

**Before the  
DEPARTMENT OF COMMERCE  
NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION  
Washington, DC**

In the Matter of )  
 )  
American Recovery and Reinvestment ) Docket No. 090309298-9299-01  
Act of 2009 )  
Broadband Initiatives )

**COMMENTS OF THE ASSOCIATION OF PUBLIC TELEVISION STATIONS**

The Association of Public Television Stations (“APTS” or “Public Television”)<sup>1</sup> submits these comments in response to the Joint Request for Information and Notice of Public Meetings (“Joint Request”) issued March 9, 2009 by the Department of Commerce, National Telecommunications and Information Administration, and the Department of Agriculture, Rural Utilities Service,<sup>2</sup> addressing the development of rules and policies for the Broadband Technology Opportunities Program (BTOP) of the NTIA, as required by the American Recovery and Reinvestment Act of 2009 (“the Recovery Act”).

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<sup>1</sup> 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.

<sup>2</sup>*American Recovery and Reinvestment Act of 2009 Broadband Initiatives, Joint Request for Information and Notice of Public Meetings*, 47 Fed. Reg. 10716 (March 12, 2009).

## INTRODUCTION

Public television stations have stood at the forefront of the digital revolution in broadcasting, embracing the opportunities of the digital age to enhance service of their core missions of localism, education and diversity. With the highest quality of trusted, educational broadcast content as their centerpiece, local public television stations have been pioneers in the creation of multiplatform content that adds new dimensions to their broadcast programming and actively engages their local communities. Below are just some examples of what public television stations are accomplishing with the help of Public Media Innovation Grants from the Corporation of Public Broadcasting:

- Kentucky Educational Television, an educational leader in Kentucky and throughout the public broadcasting system, through its project “Connectivity, Choice, and Participation” is testing a wide variety of Web 2.0 strategies to increase secondary school student proficiency and engagement in the study of German language.
- Through its “Citizen Voices” project, KPBS in San Diego enhanced its broadcast coverage of the 2008 elections and engaged the community by training citizen bloggers to participate in its election coverage.
- In conjunction with its broadcast, *The Silent Invasion*, Oregon Public Broadcasting is employing user-generated content and social networking tools in an “Invasive Species Online Hotline” to connect the public with invasive species experts to help stop the spread of invasive plants and animals in Oregon.
- Vermont PBS created Vermont Primary Tracker, an online forum featuring social networking, audio, and video, for voter information and discussion targeted to senior citizens.
- Penn State Public Broadcasting’s “Back from Iraq: The Veterans’ Stories Project” uses a course-based model and Web 2.0 strategies to empower and train Iraq veterans to complete in-depth audio and text portraits of fellow Iraq veterans.
- WXXI in Rochester, New York, through its project “Overcoming Barriers to Civic Participation,” is examining ways to use the internet to provide the deaf and hard-of-hearing with full access to information about political candidates and election issues.

In addition, as long-standing institutions in their communities, local public television stations have well-developed grassroots outreach systems and close ties with a variety of local community organizations on which stations draw to enhance their service to the public. As just one example, WOSU in Columbus, Ohio used a recent digital television consumer assistance grant from the Federal Communications Commission (FCC) to team with the Central Ohio Area Agency on Aging and the LifeCare Alliance to train their staff and volunteers to install converter boxes in homes and senior residences.

According to FCC data, more than 90 percent of the United States *has access to* broadband, but fewer than 60 percent of Americans have *adopted* broadband. A 2008 study by Pew on home broadband adoption showed that among non-internet users—a significant portion of potential broadband users—the top barriers to widespread adoption are usability and relevance; simply put, many people either find connecting to the internet frustrating or difficult, or don't see how it would enhance their lives.<sup>3</sup> Local public television stations, with their well established outreach capabilities and demonstrated ability to create innovative online content and applications, are poised to assist the NTIA in achieving its goals of expanding broadband education and awareness and stimulating the demand for broadband.

## COMMENTS

APTS urges NTIA to adopt rules and policies for the BTOP that would recognize the capabilities of local public television stations to educate the public about broadband and create content and applications to stimulate demand for broadband, and that would enable public

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<sup>3</sup> Pew Internet & American Life Project study, Home Broadband Adoption 2008, July 2008, available at [http://www.pewinternet.org/~media/Files/Reports/2008/PIP\\_Broadband\\_2008.pdf](http://www.pewinternet.org/~media/Files/Reports/2008/PIP_Broadband_2008.pdf)

television stations to participate in the BTOP. Funding these efforts would advance the goals of the BTOP and the Recovery Act.

I. NTIA Should Prioritize Applicants That Demonstrate Certain Factors, Including Nonprofit Status and History of Public-Private Partnerships.

*4.a. What factors should NTIA consider in establishing selection criteria for grant awards?*

*7.a. What selection criteria should be applied to ensure the success of this program [grants for innovative programs to encourage sustainable adoption of broadband service]?*

In considering the selection criteria for its grant awards, including the not less than \$250,000,000 in grants for “innovative programs to encourage sustainable adoption of broadband service,” NTIA would best ensure the achievement of its goals by giving priority consideration to applicants who fulfill the following criteria:

- Nonprofit Status. As Congress noted in explicitly granting eligibility to nonprofit entities in the Recovery Act,<sup>4</sup> nonprofits are ideally suited to fulfill the goals of BTOP and the broader Recovery Act. Nonprofit organizations, such as public television stations, have the greatest potential to multiply the effect of stimulus funding through their strong links with vulnerable populations and connections to what the Recovery Act terms “community anchor institutions.”
- Length of Service and History of Public-Private Partnerships. The best way to ensure the success of this program, one of the largest public-private partnerships in history, is to entrust resources in the hands of those entities that have long histories of successful public-private partnerships. For example, public television stations have a more than 40-year history of leveraging federal funding to engage states, localities, corporations, foundations, and individuals to contribute toward their efforts. The fruits of this partnership can be seen every day in the programming and services offered by local public television stations. On a broader scale, recent partnerships between the federal government, public television, and other for-profit and nonprofit entities have led to a substantial infrastructure buildout and consumer education campaign around the digital transition, as well as the development of the Digital Emergency Alert System (DEAS). Through the DEAS, the Federal Emergency Management Agency and

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<sup>4</sup> American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. 111-5, § 6001(e)(1)(B).

the Department of Homeland Security are utilizing public television's existing infrastructure to enhance their public alert and warning capabilities.

- Trust of and Strong Ties to Community. As discussed above, a significant imperative of the BTOP is to increase adoption of broadband by helping the public understand its relevance and recognize its potential to enrich their lives. Organizations that have strong ties to, and the established trust of, their communities, are best-equipped to achieve this goal. Public television stations have a long history in engaging their local communities on the important issues of the day. As the nation faces these difficult financial times, stations are using their outreach experience, position of trust and local ties to engage their communities in ways that better prepare them to face and survive this troubled economy. For example, KETC in St. Louis, through its program *Facing the Mortgage Crisis* and coordinated outreach, mobilized a community facing double-digit increases in foreclosure rates and helped to connect those in need of help with those who are able to help.
- Access to Multiple Platforms. To maximize the value of the stimulus funding, grant recipients should be able to reach the public through a variety of avenues. Public television stations together can reach more than 99 percent of the American public over the television airwaves, but they also have extensive experience in utilizing the internet and grassroots outreach to broaden the impact of their programming. For example, spearheaded by a national program on Alzheimer's Disease (*The Forgetting*), public television stations joined forces with hospitals, retirement centers, social service agencies, the Alzheimer's Foundation and others to provide written and broadcast information, town meetings, specialized websites, and telephone hotlines to assist people with Alzheimer's, their caregivers, and relatives.

## II. NTIA Should Not Impose a Match Requirement On Nonprofit Entities With Educational Missions that Certify to Financial Need.

*9.a. What factors should an applicant show to establish the "financial need" necessary to receive more than 80 percent of a project's cost in grant funds?*

APTS recognizes the purpose of the Recovery Act's general provision that the federal share of funding for any proposal may not exceed 80 percent of the total grant.<sup>5</sup> Requiring for-profit entities to contribute a portion of funding for a project both stimulates the economy and incentivizes for-profit entities to advance projects that are likely to be sustainable in the longer

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<sup>5</sup> ARRA § 6001(f).

term. However, in allowing for an increase in the Federal share beyond 80 percent if the applicant petitions NTIA and demonstrates financial need,<sup>6</sup> Congress recognized that there would be instances where a match requirement may serve to exclude entities that are uniquely suited to advance the goals of the BTOP. Certainly, a match requirement would constrain and perhaps prohibit the participation of many resource-starved nonprofit entities. Thus, APTS recommends that nonprofits with educational, cultural, or public safety missions who demonstrate financial need should be entitled to a waiver of the match requirement. Such a waiver would be entirely consistent with the express language of the Recovery Act.

Where nonprofit entities are situated to meet the goals of BTOP, financial hardship should not prevent them from providing this public service. For example, it is likely that many public television stations would be interested in applying for portions of the BTOP funding. However, these stations are also facing substantial reductions in the non-federal funding sources—state, local, foundation, corporate, and individual—that make up approximately 85 percent of their budgets. Given the dire financial straits in which many stations find themselves, if a match is required for them to participate in BTOP, these stations— which have unmatched expertise in developing innovative online content and engaging their communities around outreach initiatives— would have to remain on the sidelines.

There is precedent for public television stations receiving zero-match federal grants in the Rural Utilities Service Public Television Digital Transition Grant Program, through which stations are able to fund purchases of digital equipment to ensure that rural communities have

<sup>6</sup> *Id.*

access to the full benefits of the digital transition.<sup>7</sup> Grant matches are not required because of the recognition of the invaluable services that local public television stations provide and the realization that requiring a match would inhibit the ability of local stations to extend their digital services into rural areas.<sup>8</sup> These same principles apply in the case of the BTOP. Local communities stand to benefit greatly from the innovative content and outreach services that public television stations can provide, but a match requirement would constrain the ability of stations to participate in the program and advance its goals. Thus, APTS suggests that provision for a waiver of the match requirement for public television stations and other education-focused nonprofit organizations is appropriate and needed.

### III. Applicants Should Not Be Required to Serve More Than One Purpose of the Recovery Act.

*1.b. Should applicants be encouraged to address more than one purpose?*

*4.e. Should priority be given to proposals that address several purposes, serve several of the populations identified in the Recovery Act, or provide service to different types of areas?*

The five purposes of the BTOP as stated in the Recovery Act represent a diverse set of aims: to provide access to broadband service to consumers in unserved and underserved areas; to provide broadband education, awareness and training to schools, libraries, medical and healthcare providers and a wide range of other facilities and individuals; to improve access to

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<sup>7</sup> 7 C.F.R. § 1740.5.

<sup>8</sup> See, e.g., Press Release, U.S. Department of Agriculture, USDA Rural Development Awards Almost \$5 Million For Public TV Digital Television Grants (Aug. 19, 2008), [available at http://www.rurdev.usda.gov/rd/newsroom/2008/8-18-2008\\_tv\\_digital\\_grants.pdf](http://www.rurdev.usda.gov/rd/newsroom/2008/8-18-2008_tv_digital_grants.pdf) (quoting Agriculture Under Secretary for Rural Development Thomas C. Dorr: “Public television stations are a vital link to rural communities, providing local news, emergency and educational programming. The funding announced today will ensure that rural citizens continue to receive essential public broadcasting.”).

and use of broadband by public safety agencies; and to stimulate the demand for broadband, economic growth, and job creation.<sup>9</sup> While these purposes can be reinforcing, they are distinct and separate, and require expertise in a range of different areas. In order that these purposes are addressed most successfully, NTIA should focus on funding the best grant recipients for each function, and enhancing diversity in the pool of recipients, rather than placing priority on applications simply because they may address multiple purposes.

There will certainly be applicants that are ideally suited for certain activities. For example, local public television stations have a strong history of community outreach and engagement that would be a tremendous asset to the BTOP as it seeks to find community partners to drive up local demand for broadband. Additionally, local public television stations might place applications based on their ability to create innovative content and applications to entice new users to broadband. NTIA should be looking to fund projects that fully maximize the varied and diverse resources available in local communities. It would be a mistake to look past those with expertise in one or two areas in favor of applicants that can accomplish partial success in all of the goals of the program.

With a program as large, and with such diverse goals as the BTOP, Congress did not intend that applicants would need to address all the elements and goals of the program. Rather, it envisioned a variety of entities—state, local, nonprofit, for-profit—working together to achieve these goals and broaden the reach of the funding. NTIA should encourage many diverse applicants with specializations and strengths in targeted areas to apply for funding in an effort to put resources behind the best experts in the field.

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<sup>9</sup> ARRA § 6001(b).

IV. The Term “Underserved” Should Take Into Account Areas Where Broadband Adoption Is Occurring At Below-Average Levels.

*13.a. For the purposes of the BTOP, how should NTIA, in consultation with the FCC, define the terms “unserved area” and “underserved area?”*

In order to best achieve the goals of the BTOP, NTIA should adopt a broad definition of “underserved,” that would encompass areas, including urban areas, that might have competition in broadband but in which adoption is disproportionately low, particularly by minority, elderly, and other vulnerable populations. The ultimate mission of the program should be ubiquitous usage in all communities and within all populations. We urge NTIA to consider a variety of factors in evaluating whether an area is “underserved,” including the various factors—speed and capacity, affordability, accessibility, and type of broadband network—that are proposed and discussed at length in the Comments of the National Association of Telecommunications Officers and Advisors (NATOA) et al.

## CONCLUSION

The NTIA has been given a unique opportunity to create and implement a program whose positive effects may be felt by the public for generations to come. We urge the NTIA to adopt rules and policies for the BTOP that enable public television stations and other education-minded nonprofit institutions to assist in bringing the benefits of broadband to all Americans.

Respectfully submitted,

/s/

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