

**Testimony of Willard D. (“Wick”) Rowland, Jr., Ph.D.  
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Before the House Committee on Energy and Commerce  
Subcommittee on Communications, Technology, and the Internet  
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Mr. Chairman and Ranking Member Stearns, thank you for inviting me to testify before you today on behalf of my station, Colorado Public Television (KBDI) in Denver, Colorado, and the Association of Public Television Stations (APTS). The reauthorization of the Satellite Home Viewer Extension and Reauthorization Act (SHVERA), which, among other things, governs the transmission of local public television signals to millions of direct broadcast satellite (DBS) viewers, is of great importance to the 364 public television stations across the country. It also will bear directly on the future of public broadcasting in the digital era.

This matter is of particular interest to KBDI, because of the unique character of our community-oriented services and our efforts to reach out to the entire state of Colorado. KBDI is located in Five Points, the historically African-American and Latino neighborhood in North Denver, and over the years under the banner “World View, Community Voice” we have steadily developed a wide range of local and international programming that serves 85 percent of Colorado’s population.

KBDI offers a great deal of local public affairs programming—eight to nine shows a week from a variety of political perspectives and for diverse audiences. Also each election season we provide the greatest amount of candidate and ballot issue debate programming of any television station in the state. During the 2008 election season our series, “Colorado Decides,” aired debates for most of the U.S. congressional district races, the nationally prominent Senate race (twice) and all the major statewide ballot referenda and initiatives. Altogether last year, including the campaign-oriented topics of our regular weekly shows, KBDI provided 86 original hours of candidate and issue programming; with repeats it was a total of 136 hours.

One of KBDI's foremost long-term strategic planning goals is to extend all that political coverage to the entire state, and to be sure as well that any carrier of our signal anywhere in the state, including in the greater Denver Metro area, includes the full multicast array of our services.

As Congress looks to reauthorize SHVERA, there are three issues that are of particular interest to public television stations. Our primary concern, and the one I will spend the most time on today, is that currently a large portion of DBS customers have no access to public television stations' extensive and valuable multicasting services. Another pressing issue for public broadcasters is the fact that DBS viewers in more than 50 smaller and often rural markets cannot receive even the primary offerings of their local public television stations. Finally, I would like to call the Committee's attention to an issue that is unique to public television and which hinders our statewide broadcasters' ability to serve all DBS subscribers in their states, thereby undermining our local mission.

### **DBS CARRIAGE OF MULTICAST SERVICES**

As you are aware, SHVERA does not address DBS carriage of local broadcast stations' multicast offerings. Public television stations nationwide were early adopters of digital technology and have been at the forefront of developing content and maximizing the new digital capacity to serve our core missions of localism, education and diversity. Public television stations are utilizing their multicasting capabilities to provide dedicated channels for public affairs programming, for educational services and for programming designed to reach underserved audiences.

For example, WFSU in Tallahassee partners with the Florida State Legislature to offer the Florida Channel, a public affairs network that is carried by several public television stations in the state. The Florida Channel features live, gavel-to-gavel coverage of the state Senate and House of

Representatives, as well as other local electoral and public affairs coverage. Georgia Public Broadcasting, which operates nine full-power stations throughout the state, airs GPB Knowledge, a digital channel featuring quality educational content for teachers and students, as well as documentaries, public affairs and lifestyle programming. My station in Denver serves our globally minded audience by using one multicast stream to offer a documentary channel, featuring the works of independent documentary filmmakers, and another stream to provide a lineup of news, foreign affairs, music, sports and arts programs from around the world. In time we expect to have a total of four multicast services.

However, without carriage on all multichannel video platforms, this content is lost to millions of taxpayers who have invested their hard-earned dollars in public broadcasting. Almost exactly one year ago, APTS, PBS and DIRECTV reached a landmark agreement which allows DIRECTV's nearly 17 million subscribers to access a broad array of public television's digital services. Public television is cognizant of the DBS providers' concerns about capacity limitations and worked with DIRECTV on creative solutions to ensure that subscribers have access to the myriad content and services provided by the local stations. The agreement provides that in each market in which it provides high-definition (HD) local channels, DIRECTV will carry either an HD signal or two standard-definition (SD) streams from each station, at the station's option. In addition, DIRECTV will carry two national SD feeds featuring educational programming with local stations' identification on the Electronic Programming Guide. In the future, DIRECTV will provide public television stations the ability to offer additional localized programming through dedicated on-demand services to its new MPEG4 receivers, which are equipped with broadband connections. For example, KBDI will be able to offer on-demand access to all our weekly local public affairs program and political campaign coverage on DIRECTV. Finally, in markets where DIRECTV is not yet offering local broadcast signals, it will provide stations with marketing

materials regarding an offer for an antenna and ATSC tuner so many customers can gain access to local signals over-the-air.

Public television also has implemented beneficial carriage agreements with the National Cable and Telecommunications Association (NCTA), the American Cable Association (ACA), and Verizon so that households that receive their video programming through cable or fiber will have access to their local public television stations' multicast offerings. However, there remain nearly 14 million Dish Network subscribers across the country who do not have those benefits. Public television has tried for years to reach a carriage agreement with Dish Network, but to date we have been unsuccessful. As was the case with our negotiations with DIRECTV, APTS acknowledges that full multicast carriage poses a potential capacity constraint for Dish Network. However, we have urged Dish Network to consider creative solutions similar to those in the DIRECTV agreement that will provide viewers with the digital advantages of more locally produced content delivered over multicast streams while still respecting reasonable limitations on Dish Network's capacity. The DIRECTV deal proved that these goals are attainable. In the meantime, however, as we await an agreement with Dish Network, its subscribers are denied the high quality educational, cultural and public affairs multicast programming offered by their local public television stations.

To remedy this situation, during the last Congress, Representative Anna Eshoo introduced H.R. 4221, the Satellite Consumers' Access to Public Television Digital Programming Act of 2007, which would mandate DBS carriage of public television stations' complete digital signals where no private agreement between the DBS provider and the local station has previously been reached. We greatly appreciate the work of Representative Eshoo and the bill's co-sponsors, including Representatives Engel, Gonzalez, Hill, Schakowsky, Braley, Green and others, to try to ensure that all DBS subscribers

have access to the content and services offered by their local public television stations. We urge that this important legislation be considered as part of the SHVERA reauthorization.

### **DBS CARRIAGE OF LOCAL PUBLIC TELEVISION SIGNALS IN ALL MARKETS**

As you know, SHVERA does not require that DBS providers carry local broadcast signals in all of the areas they serve. As a result, viewers in more than 50 smaller and often rural markets—including portions of both of your districts, Mr. Chairman and Mr. Ranking Member— cannot receive even the primary offerings of their local public television stations through one or both DBS providers.

In most parts of this country, local public television stations are the last truly locally owned and operated television stations. Public television is strongly and irrevocably committed to the principle of localism and to translating that commitment into practice and programming that enables residents of communities they serve to cope with local problems and engage in the civic life of their towns, cities and states. Despite their limited resources and the fact that it costs a public television station at least *20 times* as much to produce its own programming as it does to acquire it from the Public Broadcasting Service (PBS) or another supplier, public television stations are producing and airing a wide array of programs focused specifically on their local communities and the issues that affect them. All the local KBDI programming I have already described is but a microcosm of the full story. Nearly all the 174 public television licensees around the country provide similar and variously rich mixtures of locally-produced public affairs, educational and cultural programming. As the Government Accountability Office has noted, many public television stations are the only source in their communities of local programming unrelated to news or sports.

As stations transition to digital-only broadcasting and production, and as they invest in greater local capacity and services, local carriage by all video providers is critical to ensure that Americans have access to the fruits of their financial commitment. Public television calls on Congress to renew its commitment to localism by ensuring that DBS customers in every market are able to view, through some mechanism, their local public television stations as soon as reasonably practicable.

### **STATEWIDE NETWORKS' ABILITY TO REACH DBS SUBSCRIBERS THROUGHOUT THE STATE**

The final SHVERA issue I would like to address today is one that is, as far as I am aware, unique to public broadcasters. As you know, SHVERA establishes a copyright license that enables DBS providers to retransmit, within a Designated Market Area (DMA), local stations located in that DMA. In many states, state governments or community foundations operate statewide or regional networks made up of several public television stations. These networks are charged by statute or mission with reaching all viewers in their state or region. However, because the SHVERA carriage regime is based on the DMA system, many of these networks cannot be carried by DBS providers in certain portions of their states because they do not have a full-power transmitter in each DMA reaching into the state.

For example, Wyoming is divided among seven DMAs that include Wyoming and portions of six other states: Utah, Idaho, Montana, Iowa, Nebraska and Colorado. Wyoming Public Television, which is licensed by a state university, has three full-power stations, all located in the Casper-Riverton DMA, and serves the rest of the state with translator stations. Because DBS providers lack a statutory copyright license to retransmit Wyoming Public Television in the other six DMAs, the network can reach only 45 percent of its state population through DBS carriage. The rest of the state receives either

out-of-state public television stations or—in several of the DMAs—no local public television signals at all.

Wyoming is the most severe example, but this problem affects state or regional public television networks in at least 18 states, from Louisiana to Nebraska and from North Carolina to Oregon, and implicates counties encompassing more than a million households. In many situations, these are rural areas with difficult terrain where DBS is the best option for viewers to receive their local television stations. Additionally, because of the challenges of digital conversion, many small cable systems have since closed down, leaving towns in these areas without cable service. This further highlights the necessity of ensuring that homes in these areas can receive the signal of their local statewide public broadcaster through satellite service.

State or regional public television networks are charged by their state legislatures to provide statewide services including news and information, public affairs, K-12 services to schools, higher education, workforce services and emergency response information. Statewide public television networks typically receive funding from their states to provide these unique programming services in return for their pledge to serve all citizens of their states. Public television's statewide networks take this mandate very seriously. When DBS carriage does not cover all state residents, citizens of the state do not receive the promised benefit of their state licensee's programming and services. That is not acceptable.

As this committee looks toward reauthorizing and refining SHVERA, it is our hope that public television can work closely with you, Mr. Chairman, and the other members of the committee to find a solution to ensure that DBS providers are able to retransmit state or regional public television networks to all viewers within their state or region.

## **FEDERAL FUNDING**

Finally, I would be remiss if I didn't stress the importance of federal funding for public broadcasters. Federal funding is essential to public broadcasters' ability to deliver quality local service to all Americans, including the millions of viewers that receive their local signal through DBS. Federal funding is more critical now than ever before as public broadcasting is rolling out new digital content and services and fulfilling its core objectives of education, localism, and diversity, while simultaneously facing the greatest economic challenge in its 42-year history. To that end, we ask for the support of members of this authorizing committee for increased federal funding to offset the dramatic declines in anticipated revenues from other sources of funding—states, individual contributions and corporate underwriting—that constitute 85 percent of public broadcasting's total operational revenue. Such increased support will be essential to realize the promise of public broadcasting as it seeks to provide its unique educational content across all platforms including over-the-air broadcasting, satellite, cable and the internet.

Again, thank you for inviting me to participate in today's hearing. All of us in public television look forward to continuing to work with you as you examine SHVERA reauthorization, our funding requests and other issues of importance to public broadcasters in the exciting new media world unfolding before us and which public broadcasting can do much to help shape.