governing board or board of trustees would exact a heavy toll by discouraging otherwise qualified and desirable individuals from serving such institutions.

Public broadcasters seek out national, state, and local leaders from a variety of fields because of the experience and expertise these individuals offer. For instance, former U.S. Senator Dennis DeConcini serves as one of eight citizen volunteers on the Arizona Board of

²¹ *See id.* at ¶ 4.

²² *See id.* at ¶ 21.

Regents, which, in addition to overseeing all of the higher education public schools in Arizona, is the licensee of a number of public television and radio stations.²³ Likewise, Yang Ho Cho, the CEO and Chairman of Korean Air, and Steven Spielberg, renowned filmmaker and a principal partner of DreamWorks SKG, serve on a 55-member Board of Trustees overseeing the University of Southern California, licensee of KUSC-FM, Los Angeles, California. NBC News correspondent Andrea Mitchell, entertainer Bill Cosby, opera singer Jessye Norman, Federal Court of Appeals Judges Theodore A. McKee and Anthony J. Scirica, and retired four-star General Larry R. Ellis, are just a few of the many prominent individuals serving on public broadcasting governing boards or boards of trustees.²⁴

These individuals, and those less nationally prominent, volunteer to serve on the governing board of a public broadcasting station without any financial compensation. They do so because of a commitment to public service and to the state educational system. That said, many would be reluctant to provide their SSN to obtain a CORES FRN as a condition of serving on a public broadcasting station board.²⁵ As proposed in the Notice, the only recourse would be to resign or refuse to serve, and the loss of these individuals would cost public broadcasting invaluable experience and expertise. Imposing financial forfeitures on individuals who refuse to provide their SSN, as the Notice proposes, would only hasten their departure from public broadcasting.²⁶

²³ Appendix A at i.

²⁴ See Appendix A.

²⁵ Given that Public Broadcasting disputes that volunteer NCE board members or trustees are serving in an entrepreneurial rather than a personal capacity, the Commission has not justified the proposal to collect SSNs of such individuals for Privacy Act purposes, see Sixth FNPRM at ¶ 18, particularly considering the risk to individual privacy and the absence of any corresponding benefit to the goal of collecting accurate *ownership* data. 5 U.S.C. § 552a(e)(1).

²⁶ See Sixth FNPRM at ¶ 17.

Because these individuals serve on a voluntary basis as a matter of public service, the examples cited in the Notice of the collection of SSNs by other Federal agencies are not comparable.²⁷ In each example, providing the SSN is a condition of receiving a direct personal benefit, not as a condition of public service. For instance, while the Census Bureau may use SSNs reported on income tax returns to produce population estimates, submitting a tax return as required by the Internal Revenue Code is a function of working or otherwise earning income as a United States citizen or resident. Likewise, the other examples cited in the Notice involve the receipt of direct and personal financial benefits (e.g., food stamp recipients and those who accept and redeem food stamps; participants in Housing and Urban Development loan, grant, and other assistance programs; Veterans Administration compensation or pension benefits recipients; savings bond purchasers; and workers compensation claimants).²⁸ That is not the case for those volunteering to serve a public broadcasting station as a member of a board of trustees or other governing board.

If the Commission decides to pursue a consolidated commercial and noncommercial broadcast “ownership” database despite its fundamental flaws, the Commission should continue to permit those with attributable interests in public broadcasting stations to obtain special use FRNs without penalty. Special use FRNs would permit the reporting of ethnicity, gender, and other relevant information about the special use FRN holder, but without discouraging individuals from serving in public broadcasting. To proceed as proposed in the Notice, forcing individuals to choose between providing their SSN and declining to serve, cannot be justified as rational agency rulemaking.

²⁷ *See id.* at ¶ 14.

²⁸ *Id.*

CONCLUSION

For the foregoing reasons, Public Broadcasting supports the Commission's efforts to broaden the diversity of broadcast ownership, but requiring NCE station licensee board members to register with the Commission based on the individual's SSN will discourage participation in NCE station governance. Furthermore, combining incompatible commercial and NCE "ownership" data will only undermine the goal of obtaining accurate and verifiable ownership data because the concept of individual ownership is entirely inapplicable to NCE broadcasters.

Respectfully submitted,

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February 14, 2013

APPENDIX A

Examples of Attributable Interests in Public Broadcasting Stations

- Alabama:** The Board of Trustees for the University of Alabama system is a sixteen-member board that currently includes Governor Robert Bentley and State Superintendent of Education Thomas R. Bice, both serving *ex officio*. Other members of the Board are elected for six-year terms and currently include lawyers, businessmen and women, a writer, and a circuit court judge. The primary function of the governing board is to establish objectives, policies, and practices for the University of Alabama system as a whole rather than to manage the day-to-day operations of the two public radio stations.²⁹
- Arizona:** In Arizona, a single Board of Regents oversees all of the state public higher education schools. This Board consists of Governor Janice K. Brewer and John Huppenthal, Superintendent of Public Instruction, both serving *ex officio*, along with eight citizen volunteers and two students who are appointed by the governor. Currently, one of the eight volunteers is former U.S. Senator Dennis DeConcini. The Arizona Board of Regents creates broad policy and provides guidance for the entire education system, including several public television and radio stations.³⁰
- California:** The California State University system, which is composed of twenty-three separate campuses, is overseen by a single Board of Trustees that is primarily responsible for developing broad administrative policies for the system. This Board is comprised of twenty-five members, including five *ex officio* members: Governor Edmund G. Brown, Jr., Lieutenant Governor Gavin Newsom, Speaker of the Assembly John A. Pérez, Superintendent of Public Instruction Tom Torlakson, and University Chancellor Timothy P. White. The Statewide Alumni Council appoints one alumnus member, and the Governor appoints the remaining nineteen Trustees, which must include one faculty member and two student members.³¹ This group of Trustees is listed for Form 323-E purposes as the governing boards of California State University public television and radio stations.

The University of Southern California, a private, not-for-profit university is governed by a fifty-five-member Board of Trustees, with each voting member serving a five-year term. In addition to the President of the University, the Board currently includes industry leaders and icons from numerous fields, including Yang Ho Cho, the CEO and Chairman of Korean Air, and Steven Spielberg, renowned filmmaker and a principal partner of DreamWorks SKG. The primary function of this board is to establish policies of the University, which is the licensee of a public radio station.³²

²⁹ See <http://uasystem.ua.edu/wp-content/uploads/2012/05/BOARD-MANUAL.pdf>.

³⁰ See http://nau.edu/President/NAUArizona_University_System/Arizona_Board_of_Regents.

³¹ See <http://www.calstate.edu/bot/overview.shtml>.

³² See <http://about.usc.edu/administration/board-of-trustees>.

The KOCE-TV Foundation, licensee of PBS SoCal in Los Angeles, California, is governed by a twenty-four-member Board of Trustees. The Board includes a number of local community leaders, as well as educational and financial leaders. For instance, current members include Marian Bergeson, Former California Secretary of Education; Bobby McDonald, President and Executive Director of The Black Chamber of Commerce of Orange County; and Keith Kobata, Orange County Regional President of Wells Fargo Bank.³³

- **Connecticut:** Connecticut Public Broadcasting Network, which oversees public television and radio stations serving the residents of Connecticut, is governed by a thirty-member Board of Trustees that includes individuals from a variety of fields and professions. Each member serves a four-year term, and elections are held each year at the board’s annual meeting to replace members with expiring terms.³⁴
- **District of Columbia:** Howard University, a public television licensee, is governed by a thirty-three-member Board of Trustees, which includes the CEO of the AARP, the President of Howard University, and other individuals from a variety of fields, including former Virginia Governor L. Douglas Wilder and opera singer Jessye Norman. The Board exercises general oversight of the University and its public television station.³⁵
- **Illinois:** The University of Illinois system is governed by a thirteen-member Board of Trustees that includes Governor Pat Quinn serving *ex officio*, three student representatives, and nine other trustees appointed by the Governor. These nine appointed trustees serve six-year terms, and currently include former U.S. Attorney for the Northern District of Illinois Patrick Fitzgerald, former mayor of Springfield Karen Hasara, and various professional businessmen and women. Although this Board of Trustees “exercises final authority over the University,” it delegates most of its day-to-day authority to the President of the University, along with other officers or agents of the three campuses.³⁶ This Board of Trustees is the licensee of both public television and public radio stations.

Western Illinois University, a public radio licensee, has an eight-member Board of Trustees, comprised of seven state-appointed members and one student member elected by the campus. The Board currently consists of various businessmen and women, educators, former U.S. Representative Phil Hare, and the Mayor of Springfield J. Michael Houston.³⁷ Under state law, the Board has the authority “[t]o make rules, regulations and

³³ See <http://www.pbssocal.org/board>.

³⁴ See <http://www.cpbn.org/board-trustees>.

³⁵ See <http://www.howard.edu/secretary/trustees>.

³⁶ University of Illinois, About the Board of Trustees, <http://www.bot.uillinois.edu/organization>.

³⁷ See http://www.wiu.edu/board_of_trustees.

bylaws, not inconsistent with law, for the government and management of Western Illinois University and its branches.”³⁸

- **Maine:** Maine Public Broadcasting Corporation, the licensee of public television and radio stations throughout the state, is governed by a twenty-member Board of Directors that meets five times per year to discuss broad operational and programming guidelines for the stations. These twenty members are mainly professionals and educational leaders from throughout the state with no financial interest in the non-profit corporation.³⁹
- **Maryland:** Morgan State University, a public radio station licensee, is governed by a fifteen-member Board of Regents. Every member of this Board is appointed by the Governor of Maryland and serves a six-year term; current members include U.S. Representative Elijah E. Cummings, former U.S. Representative Kweisi Mfume, and retired four-star General Larry R. Ellis. This Board determines admission standards, reviews and approves university policies and budget, and appoints the President of the University.⁴⁰
- **Massachusetts:** The University of Massachusetts, licensee of two public radio stations, is governed by a twenty-two-member Board of Trustees that includes seventeen voting members appointed by the Governor, two voting members elected by the student body of the University, and three *ex officio* non-voting members including Matthew H. Malone, State Secretary of Education. This Board “functions as a legislative body dealing mainly with questions of policy. The Board is not an administrative or management board.”⁴¹ As such, the Board of Trustees has delegated most powers to the President of the University and various campus administrators who oversee day-to-day operations of the campus.

The WGBH Educational Foundation, licensee of public television and radio stations in Massachusetts, is governed by a thirty-two-member Board of Trustees. Current members include leaders of numerous educational institutions, such as Joseph E. Aoun, President of Northeastern University; Kim Bottomly, President of Wellesley College; and Jackie Jenkins-Scott, President of Wheelock College. The Board also currently includes leaders of financial institutions, such as David H. Koch, Executive Vice President of Koch Industries, and Robert E. Gallery, Massachusetts President of Bank of America. Finally, the Board includes leaders of cultural institutions, such as Tony Woodcock, President of the New England Conservatory of Music. This Board of Trustees is responsible for

³⁸ 110 Ill. Comp. Stat. 690/35-45(1) (2012).

³⁹ See <http://www.mpbn.net/About/MPBNBoardofTrustees.aspx>.

⁴⁰ See http://www.morgan.edu/board_of_regents.html.

⁴¹ University of Massachusetts, About the Board of Trustees, <http://www.massachusetts.edu/bot/index.html>.

oversight, compliance, policy decisions, and advancing the mission of the non-profit organization.⁴²

- **Oklahoma:** Several public Oklahoma Universities are overseen by the nine-member Board of Regents for the Oklahoma Agricultural and Mechanical Colleges. This Board, which includes State Secretary of Agriculture Jim Reese, governs ten different state universities including the Oklahoma State University system, a public radio licensee. The Board “has full responsibility . . . for the control and administration of the agricultural and mechanical colleges.” These responsibilities include establishing the general policies affecting each of the ten colleges. However, the Board’s general executive powers are “delegated to the presidents of the agricultural and mechanical colleges and their assistants.”⁴³
- **Pennsylvania:** The University of Pennsylvania is governed by a sixty-two-member Board of Trustees that includes Governor Tom Corbett and University President Dr. Amy Gutmann serving *ex officio*, along with a wide assortment of other professionals, including NBC Chief Foreign Affairs Correspondent Andrea Mitchell. This Board has the general authority to oversee the University’s broad policy and is listed as the executive board of the University’s public radio station.⁴⁴

Temple University in Philadelphia, a public radio licensee, is overseen by a thirty-six-member Board of Trustees that includes twenty-four elected members, nine honorary life trustees, and three *ex officio* trustees: Governor Thomas Corbett, Mayor of Philadelphia Michael A. Nutter, and Pennsylvania Secretary of Education Ronald J. Tomalis. The elected members currently include Theodore A. McKee and Anthony J. Scirica, judges on the Third Circuit United States Court of Appeals, as well as numerous businessmen and women, attorneys, and entertainer Bill Cosby. This Board has the power to “determine and periodically review the general educational policy, mission, and purposes of the University.”⁴⁵

- **Tennessee:** Several public radio stations are licensed to Tennessee universities overseen by a state Board of Regents, an eighteen-member body that meets four times per year to discuss the general policies and guidelines governing six state universities, thirteen community colleges, and twenty-seven technology centers. This Board consists of four *ex officio* members: Governor Bill Haslam, Commissioner of Education Kevin S. Huffman, Commissioner of Agriculture Julius T. Johnson, and Executive Director of the Tennessee Higher Education Commission Richard G. Rhoda. The remaining members

⁴² See <http://www.wgbh.org/about/BoardofTrustees.cfm>.

⁴³ Board of Regents for the Oklahoma Agricultural & Mechanical Colleges, Governance Philosophy, http://regents.okstate.edu/1_1_2.html.

⁴⁴ See <https://secure.www.upenn.edu/secretary/trustees/statutestrustee.html#one>.

⁴⁵ Bylaws of Temple University, <http://www.temple.edu/secretary/documents/bylaws-01-32-00.pdf> (as amended through Dec. 11, 2012).

are lay citizens appointed to six-year terms, along with a faculty and student representative chosen from one of the schools.⁴⁶

The University of Tennessee’s Board of Trustees oversees the public radio stations licensed to the University. This Board includes five members serving *ex officio*: Governor Bill Haslam, State Commissioner of Agriculture Julius T. Johnson, State Commissioner of Education Kevin S. Huffman, Executive Director of the Tennessee Higher Education Commission Richard G. Rhoda, and President of the University Dr. Joe DiPietro. The remaining twenty-one seats include two students, two members of the faculty, and nineteen other appointed members from various Tennessee congressional districts; these members include businessmen and women, attorneys, and a local news anchor. This Board oversees the educational and operational activities of the statewide University of Tennessee system with “full and complete control over its organization and administration, [and] over its constituent parts and its financial affairs.”⁴⁷

- **Vermont:** Vermont Public Radio is managed by an eighteen-member Board of Directors that is responsible for the administration of the non-profit corporation. Board members are selected based upon their “commitment to the mission and goals of VPR, and for their expertise in various fields.”⁴⁸ The duties of the Board include governance of VPR’s stations. Members of the Board serve as volunteers, meeting four times per year to discuss how best to serve the local community through public broadcasting.
- **Wisconsin:** The University of Wisconsin system, which is the licensee of public television and radio stations serving Wisconsin, is managed by an eighteen-member Board of Regents that oversees thirteen various college campuses and administrations. The Board includes State Superintendent of Public Instruction Tony Evers serving *ex officio*, along with various professionals who are appointed by the Governor. This Board has the authority to appoint a President for the University of Wisconsin system, set admission standards for the various schools, review and approve budgets, and establish regulations governing the overall operations of the system.⁴⁹

The Wisconsin Educational Communications Board, also the licensee of Wisconsin public television and public radio stations, is comprised of sixteen individuals including professionals, educators, and state officials such as Senate members Spencer Coggs and Luther Olsen, Representative Amy Sue Vruwink, and State Superintendent of Public Instruction Tony Evers.⁵⁰ This Board sets broad programming and operational goals for

⁴⁶ See <http://www.tbr.edu/about/default.aspx?id=386>.

⁴⁷ The University of Tennessee Bylaws, http://bot.tennessee.edu/docs/bylaws_article_I.pdf (as amended through Feb. 29, 2012).

⁴⁸ Vermont Public Radio, Inside VPR, Board of Directors, http://www.vpr.net/inside_vpr/board_of_directors.

⁴⁹ See <http://www.uwsa.edu/bor>.

⁵⁰ See <http://www.ecb.org/board/index.html>.

the stations. The Board’s bylaws explain that it holds the final public authority to make “programming decisions [] based upon professional judgments of expressions of public needs.”⁵¹

- **Wyoming:** The University of Wyoming, a public radio licensee, is governed by a sixteen-member Board of Trustees. This Board includes twelve members appointed by the Governor, as well as four *ex officio* members: Governor Matthew Mead, State Superintendent of Public Instruction Cindy Hill, President of the University Tom Buchanan, and President of the Associated Students of the University Joel Defebaugh. This Board “has the responsibility to approve and adopt the general policies governing the University of Wyoming and provide broad oversight for the fiduciary management, academic policies, and general welfare of the students of the University.”⁵² However, operational decision-making with respect to the public broadcasting station has largely been delegated to the President of the University, as well as various campus administrators, who are held accountable by the Board.

⁵¹ Educational Communications Board, Board Members | Board Policies, <http://www.ecb.org/board/pdf/Policy.pdf>.

⁵² University of Wyoming, Roles and Responsibilities of University of Wyoming Board of Trustees, <http://www.uwyo.edu/trustees>.