

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

In the Matter of:

Public Notice
The Future of Media and Information
Needs of Communities in a Digital Age

DA-10-100
GN Docket No. 10-25

To: The Commission

**Comments of the Corporation for Public Broadcasting, PBS, NPR and the
Association of Public Television Stations in Response to Public Notice –
The Future of Media and Information Needs of Communities in a Digital Age**

THE FUTURE OF PUBLIC MEDIA

This white paper reflects the views of the Corporation for Public Broadcasting (“CPB”), PBS, NPR and the Association of Public Television Stations (“APTS”) on the extraordinary and invaluable contribution that Public Media will make in meeting the country’s information needs in the digital age. This document is intended to inform the Federal Communications Commission’s examination of the future of media as set forth in the *Public Notice* in Gen. Docket No. 10-25, “FCC Launches Examination of the Future of Media and Information Needs of Communities in a Digital Age” (released January 21, 2010).

Public Broadcasting in the United States was founded on principles of diversity and excellence of programming, responsiveness to local communities, and service to all. For over 40 years, public radio and television stations, Public Broadcasting’s national organizations and numerous other entities supporting their endeavors have faithfully pursued those goals. Through ever-changing conditions, we have built a collective enterprise that is now much more than just a Public Broadcasting system. We are now

the foundation and driving force of the Public Media ecosystem. While Public Media has come to include a plethora of other public media entities, public broadcasters play an essential role in creating, communicating and curating content, and in engaging communities, over multiple media platforms, serving as a highly trusted source of reliable information and an honest broker of public interaction.

This transformed system of Public Media has pioneered new technologies and content and continues to invest in innovative media platforms and types of content to ensure the continued availability – without charge – of content that “inspires, educates and informs” an increasingly diverse public. These new technologies enable Public Media to explore new outlets and reach new audiences. They also enhance its engagement with all audiences, both those reached by public broadcasting stations and those who are reached by other means and who often themselves play a growing role in the creation, shaping and sharing of content.

The skill and energies of non-licensees working “with a public media spirit” play an important role in the Public Media landscape.¹ Public Media’s leadership believes that the efforts of these entities – content producers, aggregators and distributors, broadcast and non-broadcast alike – can and should be supported by working with and building on the existing Public Media system.

As Public Media seizes opportunities presented by new technologies and new media innovation, its leadership is committed to making the most of existing resources, and finding new resources, to enable it to meet the information needs of current and future generations of Americans. While technologies advance and distribution outlets

¹ As FCC Chairman Julius Genachowski stated in his remarks opening the Commission’s second workshop on the Future of Media, “...the noncommercial community is no longer saying just ‘public broadcasting’ but ‘public media,’ recognizing that public TV and radio are offering content across many platforms, including broadband and mobile, bringing this content to where the viewers are, on the Internet, on mobile, in addition to broadcast TV and radio. In addition, thousands of Web sites with no connection to traditional public broadcasting are operating with a public media spirit, providing news and information to improve their communities.”

change and proliferate, the mission of Public Broadcasting, now Public Media, remains evergreen.

I. PUBLIC MEDIA CONTINUES TO ADVANCE PRINCIPLES OF RESPONSIVENESS, DIVERSITY, EXCELLENCE, AND UBIQUITY OF SERVICE

Beginning with the 1967 Public Broadcasting Act, Congress set forth principles to guide the development of Public Broadcasting, stressing the need for responsiveness to the people's interests, diversity and excellence in noncommercial programming, and the provision of service to all citizens of the United States. The Act [Section 396(a)(5)] declares that "it 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, and will constitute an expression of diversity and excellence, and which will constitute a source of alternative telecommunications services for all the citizens of the Nation." The Act [Section 396(a)(7)] further states that "it is necessary and appropriate for the Federal Government to complement, assist and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States."

In the more than 40 years since the original passage of the Public Broadcasting Act, our system of Public Media has extended its reach to virtually the entire country, providing an incredible array of programming. Through CPB, the Commerce Department's Public Telecommunications Facilities Program, the Department of Education, the National Endowments for the Arts and Humanities and other programs, the federal government has made significant continuing investments in the development of Public Media. States and local governments, private educational and cultural institutions, foundations, corporate sponsors and millions of citizens have also made significant contributions to the Public Media system, not to mention the professionals

who have devoted their efforts to public broadcasting stations and to program production and distribution across all platforms.

The locally-owned, locally-controlled and locally-supported Public Media system is unique among media in the United States, and perhaps the world, where media tend to be dominated by top-down enterprises. In Public Media, television and radio stations are licensed to community-based non-profit entities, state and local agencies, and public and private educational institutions. The stations and their licensees are important institutions in their communities. Because of their local ties, commitment to a mission of service, and their direct financial dependence on the public and other community institutions for support, stations have a high level of engagement with their communities.

Public Media stations broadcast, and now also create and distribute over multiple platforms, a wide variety of local, regional, national and international content that is not sufficiently available elsewhere in this country's media: in-depth news, public affairs and other analytical and informational content, educational programming, and arts and cultural programming. For example, Nevada Public Radio produces a dynamic locally focused daily program called *State of Nevada* that presents the issues of concern to people and policy makers alike. In a CPB-funded project called NewsWorks, WHYY in Philadelphia is recruiting free-lance reporters, writers, photographers, and videographers for the launch this fall of hyperlocal, solution-based news Web sites covering seven neighborhoods around the metropolitan area. The station has hosted neighborhood meetings to recruit community correspondents and hear about ideas for topics to cover. NewsWorks will also provide public discussion forums, monitored by WHYY staff, that will be available for citizens to exchange ideas around the clock. In Tennessee, Nashville Public Television's Next Door Neighbors initiative combines documentary programs with extensive outreach and relationship-building efforts in the city's diverse immigrant communities. Using an interactive immigration data map and mediated conversations,

Nashville Public Television is seeking to increase its community's understanding of unfamiliar cultures.

Much of this content is locally produced, but diverse and excellent programming is also provided by national programming producers and distributors. On the television side, these programming sources include PBS, American Public Television, National Educational Telecommunications Association, and the Independent Television Service (ITVS), the national minority consortia, as well as individual television stations and independent producers such as Sesame Workshop, MacNeil/Lehrer Productions and Florentine Films. On the radio side, programming sources include NPR, Public Radio International, American Public Media, Native Voice One, Radio Bilingüe, and Youth Media International, as well as individual radio stations, independent producers, the Association of Independents in Radio (AIR) and the Public Radio Exchange (PRX).

Although the system operates under serious resource constraints, it has had remarkable success in achieving its mission. For example, since its founding in 1970, NPR has received 39 George Foster Peabody Awards and 18 Alfred I. DuPont-Columbia University awards, among the most prestigious in broadcasting. Just during the last five years, PBS won 162 Emmy Awards, including 67 for children's programming, 46 for prime time programs, 48 for news and documentaries and even one for technology and engineering, far outpacing other networks in both nominations and awards. During the past five years, PBS also won 24 Peabody Awards – more than any other media organization – and 12 duPont-Columbia University awards. For their online content and services, public media organizations – television and radio – have won 24 Webby awards in the last five years. Individual stations win many of these same prestigious national awards, as well as awards from state broadcasting associations, news directors' associations, and journalists' societies.

The National Broadband Plan recognizes the “vital and unique role in our democracy” played by the Public Media system:

Public media plays a vital and unique role in our democracy, informing individuals and leading our public conversation as well as building cohesion and participation in our communities. This strength comes from its ability to create connected and informed communities, empower citizens to hold their government accountable and enable people to actively participate in government processes and decision-making. And at a time of increasing skepticism, cynicism and distrust of institutions, public media has earned and maintained the trust of the American people. According to a 2007 Roper opinion poll, nearly half of all Americans trust the Public Broadcasting Service (PBS) “a great deal”; this is more than trust commercial television or newspapers. This trust reinforces the critical role that public media plays in American democracy.

....

Public media’s past is a tremendous success story that our communities and our nation should celebrate, and it has already begun developing its 21st century digital identity in myriad ways. This is evidenced by the work of PBS and National Public Radio (NPR) as well as individual public television and radio stations, all of which are playing important roles in communities across the country.

This foundation of trust uniquely positions Public Media to pursue and meet what CPB has identified as three critical and strategic priorities for the future of Public Media which have been embraced by Public Media licensees and non-licensees alike – diversity, digital and dialogue.

Public Media’s first priority is to more effectively meet the information needs of an increasingly diverse nation,² or in the words of the Public Broadcasting Act, to “serve unserved and underserved audiences, particularly children and minorities.” We are accomplishing this by increasing our investment in content and workforce development, and by enhancing connections between diverse producers and stations and the national producing community.

The second priority is to push innovation in digital media and emerging technologies to extend the reach and value of Public Media to the American

² See, e.g., *Informing Communities: Sustaining Democracy in the Digital Age: The Report of the Knight Commission on the Information Needs of Communities in a Democracy* (Oct. 2, 2009).

people. We are building the infrastructure necessary to create, gather, share and deliver new content to the public at the times and on the devices of their choosing, and creating an American Archive to preserve and provide the public with access to valuable content from the past.

The third priority is to strengthen Public Media's role as an active resource and trusted partner in its local communities. Each station is implementing individual service strategies tailored to its community's unique needs. We are helping stations and content producers complete the transition from mere distributors of information to interactive community connectors and convenors.

II. PUBLIC MEDIA WILL CONTINUE TO PROVIDE INNOVATIVE OFFERINGS OVER MULTIPLE PLATFORMS

There are more than 365 public television stations and more than 900 public radio stations in the United States, which, supplemented with TV and radio translator stations, reach nearly 281 million people with an over the air signal – fully 98.4 % of the population. These broadcast outlets anchor the system and generate substantial viewership and support.

Dramatic advancements in communications technologies, however, have changed the ways that many people access and interact with information. These changes present great opportunities for public television and radio stations to augment their services by increasing the amount and diversity of their content offerings, reaching new audiences, and finding new ways of engaging with their audiences. Public broadcasters are both embracing and leading technological change and content innovation.³ Through this

³ For example, public broadcasting pioneered the use of communications satellites for program distribution to and among broadcast stations, developed technical standards for closed captioning and other media access technologies, and played a critical role in the development of the ATSC standard for digital television. In HD Radio, public radio was the primary enabler of digital radio multicasting and is the leader

process of change and innovation, and with the emerging participation of other public media-spirited enterprises, Public Broadcasting has become Public Media.

As cable television and then satellite broadcasting developed and expanded in the United States, and while other broadcasters at times withheld or threatened to withhold their content from these platforms to bargain for financial remuneration, public broadcasters have been relentless in pursuing universal carriage of their signals, including multiple program streams made possible by digital technologies. APTS and PBS have negotiated ground-breaking agreements with cable television multiple system operators (MSOs), cable industry associations, telephone companies and satellite carriers to ensure broad carriage of non-duplicating public television programming, as well as programming that is not broadcast over the air.

In the digital television (DTV) transition, public television became a driver of technological and programming innovation. Public television stations were early adopters of the technology and often the first to make DTV signals available in their markets. Today, the typical public television station uses its broadcast spectrum bandwidth for “multicasting,” providing differentiated programming services to meet the content needs of its audiences. Public television stations have also been leaders in using their spectrum bandwidth for datacasting, both to offer local services to school districts and other educational institutions and/or to participate in PBS’s National Datacast Service.

In digital radio, public stations were also early drivers of technological innovation and leaders in the development and deployment of HD Radio. This digital technology

in using HD radio technology capacities for conditional access to provide improved and expanded programming for sensory impaired audiences. In content, public broadcasting pioneered reality television with the program *An American Family*, and children’s educational television with *Sesame Street* and *Electric Company*. In developing audiences for the program *Dance in America*, public television also fostered the growth of new audiences nationwide for live dance performances, and public broadcasting has come to play an essential role in acquainting Americans with new fiction, drama, poetry, music, painting, sculpture, and crafts.

allows stations to increase the diversity and richness of their content offerings, including expanded national and international news, alternative arts and cultural programming, and other information such as traffic conditions and emergency alerts. The use of multicasting in HD Radio was pioneered by public radio through work at NPR Labs, America's only not-for-profit broadcast technology research and development center. NPR Labs also pioneered the use of HD Radio's conditional-access capabilities to expand and improve the delivery of public radio content to people with sensory impairments.

Public stations moved early to embrace the Internet. Stations originally launched Web sites providing static information about the station itself and its programming schedule. Today Web content goes well beyond what is available over the air, including user participation and feedback, user generated content and sometimes even interactive elements such as educational and informational games (often referred to as "serious games"). Public stations also take advantage of many online tools for distribution of targeted content, such as RSS feeds to user browsers and desktops. Many public station Web sites have become information destinations of choice in their communities, successfully competing against established browser and news portal sites by offering news and information from and about the local community, in addition to national and/or international content.

The Internet has also facilitated the aggregation, curation and storage of content, while allowing users to more easily find and use content and applications when, where and how they want them. Programming "events" that previously would have been aired and then relegated to storage are now treated as valuable information "assets" that are available on demand.

The Internet has also opened the Public Media system to a rapid flow of innovative content and applications from creators and users both inside and outside the system's ranks. Public Media is developing the Public Media Platform – a common, flexible digital platform building on the open application programming interfaces (APIs)

that NPR, PRX and other public media organizations have published. The Public Media Platform enables local stations – and other public media entities⁴ – to publish and incorporate not only locally-generated material but also material from national sources such as NPR, PBS and numerous other content providers, as well as from other stations and independent producers. The Public Media Platform provides users with the ability to interact with content (and with one another with respect to that content) that would have previously been “rolled out” in narrow, proprietary channels. Instead, the Public Media Platform is effectively cross-pollinating public media organizations as they compete and collaborate with one another to serve and empower the people formerly known as “the audience.” As a result, vastly more content is accessible to the American people, as well as a much greater capability for using it when, where, and how they want to use it.

The National Broadband Plan recognizes the potential of Public Media services such as PBS KIDS, which streams educational children’s programming, and WGBH Teachers’ Domain, which offers standards-based digital resources for students and teachers, but these are only two of a wealth of existing and future services. The Plan also cited the NPR API as an example of “an open framework to . . . expand access to rich content.” In another example, Nebraska’s state public broadcasting network is developing a digital public media archive that will ultimately combine Nebraska Supreme Court content and Nebraska Legislature material with a digital learning library and other historical and informational material.

Public Media is taking advantage of opportunities created by new platforms for two-way interaction with audiences, and greater engagement with the community. For example, Chicago Public Radio has paired station WBEW with a Web site, Vocolo.org, to create a platform where citizens can engage in conversation, share ideas and express

⁴ In the Public Media Platform’s proof of concept, NPR, PBS, APM, PRX, and PRI will be incorporating content from Knight News Challenge winners to demonstrate how the platform will be used by both stations and non-licensee entities.

opinions. The site offers the public an opportunity to upload and showcase their own media content – pictures, video and audio. In addition, compelling stories and insightful commentary from members of the community are featured on WBEW and streamed on the site. In Georgia, Public Broadcasting Atlanta has created LENS on Atlanta, a Web site providing a suite of civic dialogue tools to facilitate on-line discussion, the sharing of user-generated content, access to digital resources, and the organization of groups around local issues and activities with the aim of engaging institutional and governmental entities to listen to, participate in and act on community input. In New York, WNYC's *The Brian Lehrer Show* has created an online and on-air collaboration project with its audience. Audience members are invited to tell their stories and report the changes to their neighborhood due to the economic downturn. These new 'community observers' input and display their local stories on a Google map that is used as a starting place to create content for the broadcast.

Public Media also connects with people through social media applications such as Facebook, Twitter and MySpace, with remarkable impact. Station KPBS in San Diego, for example, which operates the destination KPBSNews site, has more than 15,000 followers on Twitter and regularly issues Tweets focusing on news, events and other information oriented to the San Diego community. NPR has more than 1.8 million followers on Twitter and more than 700,000 fans on Facebook, and PBS has more than a half million followers.

Public Media is also embracing the opportunity to provide content, including podcasts, over mobile and other devices. NPR.org, for example, in addition to offering a large selection of podcasts, has a tool that helps users build a custom podcast of various topics, musicians, personalities and NPR programs. NPR podcasts are downloaded more than 12 million times a month. A single program, *On Point* from NPR and WBUR in Boston, has as many as 500,000 podcast downloads each week.

Public Media is at the forefront of the development of other applications for wireless devices such as iPhone and Android devices. PRX, in collaboration with NPR and other Public Media entities, has developed an iPhone application (the Public Radio Player) that aggregates streams of public radio stations across the country. The free application has been downloaded 2.5 million times since its launch in 2008, and users use it on average for over an hour a day. In early iPad sales, one out of every five new owners downloaded NPR's iPad application. There are dozens of other public radio applications from NPR, PRI, numerous stations and many producers and distributors of public radio programs. Public television also offers a number of iPhone applications that, among other things, help to enhance the educational experience provided by PBS children's programming, such as those for *Super Why* (providing pre-school literacy tools), *Martha Speaks* (focusing on literary and vocabulary skills for children ages five through eight) and *Curious George* (coloring book for pre-school-age children).

Public television is on the vanguard of the development of mobile television technologies and content. Portable receivers are only now about to become available, but WGBH in Boston, for example, is already transmitting a mobile television signal that simulcasts its primary DTV program service along with its children's channel and its two radio outlets, one featuring news and informational content and the other classical music. In Washington, both WHUT and MHz Networks are broadcasting as part of the Mobile DTV Consumer Showcase, and other public stations are preparing to begin mobile television transmissions as well. PBS – alone among major national television organizations – is working to add back-channel interactivity to mobile television, a critical element to enable mobile broadcast technologies to offer the same kinds of capabilities that mobile telephony can offer to potential users.

In order to provide services on these varied platforms, many public stations are recognizing the need to break down internal walls between staff producing for traditional and alternative media platforms. Where there are separate departments creating content

for television, radio and the Web, stations going forward will be organizing single content divisions, and retraining and hiring producing staff to work across media platforms. This will represent a fundamental evolution in the structure of these organizations.

Even as these new media platforms develop and proliferate, and stations transform the services they provide, we understand that the mission embodied in the goals of the Public Broadcasting Act is evergreen, and that there will be exciting new means of accomplishing that mission. With that in mind, the leadership of CPB, PBS, NPR and APTS, as representatives of the system, has crafted a new mission statement that underscores the shift from Public Broadcasting to Public Media:

Public media informs, educates, and inspires by providing content that sustains the civic and cultural life of society. Public media is universally accessible, free from commercial or political pressure, and used by millions of Americans on all platforms including television, radio and on-line.

Going forward, public media – from our local radio and television stations to our national organizations – is building on the hard-earned trust and goodwill of our audience by becoming even more diverse, networked, nimble, innovative, and focused on serving the needs of our changing society. With the support of the American people, we will continue to evolve as creators, curators and connectors on the local and national level in order to fulfill our mission of informing communities, enriching our culture, and inspiring dialogue.

III. DESPITE MOMENTOUS CHANGES IN TECHNOLOGY, BROADCASTING WILL CONTINUE TO BE CRITICALLY IMPORTANT TO THE AMERICAN PEOPLE

Public Media's largest audience is by far for its television and radio programming received over-the-air and additionally, in the case of television, by cable and satellite distribution. More than 61 million people watch public television in a typical week, and more than 30 million listen to a public radio station.

For the foreseeable future, given Public Media's mission to bring service to all of the citizens of the United States, over-the-air broadcasting will remain critical. In fact, millions of households still rely on over-the-air reception to view public television,⁵ including many with limited distribution alternatives or limited resources to spend on subscription services. For public radio, while alternative distribution models (such as Internet streaming) exist and are growing, its programming still predominantly reaches the audience over the air.

Whether received over-the-air or by cable or satellite, in addition to its ubiquitous reach utilizing technology and facilities across the country, broadcasting will continue to be a very cost effective medium for reaching mass audiences. In fact, the Public Media system could not afford to stream its content to all its viewers and listeners due to the cost of bandwidth. As a result, public media organizations are mixing their distribution capabilities, making smart investments that integrate broadcast, online and mobile platforms in a seamless experience for the American public.

Further, broadcasting plays an important role in the development of new media platforms, as a significant driver of audiences to those alternative platforms. Unlike start up Web-based media enterprises, public television and radio stations are able to cross-promote new media to their large audiences. It is no coincidence, for example, that PBSKids.org is among the most popular video Web sites in the world, as it can be introduced to children and their parents in PBS's popular children's broadcast service.

Public television and radio stations are exploring how to maximize the efficient and effective use of their broadcast platforms. Radio stations are deploying HD Radio and, in many cases, seeking additional over-the-air outlets in their markets to enable them to augment their services. On the television side, with the digital transition just having

⁵ Just over ten percent of the households that view public television watch over-the-air (as opposed to on cable, or through microwave or satellite distribution). Further, these over-the-air viewers tend to watch more public television programming than do cable, microwave, or satellite viewers, so their viewing accounts for 27% of the total usage of public television.

been completed (through a massive investment by the stations, institutional licensees, the states, and the federal government), there is great promise in multicasting, mobile television and datacasting. However, for both public radio and television, more time is required for the full development of these efforts.

IV. PUBLIC MEDIA EMBRACES NEW MEDIA ENTITIES AND SEEKS TO PARTNER WITH THEM

Non-licensees have had an important role in Public Broadcasting since its inception. The system has been particularly well served by non-licensee entities that have created and/or distributed content for broadcast, beginning with PBS and NPR. More recently, American Public Media, Public Radio International, PRX, National Educational Telecommunications Association, ITVS, and the minority consortia have engaged in continuing collaborations with public television and radio stations, providing vibrant new and alternative voices for the system. These organizations have been supported with funding, as well as promotion, outreach capacity and, of course, distribution platforms. Public stations have also partnered effectively with many other entities, including orchestras, film makers, museums, libraries and colleges and universities to create content, and with community institutions and organizations in outreach efforts.

Changes in the media landscape have created tremendous opportunities for public media organizations and stations to partner with new and existing non-licensee entities working in the spirit of public media. A number of collaborations are already underway with these entities, which are focused on creating content, particularly journalistic content, for distribution over multiple platforms. For example, the St. Louis Beacon, a nonprofit online publication founded by veteran journalists, is working with public

television station KETC in St. Louis, and actually has its offices at the station. They collaborate on local reporting and public awareness projects and are exploring additional ways to generate high quality coverage to serve the St. Louis community. KQED in San Francisco has partnered with the independent, nonpartisan Center for Investigative Reporting to broadcast *California Watch* content. *California Watch* is a new reporting initiative of the Center for Investigative Reporting, which has put together the largest group of reporters dedicated to investigative reporting in California. Similarly, Wisconsin Public Broadcasting collaborates with and broadcasts content from the Wisconsin Center for Investigative Journalism, publisher of the WisconsinWatch.org. WTTW in Chicago and the not-for-profit Chicago News Cooperative jointly fund reporting staff to work on stories that are used by both WTTW and other Chicago news outlets.

These and similar entities bring vision, talent and energy to the ecosystem. Collaboration with entities that adhere to the editorial standards and the organizational and operational requirements applicable to grantees under the Public Broadcasting Act should be developed as a means of supporting and enhancing the services offered to the American people.

Public Media stations can be anchor organizations, bringing an existing base of production and distribution facilities, technology, staffing, organizational strength, and commitment to high journalistic ideals, which yields trust in the communities they serve. Public media – with more than four million contributors – is the largest base for voluntary philanthropic contributions in the country. Stations have the proven ability to raise funds for new programs and projects. This and other capabilities – content production resources, distribution and promotional support, a trusted brand, and organizational support – are what many non-licensee enterprises need most. Public Media’s leadership strongly believes that bringing these enterprises together will strengthen both, to the benefit of the American people.

Given the reality of limited government funding for Public Media, in order for these collaborations to fully serve the information needs of our nation's communities, new resources must be secured to support these endeavors, not siphoned off from Public Media organizations already receiving funding.

V. PUBLIC MEDIA NEEDS TO BE EMPOWERED TO ACHIEVE ITS MISSION

Since 1967, CPB has been the principal entity charged with the responsibility to receive the resources made available to Public Media by the federal government on behalf of the American people, to account for their distribution, to use those resources to further the mission of Public Media in accordance with the mandates of the Public Broadcasting Act, and to serve as a “firewall” between the government and public media – a firewall of independence for filmmakers, producers and content providers.

Today, both the deployment of new technologies and engagement with non-licensee entities that work in the spirit of public media offer enormous opportunities for service and engagement. Public Media is seizing these opportunities. However, to do so successfully, the system must be able to consistently bring sufficient resources to the task.

Federal financial support for Public Media, certain and substantial, remains central to Public Media's success and survival. Since its inception, however, Public Media's greatest long-term challenge is that it has always been underfunded. In fact, for the last decade, although federal funding has been stable and consistent, it has also been relatively flat. While this stability has been a valuable component of the system's overall financial viability, changes in audience expectations and technology, and the country's current economic crisis, have placed severe financial constraints on all parties in the

system and resulted in reductions in services, staffing, and local and national programming nearly across-the-board. To successfully realize the service opportunities of new technology, to help fill the voids left by contraction and disruption in the commercial media industries (especially news industries), and to promote citizenship and advance our democracy, Public Media should not be asked to do more with less or the same amount of public funding. Additional public funds need to be provided for Public Media.

Public Media also faces a number of other challenges, including system inefficiencies and costly regulatory burdens. We recognize further efficiencies are possible and are eager to make improvements. Additional economies of scale can be achieved in back-office functions, unnecessary duplication of services can be reduced, and infrastructure can be rationalized. This will free some resources for investment in new outlets and technologies and in enhanced service. The challenge is to identify and create incentives to achieve these additional efficiencies while not reducing Public Media's local service, diversity of content offerings, and presence in communities throughout the country.

At the same time, changes in FCC's rules and policies can help reduce unnecessary costs and free up resources. For example, more flexibility in the rules governing use of DTV capacity for ancillary and supplementary uses would permit public TV stations to explore innovative uses of their channels, while also possibly seeking new funding streams from some such uses.

The FCC should give consideration to permitting public television stations to lease excess digital capacity on their stations pursuant to the FCC's established Secondary Market leasing rules, in two circumstances: (1) where there are stations with overlapping service contours so that the leasing of some or all capacity on one station does not deprive any viewer or listener of the ability to receive Public Media services;

and (2) where a single station is able to maintain a minimum level of over-the-air service while also leasing excess bandwidth or digital throughput.

Within public radio, while there is less excess digital bandwidth, some opportunity exists for leasing the use of bandwidth beyond the baseline main-channel service for either audio or data applications making full use of HD Radio's conditional-access capabilities, such as reading or radio captioning services. The Commission should let such uses flourish, with restrictions to be considered only if public interest obligations are not addressed sufficiently.

We do not believe the public interest would be served by modifying the requirement that public television and radio stations operate noncommercially. The commercial media business model, so heavily dependent on advertising, appears to be increasingly challenged as a basis to support the sort of journalism, education, program diversity and community engagement that is the hallmark of Public Media.

Other regulatory changes can be implemented by the FCC to reduce administrative, paperwork and other compliance obligations that, as applied to Public Media, unnecessarily drain resources from our primary task of creating, curating and distributing valuable local, regional and national content. For example, the past few years have seen a substantial proliferation of burdensome and, for Public Media stations, unnecessary regulatory requirements, arising out of the FCC's Localism, Enhanced Disclosure and Ownership proceedings. Too often, these requirements have been imposed on Public Media in the context of development of rules for commercial broadcasting without considering whether the same underlying concerns apply to Public Media. A review of FCC regulation and paperwork requirements, as applied to Public Media stations, particularly focusing on whether such requirements serve substantial purposes and are worth their cost, would be useful.

In addition, we need updated copyright laws. We take seriously the interests of copyright owners and other rights holders. The purpose of Article I, Section 8, Clause 8

of the Constitution, to induce authorship and intellectual creation, must be honored. Yet the public interest in continued access to information, education and enlightenment calls for a fair and reasonable balance between these sometime competing interests. We call for a reconsideration of the present structure of protection and access to determine whether changes are warranted in the statutory and regulatory scheme which could facilitate the appropriate public use of archived broadcast and other content while adequately protecting creators and copyright owners.⁶

Public media entities, licensees and non-licensees alike, are already engaged in deployment of Internet and mobile digital tools to expand and improve public service, and to be more responsive to the information needs of our various communities. Taken together, these initiatives mark the emergence of a new network, and open and flexible digital system to augment the interconnected, interdependent network of broadcast stations so successfully fostered by the Public Broadcasting Act. The Commission, the Administration and the Congress need to support and fund the full deployment of the Public Media Platform to push the Public Broadcasting Act forward into the 21st Century.

Ultimately, we believe that the value of Public Media to the American people, in service to our democracy and in meeting the information needs of communities, is sufficiently high to warrant enhanced public support of the system. Accordingly, CPB should be provided substantially greater funding and a wider array of tools to pursue the goals of the Act.

CONCLUSION

As a result of economic, technological and social forces, the media landscape in this country is inexorably changing. Important voices that we as a society have relied on

⁶ See *Ex Parte* Comments of WGBH, APTS, CPB, NPR, and PBS on the Relationship of Rights Clearance Matters to Public Media and the National Broadband Plan, GN Docket 09-51, filed February 22, 2010.

to inform us are diminished or have fallen silent. Many new voices are now heard. Yet the need for trusted voices from reliable institutions is more important than ever. For more than 40 years, Public Media has been one of the most reliable institutions and trusted voices in America.

Great institutions – those which thrive and grow in challenging times – cannot be wedded to the status quo. They make important transitions. This is what Public Media has always done and continues to do.

A dynamic Public Media is transitioning to meet the information needs of, and connect with, a much more diverse America in ways that honor our mission. A dynamic Public Media is working to reach and engage with audiences, when and where they choose, with content important to their lives. A dynamic Public Media is partnering with entities that are bringing diverse new voices and new ideas to the table. This is not only good for fulfilling the mission of Public Media; it is fueling Public Media's transformation and assures that we will continue to serve the information needs of the American people – on all platforms, in all communities, and for the years to come. The American people need such an extraordinary Public Media system. Our democracy depends on it.

Dated this 7th day of May, 2010

Respectfully submitted,

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