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In the Matter of: :  
CABLE ROYALTY DISTRIBUTION - 1982, : CRT Docket 83-1  
Phase I :

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(This volume contains pages 103 through 174)

2000 L Street, Northwest  
Room 500  
Washington, D. C.

Wednesday, July 18, 1984

The hearing in the above-entitled matter commenced  
at 10:05 a.m., pursuant to adjournment.

BEFORE:

|                    |              |
|--------------------|--------------|
| THOMAS BRENNAN     | Chairman     |
| DOUGLAS E. COULTER | Commissioner |
| EDDIE RAY          | Commissioner |
| MARIO F. AGUERO    | Commissioner |
| MARIANNE MELE HALL | Commissioner |

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P R O C E E D I N G S

(10:05 a.m.)

COMMISSIONER BRENNAN: The hearing will resume.

Mr. Lane.

MR. LANE: Thank you, Mr. Chairman.

Yesterday Mr. Cooper was asked to provide for the record numbers concerning the television households being in use, I think it was, or all television households in the markets for certain programs. And we have prepared an exhibit which I would like to have marked as Settling Parties' Exhibit No. 12, which responds to this request.

COMMISSIONER BRENNAN: Without objection, so ordered.

(Whereupon, the document was marked for identification as Settling Parties' Exhibit No. 12.)

MR. LANE: If I may, Mr. Chairman, I would like to call Mr. Cooper back to the stand to just have him explain what is shown on this exhibit.

COMMISSIONER BRENNAN: We are always glad to recall Mr. Cooper to the stand, we do it quite frequently. Whereupon,

ALLEN R. COOPER

was called as a witness and, having been previously duly sworn, was examined and testified as follows:

FURTHER DIRECT EXAMINATION

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1 BY MR. LANE:

2 Q Mr. Cooper, do you recall yesterday being asked  
3 by Mr. Adams the number of television households in the  
4 markets for particular programs?

5 A Yes, sir.

6 Q And was this exhibit prepared in response to that  
7 inquiry?

8 A It was prepared in response to that inquiry, and  
9 to other inquiries that developed during the course of my  
10 testimony relating to the significance of the BMS ratings  
11 and the one ratings, which I said were rounded numbers.  
12 And there was some controversy as to whether, for example,  
13 a rating of one meant 0.5 or 1.4.

14 Q And would you explain, first of all, what is  
15 shown in the first column, number of TV households, in  
16 this exhibit?

17 A Yes, as indicated in the heading for this exhibit,  
18 these are the TV households in the designated market areas  
19 of the selected program station lineups. In Exhibit 1,  
20 we indicated, for example, the 700 Club in February of 1982,  
21 was carried by 115 stations, in 106 markets. The number  
22 of households in those 106 markets is shown on Exhibit 12  
23 to be 63,835,140, or 78 percent of all US TV households.

24 Similarly, we have provided those data for all  
25 of the programs that were included in Exhibit 1, plus

1 the comparable data for the Wild Kingdom program, about  
2 which I testified yesterday.

3 Q Mr. Cooper, the last two -- well, let's just take  
4 the third column first, under the rating, would you explain  
5 what the percent of US column identifies there?

6 A Yes, sir, the percent of US reflects the viewer-  
7 ship of each of these programs as a percentage of all US  
8 television households. In other words, the 700 Club in  
9 February was viewed in 0.4 percent of all US TV households.

10 Q Mr. Cooper, is it fair to say that this is the  
11 unrounded number, as compared to Exhibit 1, just taking  
12 the 700 Club where we showed BMS yesterday, this would be  
13 the actual figure?

14 A No, sir. No, the numbers that were shown in  
15 Exhibit 1 are the ones for the column to the right of that,  
16 which is the percent of DMA; DMA means the rating as a  
17 percentage of the TV households within the markets where  
18 the program was broadcast. In the case of the 700 Club  
19 and other programs with very large lineups, the percent  
20 of US and the percent of DMA are generally equivalent.

21 For example, in the percent of DMA column for the  
22 700 Club, the figure for February, May and July is 0.4  
23 percent, which since that is less than 0.5 percent, is  
24 shown on Exhibit 1 as BMS. On Exhibit 1 we show a one  
25 rating for 700 Club in November; the actual unrounded

1 figure was 0.5 in November for the 700 Club. And compar-  
2 ably, all of the numbers that were in Exhibit 1 with  
3 respect to ratings, unrounded, are now shown under percent  
4 of DMA column.

5 Q And you have done that for Wild Kingdom, as well,  
6 have you not?

7 A Yes, sir.

8 MR. LANE: I have no further questions.

9 COMMISSIONER BRENNAN: Mr. Adams?

10 MR. ADAMS: No questions.

11 COMMISSIONER BRENNAN: Thank you, Mr. Cooper.

12 (Whereupon, the witness was excused.)

13 COMMISSIONER BRENNAN: Our next witness is Mr.  
14 Ward Chamberlin.

15 Would you please come forward, Mr. Chamberlin?  
16 Whereupon,

17 WARD CHAMBERLIN

18 was called as a witness and, having first been duly sworn,  
19 was examined and testified as follows:

20 COMMISSIONER BRENNAN: Mr. Bechtel.

21 MR. BECHTEL: Thank you.

22 If it please the Tribunal, my name is Gene  
23 Bechtel, I am counsel for PBS in this proceeding. I am  
24 joined at the counsel table by Jack E Weiss, who is Deputy  
25 General Counsel of PBS.



1 I have one or two preliminary matters, before  
2 proceeding with our direct examination of Mr. Chamberlin.  
3 Number one, I would like to offer in evidence Settling  
4 Parties' Exhibits 1 through 5 as identified on the record  
5 yesterday.

6 COMMISSIONER BRENNAN: Without objection, so ordered.

7 (Whereupon, Settling Parties' Exhibits  
8 1 through 5, having been previously  
9 marked, were received in evidence.)

10 MR. BECHTEL: We will identify this morning through  
11 Mr. Chamberlin, Exhibits 6 through 11, and I will offer  
12 them at the conclusion of his testimony.

13 (Whereupon, Settling Parties' Exhibits  
14 6 through 11 were marked for identifi-  
15 cation.)

16 MR. BECHTEL: Secondly, yesterday Mr. Adams asked  
17 Mr. Cooper questions about the percentages of commercial  
18 programs that were represented by claims on file with the  
19 Tribunal with regard to program suppliers. And I believe  
20 elicited an answer something to the extent of 98 percent  
21 of the total distant viewing of those programs.

22 We stand ready to furnish that information in  
23 response to Mr. Adams with regard to public television,  
24 should he wish it. I don't believe Mr. Chamberlin would  
25 be the appropriate witness for that kind of specific  
information, but I have it; and if Mr. Adams desires the  
information, and accepts statement of counsel, I will

1 furnish that this morning on the record.

2           The third preliminary item is a comment about the  
3 scope of the proofs that we are offering here through our  
4 exhibits and through our witness. There are extensive  
5 previous records of the proofs with regard to the factors  
6 in the distant cable marketplace of benefit to the cable  
7 operators, of harm to the copyright owners and the public  
8 television field of the marketplace value, or substitutes  
9 for marketplace value, of quantities of distant carriage,  
10 numbers of signals, quantities of program time and evidence  
11 of that nature. We are not offering our exhibits, or Mr.  
12 Chamberlin in anyway to supplement that, or to bring that  
13 record up-to-date.

14           We are leaving the existing record before the  
15 Tribunal in the state that it is, and we will present our  
16 proposed findings and conclusions without an attempt to  
17 buttress that, or change it in anyway here today.

18           Why we are here today is this, there has been a  
19 recurring theme in the briefs filed by the religious  
20 programming claimants in this proceeding that they have a  
21 similarity with their programs and operation to Public  
22 Television and its programs and operations. And we are  
23 here not to attack that claim, or to attack their programs  
24 or structure in anyway, we are here to give you exhibits  
25 and a witness who will tell what we are. And then next

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1 Monday and Tuesday you will have their exhibits and witnesses  
2 to tell you what they are, and then you can resolve that  
3 issue yourself.

4 DIRECT EXAMINATION

5 BY MR. BECHTEL:

6 Q Would you state for the record, sir, your name  
7 and residence address?

8 A My name is Ward Chamberlin, and I reside at 3104  
9 P Street, in the District of Columbia.

10 Q I direct your attention to the book of exhibits  
11 and specifically what is marked as Settling Parties'  
12 Exhibit No. 6. Do you have that before you?

13 A I do.

14 Q The first three pages of that exhibit consists of  
15 biographical statement of Ward B. Chamberlin, Jr., is that  
16 you?

17 A It is, indeed.

18 Q Now, on the first page you detail some of your  
19 positions --

20 COMMISSIONER BRENNAN: Excuse me, Mr. Bechtel,  
21 just a moment. Off the record.

22 (Discussion off the record.)

23 COMMISSIONER BRENNAN: Mr. Chamberlin, if you  
24 want to give any technical advice, based upon your  
25 experience, feel free to do so.

1 THE WITNESS: No, I am sure he knows much more  
2 about it, than I do.

3 BY MR. BECHTEL:

4 Q You detailed your public television experience  
5 and broadcasting experience. I am going to come back to  
6 that in just a minute, but I ask you to go to the second  
7 page, if you would.

8 A (Perusing documents.)

9 Q Under Awards you referred to the John Phillips  
10 Award from the Trustees of Phillips Exeter Academy, what  
11 is that award?

12 A Well, that is an award given by the school that  
13 I went to, to the alumnus who they think in that particular  
14 time had made outstanding contributions to American  
15 society -- it is a little embarrassing to discuss it, but  
16 I was delighted to receive that distinguished award.

17 Q Skip then to the Catholic University Public  
18 Service Award, 1982; briefly, what was the basis of that  
19 award?

20 A Well, the basis for that award from Catholic  
21 University, here in Washington, was an award -- every year  
22 they give five or six people who they consider have made  
23 contributions to the Washington community, and I was  
24 fortunate enough to be one of their selectees in 1982.

25 Q Page three, trustee, Princeton University, during

1 what period were you trustee at Princeton University?

2 A That was 1978 to 1982.

3 Q Now, let's go back to the first page, and I am  
4 going to start under Broadcasting Experience with the  
5 paragraph on the bottom, "Vice President of the Corporation  
6 for Public Broadcasting". First off, what is the Corpor-  
7 ation for Public Broadcasting?

8 A Well, the Corporation for Public Broadcasting was  
9 authorized by the legislation in 19 -- the Public Broad-  
10 casting Act of 1967 to be the recipient of federal monies  
11 that were flowing into public broadcasting. It had stemmed  
12 from the first Carnegie Report that had been authorized  
13 by President Johnson, a bipartisan report to look at  
14 whether public television was something that should be  
15 developed in the interest of this country, and if the  
16 answer to that was affirmative, whether federal money  
17 should flow into it.

18 And it was determined by the Congress, and by  
19 the President then that the answers to those questions  
20 were yes, and that the federal monies should flow to the  
21 Corporation for Public Broadcasting, rather than flowing  
22 to either production units, or stations directly, and that  
23 the Corporation would then determine how that federal  
24 money could best be used for the subsequent development  
25 and strength of public broadcasting.

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1 Q Does CPB produce programs itself?

2 A No, it does not.

3 Q Its current president is Mr. Fister?

4 A Edward Fister.

5 Q Its current Board Chairman is?

6 A Mrs. Sharon Rockefeller.

7 Q And its headquarters is located on 16th Street,  
8 here in Washington?

9 A Correct.

10 Q Now, address your attention to the second para-  
11 graph on page one of your biography where you refer to  
12 Public Broadcasting Service, what is the Public Broadcast-  
13 ing Service?

14 A Well, the Public Broadcasting Service, or PBS as  
15 it is known as, is a membership organization, the members  
16 of which are all of the public television stations across  
17 -- all of the public television licensees across this  
18 country, and they organize the Public Broadcasting Service  
19 to distribute programs to the member-stations, to help  
20 organize, but not produce programs themselves; help  
21 organize the production of programs that would meet the  
22 needs of our public television audiences, and to schedule  
23 those programs over the distribution system.

24 Q PBS does not produce programs?

25 A No, it does not.

1 Q The governing body of PBS?

2 A Is made up of representatives of the member-  
3 stations, a mixture of public television managers and the  
4 lay leadership of a number of stations who are chairman  
5 of the boards of the various stations around the country.

6 Q Have you served on that board, sir?

7 A I have.

8 Q The current president of PBS?

9 A The current president of PBS is Bruce Christianson.

10 Q Replacing recently?

11 A Replacing recently Lawrence K. Grossman, who went  
12 to head NBC News.

13 Q The current board chairman of PBS is?

14 A The curent board chairman is Dallan Oaks, who is  
15 a member of the Supreme Court of the State of Utah.

16 Q And the headquarters of that organization is  
17 L'Enfant Plaza?

18 A Yes.

19 Q Who produces programs on the public television?

20 A Well, public television production is done by a  
21 number of sources; the prime source of production of public  
22 television programs is by a number of member-stations of  
23 PBS. The leading producers of the programs are the Boston  
24 station, WGBH; the New York station, WNET; the Washington  
25 station, my station, WETA; the Pittsburgh station; the

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1 Los Angeles station, those are five of the leading pro-  
2 ducers of programs for public television. And a number of  
3 other stations across the country produce a number of pro-  
4 grams, and of course, we acquire programs from whatever  
5 sources are available for the kinds of programming that  
6 we think are attractive for our public television audiences,  
7 whether those abroad, or in this country.

8 Q Can you skip back for just a moment to Exhibit 9?

9 A (Perusing documents)

10 Q This is entitled Illustrative Sources of Public  
11 Television Programs, 1982. I am going to ask you to just  
12 go through that and repeat again the five you referred to,  
13 and perhaps any others that might ring a bell with you,  
14 as major producing stations.

15 A Well, on the first page you will see KCET, which  
16 the Los Angeles station that produced Cosmos and other  
17 things in a different year, and the programs that are  
18 listed there.

19 You will see on page two, WETA with quite a list  
20 of programs that we produced in that particular year. You  
21 will come along and see, on page five, WGBH, Boston, with  
22 programs that they produced, many of these are series  
23 programs that cover many weeks of programming. And then  
24 you come to New York, on page seven, WNET, with the many  
25 programs that they have produced -- about 20 percent of



1 the schedule is produced by WNET, of the prime time schedul-  
2 ing. In Pennsylvania you will see Pittsburgh, WQED.

3 In South Carolina there is a strong producer of  
4 programs for the national network. And you will see from  
5 that exhibit that there are many stations that contribute  
6 one program or two, they may produce in a given year, they  
7 may not have a great production staff, but they may be  
8 good at producing a particular program that may illustrate  
9 something of their region of the country.

10 Q For a period of time you were employed by WNET  
11 in New York?

12 A That's correct.

13 Q What were your duties there?

14 A Well, back in 1970, there was a production center  
15 called National Educational Television, which was funded  
16 primarily by the Ford Foundation, and there was a station  
17 in New York called WNDT. And a number of us determined  
18 that it was a good thing to put that production center  
19 together with the station, to form what is now WNET. And  
20 I went in as Executive Vice President to put that merger  
21 together, and to get that company moving on the new basis  
22 of both production and being Channel 13 in New York.

23 Q When did WETA-Television commence operation?

24 A It started operations about 23 years ago, which  
25 would have been 1961, I think.

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1 Q And when did you join WETA?

2 A I joined it in 1975, nine years ago.

3 Q Your role there?

4 A President and Chief Executive Officer.

5 Q Outline very briefly the principal PBS-distributed  
6 programs produced at WETA.

7 A The MacNeil/Lehrer News Hour, we co-produce with  
8 WNET in New York; the Washington Week in Review; the Law-  
9 makers; Smithsonian World -- what else am I missing?  
10 Those are about the four major programs that we produce.

11 Q Would you --

12 A For the national network, we produce a number of  
13 local programs as well, for our local audience, but those  
14 are programs that we produce for the national system.

15 Q For the national system have you also produced  
16 some specials, from time-to-time?

17 A Oh, yes, we have produced a number of specials,  
18 for example, we produced on the 4th of July a program  
19 involving the National Symphony's Concert on the Mall with  
20 James Gallaway and the National Symphony, which was a very  
21 successful program, had wide distribution in this country.  
22 We produce In Performance at the White House, with -- we  
23 have done that for four or five years. We are not pro-  
24 ducing it at this time because of the presidential election  
25 which is coming up, but we hope to do it again, for whoever

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1 our next president is. And we have had in that series,  
2 Baryshnikov, Horowitz, Leontyne Price, Willie Nelson,  
3 Dizzy Gillespie -- these have been marvelous performers  
4 who have been asked by -- whether it was President Carter,  
5 or President Reagan to perform at the White House, and it  
6 was thought that the American people might -- should share  
7 in this kind of performance, and therefore, we have been  
8 televising those concerts right along, three or four a year.

9 Q What is the name of the licensee of WETA?

10 A The Greater Washington Educational Telecommunica-  
11 tions Association. I got it right.

12 Q Is this known in the public television business  
13 as a, quote, "community licensee"?

14 A Yes, it is.

15 Q What is a community licensee?

16 A Well, we have a number of different kinds of  
17 licensees in public television, since it sort of grew up  
18 helter-skelter. And there are state licensees, there are  
19 school board licensees, there are university licensees --  
20 that is the people who own the licenses. And there are  
21 what are called community licensees, community licensees  
22 means that the license to broadcast this special kind of  
23 television and radio is regarded as a community possession,  
24 it is owned by the community. And it is owned by the  
25 community in our case, we are a membership association and

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1 the members of our board -- we have a large board of about  
2 50 people who are elected because they are representative  
3 of many different elements in the Washington-Metropolitan  
4 community, and that board is the ultimate -- the people  
5 who are ultimately responsible for the operation and for  
6 the programming, and the objectives of Channel 26.

7 Q How many members do you have?

8 A Fifty members.

9 Q How many members do you have on the association?

10 A It is the same, the members of the board are the  
11 members -- well, let me just restate that. The members of  
12 -- it is a membership corporation, and the members are the  
13 members of the board. We also have another kind of member  
14 which are the 135,000 families who contribute \$20 or more  
15 a year to WETA, and they are -- we call them members, also.

16 Q Now, when you elect members to the board, the  
17 50 members of the board, are some of those members elected  
18 by the 135,000?

19 A Fifteen of those are elected by the 135,000 families  
20 that contribute to WETA.

21 Q Do you get a pretty good turnout when you put it  
22 up for vote?

23 A Yes, we had -- last year we had over 20,000 ballots  
24 that we received. So, there is very wide participation  
25 in that election.

1 Q Now, if we can go to Exhibit 6 -- we have had your  
2 biography, and then as you go to the back of that exhibit  
3 there is a four-page listing of the Board of Trustees of  
4 WETA. Do you have that in front of you?

5 A I do.

6 Q Without a whole lot of time, would you just give  
7 us an illustration of a couple of different kinds of  
8 community leaders that are represented here?

9 A Sure, on the first page you see both Leo Bertstein,  
10 who is a prominent banker in Washington, to Elizabeth  
11 Campbell, who founded WETA. On the next page you see  
12 Father George from Georgetown University; you will see  
13 Aaron Goldman, the former head of the Macke Company, who  
14 was chairman of our board, and a leading member of the  
15 Jewish community here in Washington, as well as Max  
16 Kampelman, who is Ambassador Kampelman; Bob Johnson, who  
17 is head of Black Entertainment Television, and who is  
18 also the president of the company that has been prelimin-  
19 arily awarded the franchise for cable television in  
20 Washington; Dr. Arthur Hoyte, from Georgetown University  
21 Medical School, and a member of Mayor Barry's Administra-  
22 tion; you will see ViCurtis Hinton, who is a leading woman  
23 in the black community and been so prominent in so many  
24 causes across the District of Columbia.

25 On page three you will see John Macy, who is

1 head of the Civil Service Commission at one time, and was  
2 the first president of the Corporation for Public Broad-  
3 casting; Ernesto Montemayor of the Hispanic community;  
4 Doris McGinty, who is at Howard University, Chairman of  
5 the Music Department. And on the last page, page four,  
6 J. C. Turner, who is president of the International Union  
7 of Operating Engineers, and a leading figure in the AFL-CIO.  
8 J.C. was originally a member of the board of WETA back in  
9 1961, and we persuaded him to come back and be on the  
10 board again. Gail Winslow, one of the vice chairpersons  
11 of Ferris and Company -- there is quite a mixture of people  
12 who are -- many of whom are prominent in different aspects  
13 of Washington life, and a number of others who are men  
14 and women who have a great interest in public broadcasting,  
15 who may be going about more ordinary lines of endeavor.

16 Q While we are at this point in the book, skip over  
17 the next exhibit for a minute, and get over to Exhibit  
18 No. 8, entitled Public Television Stations, by Type, 1982.  
19 I shant impose on the time of the Tribunal, except to  
20 call your attention to -- and call the Tribunal's attention,  
21 as well, and witness and counsel to the first full pages  
22 of this exhibit which, is it not, a series of listings  
23 of the community licensees in various small and large  
24 towns throughout the United States?

25 A Yes.

1           Q   Is there a similar kind of local community owner-  
2 ship governance in operational control that you have  
3 described for WETA, relative to these?

4           A   Yes, there might be variations in the number of  
5 people that would be on a given board, but basically, --  
6 and the election procedures might be somewhat different,  
7 but the objectives would be the same, and they would  
8 operate substantially the same as the broad-based repre-  
9 sentatives of the community in having the ultimate responsi-  
10 bility for this important project.

11          Q   With regard to the meetings of your Board of  
12 Trustees, are they open to the public?

13          A   They are, indeed.

14          Q   Any reason for that?

15          A   Well, I think there are two reasons for that.  
16 First of all, prior to 1978 or '79, we had our board meet-  
17 ing open, even though there was no legal requirement to  
18 do so. And we did that because we regard ourselves as a  
19 community endeavor and we are anxious to hear what the  
20 community feels about our broadcasting, and to hear comments  
21 from them. So, we always have our board meetings open.  
22 The Public Broadcasting Act of '78 or '79, whichever it was,  
23 then required public television stations to, as part of  
24 the Sunshine laws, to have them open to the public.

25          Q   Mr. Chamberlin, you left the practice of law and

1 the legal profession to get into this business, have you  
2 regretted that?

3 A Well, there are a lot of lawyers in the room --  
4 (Laughter)

5 THE WITNESS: That was the luckiest thing that  
6 ever happened. It is a fascinating business and terribly  
7 interesting. You get frequently well paid for doing some-  
8 thing which we think is a great public service.

9 BY MR. BECHTEL:

10 Q What is your objective in programming at WETA?

11 A Our objective is to bring a wide variety of pro-  
12 gramming that is, for the most part, quite different from  
13 what is on either commercial television, or any other  
14 kind of television, to a broad range of American publics.  
15 I say broad range of American publics, because most of  
16 our programs are not attuned to mass audience, they are  
17 attuned to a number of special audiences which we think  
18 may, for example, be interested in high quality American  
19 drama through American Playhouse; or they maybe interested  
20 in the kind of detailed analysis of the news that is  
21 offered by the MacNeil/Lehrer News Hour, or they maybe  
22 interested in high culture, opera from Lincoln Center  
23 which maybe high culture, but it has an audience that is  
24 surprisingly enough very close to the demographics of this  
25 country.

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1           What we try to do is to bring rather specialized  
2 programming that has some, -- hopefully, some lasting value.  
3 We like to think that our programs -- when you ask people  
4 a week later what they saw on television, that they can  
5 remember some of our programs, and have gotten something  
6 more out of it than entertainment itself, which there is  
7 nothing the matter with.

8           Q    Your secretary showed me a copy of a report that  
9 was submitted to your Community Advisory Council. What  
10 is your Community Advisory Council?

11          A    The Community Advisory Council is another group  
12 of people, members of this community that we established  
13 three or four years ago to consider with us whether the  
14 kinds of programming that we were doing in television,  
15 and also in radio, was meeting to some respect -- in major  
16 respects the needs of the Washington community. And we  
17 put together that Community Advisory Council, also because  
18 it was required by those amendments of the Public Broad-  
19 casting Act in 1978 or '79. Those amendments were really  
20 -- the purpose of them really was to require other kinds  
21 of licensees, university licensees, school board licensees  
22 and others who might not have a broad-based a board as  
23 community licensees, to have a community group that they  
24 had to sort of consult with. But the statute also applied  
25 to community licensees, so in addition to our board, we

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1 have a Community Advisory Council, which meets regularly  
2 through the year and consults with us on programming.

3 Q Are those meetings open, too?

4 A The meetings are open. They are not only open,  
5 but our television and radio station regularly tell when  
6 the meetings are, where they are going to be held and so  
7 forth.

8 Q Now, back to -- your secretary furnished to me  
9 a written report you folks submitted to one of the  
10 Advisory Council meetings in 1982, and the thing I want to  
11 raise with you is that the first part of the report talked  
12 about black programming, Hispanic programming, Asian-  
13 American programming, programming for the elderly, the  
14 handicapped, and some other categories. And then the  
15 second part of it had some commentary on your rating and  
16 your audience measurements.

17 Would you share a little more with the Tribunal  
18 how you deal with ratings and audience measurements, and  
19 the objectives of your programming?

20 A Well, we are always interested in ratings, because  
21 we spend a lot of time and effort on deciding what programs  
22 we should broadcast on WETA. And we are not guided by the  
23 fact that one program is going to get a much larger  
24 audience than another. But if we put time and effort into  
25 a program series, and we find that there is really nobody

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1 watching it, we look at that and say, "That's not really  
2 worth the kind of effort we are putting into it", because  
3 the kinds of monies that we have in public television  
4 stations are all monies that come from sources other than  
5 ourselves, and that is why we are acting in a fiduciary  
6 capacity, whether that money comes from the federal govern-  
7 ment, in which case we are using the taxpayers' money and  
8 have a special obligation there; or whether it is coming  
9 from the 130,000 families that contribute to us; or whether  
10 it is coming from foundations or corporate sources, never-  
11 theless it is monies which we feel a special obligation.

12           So, we look at those ratings to see whether, in  
13 effect, the programs that we are putting on have, indeed,  
14 an audience that is somewhat near what we would hope it  
15 would be for a particular program. If you are doing a  
16 specialized program on some particular educational subject  
17 you wouldn't expect that to have as large an audience as  
18 Gilbert and Sullivan operettas, or other more broadly-based  
19 programming.

20           But we are interested in ratings to see that we  
21 have enough people looking at those programs to make the  
22 effort and production costs worthwhile.

23           Q Direct your attention, if you will, to Exhibit 7,  
24 which is an exhibit entitled Public Broadcasting Income  
25 by Source, Fiscal Year of 1972-1982. If you turn that

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1 page over you will see on the back of that page, page two  
2 of a pleading signed by Messrs. Ferrall, Stewart and  
3 Solomon. This obviously was some scratch paper that got  
4 on here by mistake, and I don't want Messrs. Ferrall,  
5 Stewart and Solomon to think we take their pleadings and  
6 make scratch paper out of them as a rule, but in this  
7 case we did.

8 MR. FERRALL: We have called our copyright lawyer.

9 (Laughter)

10 BY MR. BECHTEL:

11 Q Do you have the chart in front of you?

12 A Yes.

13 Q Let's go over to fiscal year 1982, which gets us  
14 as close to the year that we are dealing with here as  
15 possible. What are the actual dates?

16 A The dates of that would be October 1, '81 through  
17 September of '82.

18 Q Let's start out, and it is my understanding that  
19 this chart -- and I know you didn't prepare it, yourself,  
20 personally -- but it is my understanding that this chart  
21 covers public broadcasting income which would be both  
22 television and radio?

23 A Right.

24 Q And it also includes a relatively small amount of  
25 money, but nonetheless monies for facilities construction,

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1 which is a separate federal program, is that right?

2 A Right.

3 Q And is the facilities program the second line,  
4 federal grant and contracts?

5 A Yes, it is, indeed.

6 Q Let's start with the CPB listing, that is federal  
7 money disseminated by the CPB, very briefly how does that  
8 work?

9 A That \$172 million is the amount of money appro-  
10 priated by the Congress of the United States for public  
11 broadcasting for that particular year -- authorized and  
12 appropriated, \$172 million. And that appropriation is  
13 paid directly to the Corporation for Public Broadcasting,  
14 which then distributes it to radio and television in various  
15 categories that the board of the Corporation deems appro-  
16 priate.

17 Q What is a community service grant?

18 A About half of the \$172 million -- about half of  
19 the television share of those funds are distributed in the  
20 form of community service grants to all of the public  
21 television stations across the country, based upon a  
22 formula of size, audience, operating expenses and so forth.  
23 So that our station here in Washington receives an amount  
24 that would be more than some small station in Arizona.

25 Part of these \$172 million goes directly to the

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1 stations in the form of community service grants and  
2 stations are required to use that funds for the development  
3 of their own public service to their own community in  
4 programming.

5 Q State and local tax-based; what kind of licensee  
6 gets that money?

7 A Well, we have a number of licensees, particularly  
8 in the southern states, that are really state funded  
9 broadcasting organizations, South Carolina is a good  
10 example, it has developed a marvelous public television  
11 system in the State of South Carolina that covers every  
12 household in the state, and I believe South Carolina con-  
13 tributes a larger percentage per citizen in the State of  
14 South Carolina than most other states do, and it is a  
15 very substantial fund; I don't know how many millions of  
16 dollars that would be, maybe \$20 million, or \$50 million.  
17 And there are many states that contribute to public  
18 broadcasting, either through state systems, or in New  
19 York State appropriate some \$15-\$20 million which is  
20 devoted to the public television and public radio stations  
21 in the State of New York. Nebraska, Iowa, Georgia,  
22 Kentucky are just a few of the sorts of state systems, and  
23 this figure represents the state contributions to -- \$1  
24 million represents the state's contribution to those  
25 systems, as well as there are also both counties and

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1 municipalities that contribute to public broadcasting in  
2 their communities.

3 I know the manager of the Buffalo station was say-  
4 ing the other day that he received \$150,000 a year from  
5 the county in which that Buffalo station is located, and  
6 I think that often happens around the country. I have only  
7 been sorry that WETA doesn't receive anything from the  
8 District of Columbia.

9 Q Private sources?

10 A Private sources are the kind of members that I  
11 have been talking about at WETA, about three million  
12 families across this country contribute and are members  
13 of public television stations, contribute directly, even  
14 though it is a completely voluntary thing, except that we  
15 urge them constantly to do it. About 346 million repre-  
16 sent all of those members, and it would also include  
17 foundation grants, for either programming or general  
18 use. It would also include support of the production of  
19 public television programs by underwriting, as we call it,  
20 by corporations. Those would be the major categories, I  
21 think.

22 Q Do you get financial support of WETA from unions?

23 A Yes, we do.

24 Q Now, I want to get into the area of fund-raising  
25 where you may have some kind of promotion, or use of goods

1 and services to people who participate in whether it be  
2 premiums or auctions, or that genre of fund-raising. Would  
3 you describe for us the kinds of fund-raising you have of  
4 that nature at WETA?

5 A Well, the principal thing that we have at WETA, of  
6 that nature is what we call premiums, it is an attempt to  
7 -- and I am glad to say it is quite successful -- to en-  
8 courage people who start off at being \$20 members to become  
9 \$50 members, or \$100 members. And we might offer a  
10 premium of some records of Pavoretti, and we send that  
11 two-record album to a contribution of \$100, if you raise  
12 your contribution from \$20 to \$100 we would make a special  
13 premium gift. And we do quite a lot of that.

14 COMMISSIONER BRENNAN: If you donate \$200 you  
15 get Domingo.

16 THE WITNESS: That's right, exactly.

17 BY MR. BECHTEL:

18 Q Anything besides premiums that WETA -- of this  
19 style of fund-raising?

20 A Well, the only other thing that we do, I don't  
21 know whether this is quite in the same category, but we  
22 do run -- before sweepstakes got so popular, we had been  
23 running one at WETA for six or seven years. I didn't tell  
24 my board about it when I started it, I thought they would  
25 not like it very much, but fortunately, it was very

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1 successful and nobody complained.

2 Q How did your sweepstakes go?

3 A We send a book, a rather attractive package to a  
4 great number of people in this community and ask them to  
5 either contribute or not contribute, but to send their  
6 slip back in to us with the number on it, and we have  
7 drawings and have cash prizes ranging from \$10,000 down  
8 to \$100 prizes. The benefit that that has to us at WETA,  
9 other than the fact that it costs us about \$90,000 a year  
10 to do the sweepstake and it brings in about \$225-\$240,000.  
11 But it does seem to add to our list of members, certain  
12 people who would not otherwise become members of WETA,  
13 they are new to our list.

14 And once we get somebody on our list, we try to  
15 keep them on our list, and encourage them to contribute to  
16 WETA in future years.

17 So, we have the sweepstakes and we have the  
18 premiums.

19 Now, other stations use or have auctions, we may  
20 start one for radio this year, ourselves. An auction has  
21 been an effective way of rallying community support in  
22 many community stations. The typical situation is that  
23 the station gets a number of volunteers to go around to  
24 merchants all over the city and encourage the merchants  
25 and individuals to contribute goods and services, whether

1 it is a painting, or whether it is a refrigerator, or  
2 whether it is a dinner for two at a restaurant to the  
3 station, and then the station goes on the air, auctions  
4 those off to the highest bidder. The highest bidder buys  
5 the dinner at the restaurant for \$125 and pays \$125 to the  
6 station, and goes off and has a fine dinner.

7 And that has been quite successful, it has been  
8 successful as a financial device somewhat, but it has the  
9 great advantage of involving a great many members of those  
10 communities and the operation of the station, and they get  
11 to have the feeling of participating in what is going on.

12 Q Including the workers in the auction itself?

13 A Yes, in particular.

14 Q Let me direct the attention of the Tribunal,  
15 counsel and the witness to our Exhibit 10.

16 A (Perusing document)

17 Q Unless someone wants us to do so, I can't take  
18 time here to go through this exhibit. This is a 1982  
19 version of previous exhibits in which we take a week of  
20 PBS-distributed programs -- these are not local programs  
21 -- PBS-distributed programs and with a brief summary out  
22 of the public relations materials about those, to give us  
23 a reminder of the kinds of programs that are on public  
24 television.

25 And then I would direct the attention of all to

1 Exhibit No. 11, which is, again, the 1982 version of some  
2 listings of public television awards to which we have  
3 added on the last page, 1982 Awards Earned by WETA.

4 And, Mr. Chamberlin, I have one or two concluding  
5 questions about this. Do you have that in front of you?

6 A Yes.

7 Q What was We Dig Coal, a Portrait of Three Women?

8 A That was a program where we went to West Virginia,  
9 and did biographies of three unusual women who were the  
10 first women to work in coal mines in West Virginia, and  
11 perhaps elsewhere, but they were the first ones in West  
12 Virginia, who became members of the union and did it in  
13 the face of rather extraordinary difficulties. One of  
14 them was actually killed in the course by a cave-in during  
15 the course of that filming of that program. It was a  
16 very unusual program.

17 Q What was the Power and the Glory?

18 A The Power and the Glory was a half-hour that we  
19 did on a number of Washington politicians who had been  
20 in top positions of power and authority, and who now were  
21 back in private life and how it felt. Bob Strauss and  
22 Elliott Richardson and some others that we covered in our  
23 programs.

24 Q What was In Residence: The Emerson String Quartet?

25 A We do a number of programs that take Washington

1 musical groups and televise them, we usually do that at  
2 some of the embassies around town, and other places, but  
3 our purpose is to encourage -- our purpose is to show our  
4 audiences the rather remarkable number of musical groups  
5 of various kinds who are in the Washington area, who make  
6 very good television.

7 Q What was Todd Duncan: A Mighty Voice?

8 A Todd Duncan, of course, was the great black  
9 singer who played the original lead in Porgy and Bess,  
10 and we went over to his house and did an interesting bio-  
11 graphy of his life, before and after Porgy.

12 Q What was A Different Kind of Life?

13 A That is the story of two people who had cancer,  
14 at the time we began that film, -- three people and the  
15 remarkable way that they were coping with that difficult  
16 situation.

17 MR. BECHTEL: If it please the Chairman, I offer  
18 in evidence our Exhibits 6 through 11.

19 COMMISSIONER BRENNAN: Without objection, so  
20 ordered.

21 (Whereupon, Settling Parties' Exhibits  
22 No. 6 through 11 were received in  
evidence.)

23 MR. BECHTEL: And the witness is available for  
24 examination.

25 COMMISSIONER BRENNAN: Commissioner Coulter?

## EXAMINATION BY THE TRIBUNAL

BY COMMISSIONER COULTER:

Q I assume you are aware of the Devotional Claimants in this proceeding?

A I am just aware that they are here, I don't know a lot about them, sir.

MR. ADAMS: We are making progress.

BY COMMISSIONER COULTER:

Q I was interested whether you could identify differences between PBS and the Devotional Claimants, and isolate what you would consider the most significant difference, if you are able to? I would be grateful for your comments on that.

A I am really not, I just would have to say that in my ignorance I really have no familiarity with their programming, so I would be speaking without any personal knowledge.

COMMISSIONER COULTER: Thank you.

COMMISSIONER BRENNAN: Commissioner Ray.

COMMISSIONER RAY: No questions.

COMMISSIONER BRENNAN: Commissioner Hall.

BY COMMISSIONER HALL:

Q Mr. Chamberlin, on your Exhibit No. 7, you have shown us that 41 percent of your funding comes from private sources, and then you have explained that that is private

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1 contributions and also the contributions of the foundations.  
2 Can you divide that 41 percent and give us a rough idea of  
3 how much of that 41 percent is actually from the home con-  
4 tributor versus the major foundations?

5 A Well, let me just do a calculation here -- don't  
6 forget that 346 really may have more elements than this,  
7 but it certainly has three elements in it that are major  
8 ones which would be individual contributions, corporate  
9 support and foundation support.

10 Q I am interested in the individual contributions.

11 A The individual contributions must be in the  
12 neighborhood of \$150 million. We can supply that accurately  
13 for you, but I would guess it was \$125-\$150 million.

14 Q Can you distinguish the difference between the  
15 community licensee and commercial licensee, under the FCC?  
16 Is it basically the purpose of your charter, is it your  
17 membership, is it your corporate organization?

18 A Basically, the purpose of the charter. The purpose  
19 of the charter is the basic difference, and then having  
20 got the charter, which is to operate the license for  
21 broadly educational purposes, why then our different  
22 licensees, in some cases, community licensee or state  
23 licensees would put different variations on those. The  
24 state licensee, for example, the one I think of in South  
25 Carolina has a great number of very good how-to-do-it

1 programs that are helpful not only for hobbies, but for  
2 developing skills, and they have more of that because they  
3 are trying to use their stations more directly than we do  
4 here in the Washington area for those strictly educational  
5 and vocational purposes.

6 Q How often does your charter come under review to  
7 assure that it conforms with the purposes as initially  
8 stated?

9 A Every three years, I think.

10 COMMISSIONER HALL: Thank you.

11 COMMISSIONER BRENNAN: Commissioner Ray.

12 BY COMMISSIONER RAY:

13 Q Mr. Chamberlin, do you receive donations from  
14 communities that have been served by cable?

15 A Yes, oh, yes, we do, indeed.

16 Q Do you have any idea what percentage that would  
17 be?

18 A Well, for example, our support at WETA comes  
19 roughly, that is the membership support comes roughly a  
20 third from Northern Virginia, a third from the District  
21 and a third from Maryland.

22 Q Over-the-air?

23 A Over-the-air. Now, of course the only area -- the  
24 only one of those three areas that is really served by  
25 cable to a large extent at the moment is Northern Virginia,

1 which has Arlington Cable, that is one of our strongest  
2 areas of support.

3 COMMISSIONER RAY: Thank you.

4 COMMISSIONER BRENNAN: We will take our recess.

5 (Whereupon, a short recess was taken)

6 COMMISSIONER BRENNAN: Commissioner Hall.

7 BY COMMISSIONER HALL:

8 Q Mr. Chamberlin, you have said that you gear your  
9 programs to speciality audiences, to appeal to a small  
10 range of any particular point in time. What is your  
11 target for percentage of audience that you will appeal to  
12 with any particular type of a broadcast, what is your  
13 lowest limit, the lowest group to which you will continue  
14 to produce broadcasts?

15 A Well, you can't be too specific about that, but  
16 in public television we have always felt that in if prime  
17 time we had 8-10 percent -- 7-10 percent of the audience  
18 we would be achieving our audience goal. Now, we don't  
19 have 7-10 percent of the audience in prime time, we have  
20 an average of 5-5½, something like that. And our audience  
21 may have, on a given evening, we may have 6-7 percent.

22 Now, when we had that Capitol 4th Concert the  
23 other night, we had a lot of Washingtonians that were  
24 obviously interested in it, and we had about 18 percent of  
25 the audience, but that is unusual when we get over 10 percent.

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1           When you get to the lower limits, if you had a  
2 program that either didn't show any rating -- you know,  
3 we get these ratings from Nielsen -- either didn't show any  
4 rating, or over a long period of time showed you had one  
5 percent of the households, or something like that, one or  
6 two percent in prime time, we would think about that.

7           Q    So your cutoff point is between one and two per-  
8 cent, when you decide to discontinue a program or series?

9           A    Yes -- or there might be some special program  
10 that would have another particular reason for being on,  
11 it wouldn't be a hard and fast rule. But that is the way  
12 I would generalize it.

13          Q    Lastly, your Exhibit No. 10, which describes a  
14 week of programming in February, is that a typical week,  
15 or is that the week that you do your contribution-raising?

16          A    No, that is a fairly typical week. Our contri-  
17 bution week would be in March, where we do tend to save  
18 some excellent programs for our March fund-raising. But  
19 a week in February would be a normal week.

20          Q    And this is for the whole country, the programs  
21 that are offered in that week all over the country?

22          A    I think this is a representative group of programs  
23 that were offered during that given week in February  
24 across the whole country. Now, that doesn't mean that --  
25 every station has local autonomy in public broadcasting,

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1 so just because a program was distributed, doesn't mean  
2 that the particular station is going to have to play it.

3 COMMISSIONER HALL: Thank you.

4 BY COMMISSIONER RAY:

5 Q Mr. Chamberlin, what percentage, would you say,  
6 of contributions would go towards purchasing or producing  
7 new programs?

8 A Well, you see at WETA, for example, the local  
9 contribution to this station amount to about \$4.5-\$5 million,  
10 a lot of money coming out of this community, individual  
11 monies -- mostly individual monies. Most of that is from  
12 individuals, four-fifths of it is from individuals and  
13 some of it goes to paying the electrical bills, some of  
14 it goes to getting programs on-the-air. So, when you are  
15 talking about how much of it goes toward either producing  
16 programs for local distribution, or for acquiring programs  
17 my guess is that about half of it goes for that, and the  
18 other half goes for household things, like electricity to  
19 get the thing on-the-air and maintenance and all of those  
20 things you have to do to run a public television station.

21 But I know that -- I think that half may be a  
22 little high, 40 percent, something like that.

23 Q Actual production or buying programs?

24 A For actual production, not acquisition?

25 Q No, for both.

1 A Yes, 40 percent.

2 COMMISSIONER RAY: Thank you very much.

3 COMMISSIONER BRENNAN: Mr. Adams.

4 CROSS-EXAMINATION

5 BY MR. ADAMS:

6 Q Mr. Chamberlin, my name is Thad Adams, I represent  
7 the PTL-Television Network. Do you know what distant  
8 signal carriage is?

9 A Yes, generally.

10 Q Do you know the extent of distant signal carriage  
11 of WETA?

12 A I don't know it specifically, I know that we are  
13 carried on some cable systems that are outside of the  
14 must carry rule. I don't think it is a great number, but  
15 when I say I don't think it is a great number, I don't  
16 think it is 20 or 25, I think it maybe seven or 10, or  
17 something like that.

18 Q Do you know what percentage of your individual  
19 family contributions come from outside of the 35-mile  
20 radius of Washington?

21 A No, I don't know that. I don't think very much  
22 comes, but I just don't know.

23 Q Could it be as much as even 5 percent?

24 A No, it isn't as much as 5 percent.

25 Q So, less than 5 percent of your WETA contributions

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1 will come from outside the 35-mile radius, and maybe 95  
2 percent would come from within?

3 A Well, a UHF signal is peculiar, and in some cases  
4 it goes to peculiar cases and it doesn't go to places  
5 15 miles away, but it goes to places 40 miles away. So,  
6 I am sure that 5 percent is a high figure, with one  
7 exception, namely we do -- our signal is carried in a  
8 number of Baltimore households that don't get another  
9 public television station very well, so we get some con-  
10 tributions from Baltimore, from our over-the-air broadcasts.

11 Q Mr. Chamberlin, do you have any basis for con-  
12 cluding that cable operators choose distant signals  
13 because of PBS programming on particular stations? Do  
14 you have any basis at all for agreeing with that statement?

15 A That wasn't a statement that I made.

16 Q Would you agree with that statement, or disagree  
17 with it?

18 A The statement that distant cable -- that cable  
19 operators choose -- say it to me once more.

20 Q Okay, I will ask you whether you agree or disagree  
21 with the statement that there is a basis for concluding  
22 that cable operators choose distant signals because of  
23 PBS programming, would that be in your mind a true state-  
24 ment, or a false statement?

25 A That cable operators choose distant signals because

1 of -- you mean that -- I still don't understand the question.

2 Q Okay, can you name me a single instance of a  
3 cable -- of a distant signal or a distant system that  
4 chose WETA to carry as a distant signal, specifically?

5 A No, I can't give you a specific instance.

6 Q Now, you testified that you believe that PBS and  
7 the Corporation for Public Broadcasting performs a great  
8 public service, that it offers a wide variety of program-  
9 ming, that the programming is, by and large, not attuned  
10 to the mass audience. And you mentioned drama and high  
11 culture, the National Symphony and so forth, as well as  
12 some very high quality BBC produced programming, but one  
13 thing you didn't mention, and I went back and looked through  
14 your list of programming and I didn't see reference to  
15 hardly a single religious-oriented television program.

16 Is there a particular reason for that?

17 A No, there isn't any particular reason for it.  
18 We just really have never -- in public television, we  
19 have never done religious programming of any particular --  
20 that would be based on any particular religion. We just  
21 have never done any of that, never done any nationally  
22 and most of our local stations have not done it either.

23 Q As far as WETA is concerned, you would not be  
24 interested, for example, in carrying a Sunday morning  
25 worship service on your station?

1           A    Well, I don't think we would for the reason -- one  
2 of our reasons, I don't know that it is an entirely valid  
3 reason, but one of our reasons has been that we felt that  
4 if we carried a particular kind of service of one denomin-  
5 ation, we would be under some obligation to carry those of  
6 other denominations. So, we just have never gotten into  
7 that, the same thing we haven't with public service  
8 announcements, we don't do those either.

9           Q    Could part of the reason for that be the fact  
10 that you are funded, in part, by government? That a  
11 Baptist taxpayer, for example, might take umbrage at  
12 seeing a Methodist service on PBS?

13          A    I didn't think of that when you asked me the  
14 question, but that probably does play some role in it.

15          Q    So, really it is a safe position to take, con-  
16 sidering the fact that you do get a substantial amount of  
17 government funding, is it not?

18          A    It is a safe position to take?

19          Q    Yes.

20          A    Conservative position to take, yes.

21          Q    Non-controversial?

22          A    Yes.

23          Q    You mentioned in a question from Commissioner Hall  
24 that approximately 40 percent of the category designated  
25 as private was individual contributions, you gave a number,

1 that turned out to be around 40 percent, with the remaining  
2 60 percent of that \$346 million figure being corporate and  
3 foundation. The way I figure that, that comes out to about  
4 16 percent of the budget being from individual family  
5 households; and 84 percent coming from other sources, in-  
6 cluding, primarily, government, does that sound about  
7 right?

8 A Well, it may be right overall, but it isn't neces-  
9 sarily right for any individual station. In our situation  
10 at WETA, our individual contributions come to some 20 per-  
11 cent of the total budget, but about half of that budget  
12 is made up of really productions that we are doing for  
13 public television, for which we get paid under contract.  
14 We produce the MacNeil/Lehrer News Hour, and we get paid  
15 a certain amount of money by our other stations to produce  
16 that.

17 Now, if you take out those production contracts  
18 out of our budget, you take about \$10 million out of our  
19 budget, and of the remaining amount, which is really what  
20 is required to operate this particular local television  
21 station, why our individual contributors account for 60-70  
22 percent of that amount of money.

23 Q Mr. Chamberlin, speculate on what would happen  
24 if the federal, state and local governments in this  
25 country just decided en masse that PBS ought to go it

1 alone with private contributions strictly, do you think  
2 PBS in its present form could survive?

3 A Oh, I think PBS could survive without question,  
4 it is too important part of this country to not survive.  
5 There would be some other way, what other way that would  
6 be I can't possibly imagine, but it is a life-line to too  
7 many other people not to have it continue to survive, in  
8 one form, or another. Certainly it wouldn't survive with  
9 anything like the range of programming we looked at here  
10 in February, but we would survive somehow.

11 Q Well, I take it there is a certain element of  
12 doubt in your mind as to whether it would survive, or how  
13 it would survive --

14 A Maybe as to how, but I don't have any doubt that  
15 it would.

16 MR. BECHTEL: I was just going to object to the  
17 question. You did not accurately portray his answer at  
18 all. It was a misleading question.

19 THE WITNESS: Well, we understand each other.

20 BY MR. ADAMS:

21 Q Well, I understood you to say that PBS, in its  
22 present form, certainly would not survive, but it would  
23 survive somehow --

24 A I would put it the other way, I said that PBS  
25 would certainly survive, but that the form of programming



1 would surely be somewhat different.

2 Q I think you do understand. You are aware, are you  
3 not, that by and large, and certainly with respect to all  
4 of the devotional programmers here, that we rely strictly,  
5 100 percent on private donations?

6 A I didn't know that, but I certainly accept it.

7 Q That is in marked contrast to the way that PBS  
8 funds itself, is it not?

9 A Well, it is in some contrast, but our bed rock  
10 support comes from the general public and that is the  
11 reason why WETA, for example, would continue to exist  
12 without any federal support, because we don't get any other  
13 local support. And with our \$5 million from -- \$6 million  
14 from corporations and foundations, that would keep us  
15 going.

16 The federal contribution to WETA is 17-18 percent  
17 of our budget -- of our operating budget, setting aside  
18 the production contracts.

19 Q When you look at ratings do you compare public  
20 broadcasting ratings against commercial television ratings,  
21 or do you compare the ratings for various program category  
22 types within PBS, in order to determine what relative  
23 emphasis to give to your programming mix?

24 A Well, I think you look at both, you know, the  
25 form that the ratings come in lists all of the stations --

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1 all of the commercial stations in the Washington area and  
2 then it has a category called other, and then it has WETA  
3 and it has some other stations listed. So, we are envious  
4 sometimes of the commercial stations' ratings, when they  
5 do well we look at them carefully, otherwise we don't look  
6 at them so carefully, we look at our own.

7 Q So the fact that Dynasty may have a much higher  
8 rating than American Playhouse would not make you itchy  
9 to start putting on soap operas of that sort?

10 A No, it really doesn't, but once in a while you  
11 are disappointed because you think you have a superb  
12 program and it doesn't seem to attract all of the audience  
13 that it should. You have to remember that none of us in  
14 this business, except the commercial networks, have a  
15 tremendous ability to promote programs. People don't  
16 generally tune in to public television just to tune in for  
17 an evening of programming, they tune in for a particular  
18 program, so the amount of money -- one of our great handi-  
19 caps is that we are not able to spend anywhere near the  
20 amount of money on promotion and advertising to increase  
21 our audiences that the programs, in my opinion, justify.

22 Q You testified that WETA's rating as a local  
23 Washington station was 5-5½ percent on prime time, is that  
24 right?

25 A Could you say that once more?

1 Q I believe you testified that WETA's prime time  
2 ratings ranged in the area of 5-5½ percent?

3 A Yes.

4 Q Do you have any idea what the average prime time  
5 rating for PBS affiliate in Topeka, Kansas might be at  
6 any given time?

7 A No.

8 Q How about Galveston, Texas?

9 A No, we have all that statistical information  
10 which is compiled by PBS, but I am not familiar with those  
11 stations.

12 Q And you wouldn't know about Little Rock, Arkansas,  
13 or Bismark, either?

14 A No.

15 Q Your testimony related strictly to one television  
16 station in Washington, D. C.?

17 A Yes. I am mostly familiar with -- I am also  
18 familiar with the stations that comprise the overnight  
19 Nielsen ratings, which are New York, Philadelphia, Chicago,  
20 Los Angeles -- and I have missed one -- I am familiar with  
21 those because that is what we often look at in the mornings  
22 -- the following morning to see how our programs have  
23 done. We look at the overnight ratings, so I am somewhat  
24 familiar with those stations, but any particular station  
25 around the country, other than those, I wouldn't know much

1 about.

2 Q Do you target your programming primarily for large  
3 metropolitan areas, like the ones you just mentioned?

4 A No, we don't really, we target them for a broad  
5 audience. The mistaken idea that many people have about  
6 public television is that its audience is mostly overaged  
7 and over-educated. And it turns out not to be the fact,  
8 and it is quite surprising -- I don't know why it is so  
9 surprising, it shouldn't be. But the fact is that our  
10 audience, nationwide audience pretty much follows the  
11 demographics of this country, except that it is slightly  
12 skewed in favor of older people, we have an audience whose  
13 average is slightly older than that of commercial television,  
14 and one that has a slightly higher educational qualifica-  
15 tions.

16 But it turns out whether you are talking about  
17 opera, dance or one of the other subjects that some of us  
18 might consider esoteric, people have not been fortunate  
19 enough to have a wide-ranging education get a tremendous  
20 amount out of those programs and watch them in large numbers.

21 Q You discussed the way in which individual PBS  
22 stations do fund-raising and you mentioned premiums. Do  
23 contributors get a monthly newsletter?

24 A Yes, they do.

25 Q With program listings and so forth?

1           A    Yes, they get it in various forms, in Washington  
2 we participate in a magazine venture called the Dial which  
3 has our listings and other stations that either send out  
4 a simpler version of their program schedules.

5           Q    And occasionally the local stations will have  
6 celebrities on the station during the telethon week to  
7 exhort the viewer?

8           A    Exactly.

9           Q    And if I am not mistaken, it is customary to have  
10 a tote board of some description, so that a running total  
11 of the number of pledges that have come in is displayed  
12 for the views --

13          A    It is often the case, right.

14          Q    Occasionally, you offer actual entertainment  
15 segments within the fund-raising segment, do you not?

16          A    Well, I don't think anymore so than we would in  
17 our normal schedule. I mean, I noticed the other night  
18 we had a Judy Garland show on that she had done some years  
19 ago. So, we try not to be entirely sober-sided as far as  
20 our programming is concerned. We even like to people to  
21 laugh occasionally at what happens on -- what they see on  
22 public television, although we are regarded as rather a  
23 humorless network.

24                   So, I don't really think that we do very much  
25 more entertainment programming, strictly during our

1 fund-raising than we do in our regular programming week,  
2 although perhaps a little bit more.

3 Q You do target special programming during those  
4 weeks, do you not?

5 A Yes, we do.

6 Q I know, for example, I like big band music, it  
7 was before my era, but nevertheless I like to listen to  
8 it and it seems like that's about the only time I see it,  
9 on PBS, is between fund-raising segments.

10 A Well, we have had success with a big band special  
11 program that is produced particularly for that purpose,  
12 but this fund-raising coming up in August, we are leading  
13 off with a special concert of Pavarotti's in New York and  
14 that is entertainment, also. We ought to erect a statute  
15 to him, he raises money by just opening his beautiful voice  
16 for us.

17 Q Mr. Chamberlin, does a PBS station advertise in  
18 the overall sense of that term?

19 A Yes, we do. We advertise programs.

20 Q How does that work?

21 A Well, it works, as I was saying earlier, our  
22 purpose, of course, is to call our programs to the  
23 attention of a larger audience, and we are in a competitive  
24 business for audiences. So, there are really two kinds  
25 of -- well, more than two, but two I think of right away,

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1 two kinds of advertising, there is national advertising of  
2 national programs that are on the air, and that might be  
3 done through TV Guide, or through newspapers in substantial  
4 markets.

5 And then we at WETA do a good deal of -- we have  
6 a budget, a modest budget for advertising programs that  
7 we think are particularly noteworthy for some reason in  
8 the local newspapers.

9 Q Do you sell advertising sponsorship on your pro-  
10 grams?

11 A No.

12 Q Has there been any change in the past few years  
13 about the way that corporate or individual, or foundation  
14 underwriters of your PBS programming are identified?

15 A Sure, we have always had the requirement that  
16 we identify for the audience where the program comes from,  
17 who paid for it, and we have sought in the past to get  
18 corporate support for production of some of our program-  
19 ming. And in the beginning we were only able to say that  
20 This program is made possible by a grant from International  
21 Business Machines, and spell that out in black letters,  
22 you couldn't do anything different than that with it.

23 We have now -- we always felt that that did not  
24 give the corporate underwriter a really clear identification,  
25 everybody knows International Business Machines is IBM.

1 And in recent years -- in the last year and a half the  
2 FCC has relaxed its requirement with respect to the identi-  
3 fication of funders of programs on public television, and  
4 now lets you use the corporate logo, the IBM logo and you  
5 can say where the company is located, and you can name  
6 the makers of personal computers. You can't use any pro-  
7 motional words in those corporate identification announce-  
8 ments, but you can identify the company clearly, both as  
9 to its name, where it is and the general nature of its  
10 business.

11 Q You said just a moment ago that PBS is in a  
12 competitive business for audiences. Obviously, one of  
13 those audiences or one of the services that you are com-  
14 peting against are the commercial television services,  
15 are they not?

16 A We are competing with everybody in the sense that  
17 when you are producing television, you are anxious to  
18 have as many people know about your programs and look at  
19 them as is appropriate under the circumstances. And,  
20 therefore, everybody who is not looking at your station  
21 is looking at some other station.

22 So, you are competitive in the sense that we are  
23 always competing for audiences and the audiences are be-  
24 coming more and more fractionalized.

25 Q Would you consider the devotional programmers to



1 be your competition, as well?

2 A Sure. I think any other channel, or television  
3 program that is on in that sense is competing for the  
4 audience.

5 Q Mr. Chamberlin, let me give you a programming  
6 menu for a particular station. This stations carries  
7 rythm and blues, classical music, news, public affairs,  
8 celebrity entertainment, foreign language broadcasting,  
9 jazz, folk music, movies, serials and teaching. Would  
10 that accurately categorize the typical Public Broadcasting  
11 Service station?

12 A Well, I wouldn't think it was typical, I would  
13 think it was possible that that covers practically every  
14 kind of broadcasting you can imagine. And one would want  
15 to know what the emphasis was on that kind of programming,  
16 but it is conceivable that a public television station  
17 could, in the course of a month, have programs that were  
18 in all those categories.

19 Q Well, I developed this list by going through your  
20 exhibits and just noting the programs that were on the  
21 list and tried to categorize them accordingly. Would you  
22 be surprised to know that religious specialty stations  
23 also carry entertainment, or programming that falls in  
24 each of those categories?

25 A I don't really -- I know so little -- I am sorry

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1 to say that I know so little about what your broadcasting  
2 schedules are, that I just take that as a piece of informa-  
3 tion.

4 Q Well, take it as a hypothetical.

5 A I don't have any comment on it.

6 Q You don't have any basis to dispute it, in other  
7 words?

8 A No, no.

9 Q Now, you have testified that you consider PBS  
10 to be an alternative to commercial mass-market merchandise  
11 programming, is that right?

12 A Yes.

13 Q And so to the extent that religious specialty  
14 stations and other stations carrying religious programming  
15 have the same mix, or the same types of entertainment and  
16 segments on their programming, as PBS has on its, then it  
17 would also provide an alternative to commercial television  
18 broadcasting, would it not?

19 A Yes, you have a broad assumption in your question  
20 that some other category, whether it is yours, or somebody  
21 else's provides exactly the same mix as public television  
22 does, or one that even approximates it. I would be startled  
23 to find that that were the fact.

24 Q Well, there are wide varieties or wide ranges of  
25 mix in public television stations, are there not?

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1 A There are, indeed.

2 Q So, to that extent -- I'm sorry.

3 A Well, there is a wide range of mix in the sense  
4 that undoubtedly you can find a jazz program and you can  
5 find this, but what is the main thrust of the program  
6 schedule, that is what I would be interested in, not just  
7 the occasional program.

8 Q But it is a matter of degree?

9 A Sure it is.

10 Q Not an A or B, but maybe a combination of both?

11 A Yes.

12 Q Just depending on the particular mix. On WETA,  
13 Mr. Chamberlin, what is the average number of hours per  
14 day that a viewer can see a PBS network program, as opposed  
15 to some other type of programming, local programming?

16 A PBS network programming -- I can't really give  
17 you an answer to that, because I just don't know -- if  
18 you count children's programming, which I suppose one does  
19 count as PBS programming, although the reason that I  
20 hesitate is that if you asked me the number of hours a  
21 day that we take what PBS is putting out on the line on  
22 that particular day, I would say three or four hours. I  
23 would really have to stop and look at that. We are on  
24 the air from 7:30 a.m. until midnight.

25 On the other hand, if you count the children's

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1 programming, Sesame Street and many of the children's  
2 programs as PBS programs, why that percentage goes up  
3 considerably. They are originally distributed by PBS,  
4 we tape them and replay them and put them in different  
5 order, and move them around in a given year, and all that  
6 kind of thing. But if you count those as PBS-distributed  
7 programs, why it is very substantial.

8 Q Could you put it in percentage of time?

9 A The number of PBS-distributed programs that might  
10 be on WETA on a given day? Oh, I am sure it is probably  
11 60 percent or more.

12 Q To the best of your knowledge, does that vary  
13 from station to station, throughout the PBS system?

14 A Yes, it does vary, it does vary. If you went to  
15 -- first of all, there are some stations in the system  
16 that are not members of PBS, they have to pay special fees  
17 to get PBS programs, presumably they have less PBS program-  
18 ming. One of the stations in our area here doesn't use  
19 PBS programming at all. Some of the state networks con-  
20 centrate much more on vocational programs that are produced  
21 on their own; a whole series of other stations devote  
22 themselves during parts of the day to programs that are  
23 used in schools.

24 So, there really would be a wide variety of  
25 percentages of use of PBS programs on stations across the

1 country, it might go from zero to 80-90 percent.

2 Q None of those figures are reflected in your  
3 exhibits, are they, Mr. Chamberlin?

4 A I don't believe so. And before I put them in as  
5 an exhibit, I would check them out a little more carefully,  
6 I am just doing this from general knowledge.

7 Q What Washington area station is it that doesn't  
8 carry any PBS programming?

9 A Channel 56.

10 Q What are the call letters?

11 A WNVN, WDVM -- I would have to check it.

12 Q WUNVT --

13 A WNVN, that's sounds correct.

14 Q Is that listed in our public television stations  
15 by type listing for 1982, your Exhibit 8?

16 A It has just come on the air, it wasn't on the  
17 air in 1982.

18 Q I see.

19 A I don't know whether it is listed here, or not,  
20 I don't believe it would be.

21 Q Do you know whether any of the stations listed  
22 in your exhibits do not carry any public television program-  
23 ming -- PBS programming?

24 A Any of the stations that are listed in Exhibit 9?

25 Q Or Exhibit 8?

1           A    Or Exhibit 8 -- let me just see what eight is here.  
2 (Perusing documents) Public television -- were any of  
3 these listed that do not carry any PBS programs?

4           Q    Yes.

5           A    Well, no, I haven't got any specific knowledge  
6 of that. I can just tell you that that particular station  
7 in Virginia doesn't, to my knowledge. And I am sure that  
8 there are others here who either carry very, very little,  
9 but I can't point to any one.

10          Q    When did you say WNVN came on the air?

11          A    I think within the last year, or year and a half.

12          Q    Sometimes after 1982?

13          A    Yes.

14          Q    Well, let me direct your attention to Exhibit 8  
15 again, which identifies public television stations by type,  
16 and under that it says 1982, is that right?

17          A    (Perusing document) Yes, that's right, looking  
18 at page four.

19          Q    Yes, I was going to point out that WNVN is listed  
20 in that 1982 listing.

21          A    Yes, there has been a change in those Virginia  
22 call letters, they first had Channel 14, then Channel 52  
23 or 53, and then they got shipped off, and when they came  
24 back on the air, broadcasting from Channel 56, which has  
25 been within the past 18 months, I believe; they have

1 devoted themselves to Congressional coverage and to -- well,  
2 really Congressional coverage and things that have to do  
3 with the Congress of the United States, carrying, for  
4 example, gavel-to-gavel coverage of the conventions, and  
5 they have specialized in that, and that is what they have  
6 been doing since they came -- since, to my recollection,  
7 they have been back on the air from their new tower out  
8 here at Tyson's Corner.

9 MR. BECHTEL: I think the problem here is that  
10 there are two stations in Northern Virginia, one is WNVN,  
11 as listed in our Exhibit 8, in Annandale which did go on  
12 the air in 1982, and that is Channel 56. There is a second  
13 station, the same licensee, that went on the air in 1983,  
14 and that is the other channel, Channel 53, that has the  
15 call letter that are quite similar to WNVN, and if you  
16 will give me a second, I will tell you what they are --  
17 the other call letters are WNVN.

18 Now, I just got it turned around, WNVN was the  
19 one that went on the air -- I had it right the first time.  
20 WNVN was on the air in 1982 and it is properly in our  
21 exhibit; WNVN went on the air in 1983, and is not in our  
22 exhibit.

23 MR. ADAMS: Thank you.

24 BY MR. ADAMS:

25 Q Mr. Chamberlin, have you ever watched the PTL Club

1 television program?

2 A The PTL Club?

3 Q Yes.

4 A No.

5 Q Have you ever watched a program called Jim Bakker?

6 A Jim Bakker? No.

7 Q Have you ever watched a program called the 700  
8 Club?

9 A No.

10 Q Have you ever watched a worship service broadcasted  
11 from Lynchburg, Virginia, called the Old Time Gospel Hour?

12 A No.

13 Q And when you say no, you mean that quite literally,  
14 you have never watched a single program?

15 A Not that I can remember. Don't forget, just be-  
16 cause I run a television station, doesn't mean that I look  
17 at a lot of television.

18 Q Have you ever watched a part of any of those  
19 programs?

20 A You know, I don't have any recollection of it.

21 Q So, is it correct to say that you have no basis  
22 whatsoever for comparing the way PBS conducts its broad-  
23 casting from the way that the Devotional Claimants carry  
24 theirs out, is that correct?

25 A Well, you really can't compare two things, if you

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1 only know about one of them. I really only know about the  
2 public television, I really don't know about the kind of  
3 broadcasting that you represent.

4 MR. ADAMS: That's all I have.

5 COMMISSIONER BRENNAN: Mr. Bechtel.

6 REDIRECT EXAMINATION

7 BY MR. BECHTEL:

8 Q On cross-examination you were asked a question,  
9 can you name a single instance where a cable system elected  
10 to carry WETA as a distant signal. And I believe your  
11 answer was that you couldn't?

12 A Right.

13 Q I wish to show you a document --

14 MR. BECHTEL: This is a one-paged document, I  
15 request to be marked as Settling Parties' Exhibit 13. It  
16 is entitled Larson Associates, All Rights Reserved, Cable  
17 System Statements of Account for the community of Winchester,  
18 Virginia. And I request that it be received in evidence  
19 for purposes of the examination of this witness.

20 COMMISSIONER BRENNAN: So ordered.

21 (Whereupon, the document was marked for  
22 identification as Settling Parties'  
Exhibit No. 13 and received in evidence)

23 BY MR. BECHTEL:

24 Q Have you had the opportunity to examine a Larson  
25

1 and Associates computerized printout of statements of  
2 accounts filed with the Copyright Office before?

3 A No, I have not.

4 MR. BECHTEL: Well, for the benefit of the witness,  
5 and also for the Tribunal, let me state a couple of things  
6 which I think are important in the understanding of this  
7 document. This document is out of the 1982 reports, it is  
8 the second half of the year 1982. And it is a computerized  
9 summary of what is on file with the Copyright Office by  
10 the cable system in Winchester.

11 Now, what they do here is they list all of the  
12 television broadcast signals that they carry, and then  
13 over in the little column called Type, if it is an I that  
14 means it is an independent, commercial independent station;  
15 then you come down to an N, that is network; if you get  
16 an E, that is an educational station, and so on.

17 Then if you go over to the next column, which is  
18 called BC, if there is a blank space that means it is a  
19 local, must-carry. And if there is a D, that means it is  
20 a distant signal, for which payments are made and Mr.  
21 Larson computes that, also.

22 BY MR. BECHTEL:

23 Q I would like to direct your attention to the  
24 listings of educational stations on this form. First of  
25 all, let's look at the ones that don't have a D, that is

1 the locals, must-carries. The first one I see without a  
2 D is station WNVT, Channel 53, in a town called Goldvein,  
3 Virginia, educational.

4 Is WNVT the channel you referred to that does  
5 congressional coverage, and things of that sort?

6 A (No response)

7 Q My question, sir, is is WNVT the station you just  
8 recently testified about that does congressional coverage  
9 and things of that sort?

10 A That is Channel 56.

11 Q Do you know what Channel 53 does?

12 A I don't. I know that it acquired the group of  
13 Virginia stations and I believe, but I am not certain, that  
14 it has the same programming as the Richmond station, which  
15 it is part of. But I am not certain about that.

16 Q Well, in any event, this cable system lists it  
17 as carrying it as a local signal.

18 Now we go down next to the bottom, there is a  
19 Stanton, Virginia educational station, do you know what  
20 that station carries?

21 A No, I don't.

22 Q And then below that there is a Hagerstown, Maryland  
23 educational station, do you know what that station carries?

24 A Well, if that is a Maryland network station, it  
25 would -- I don't really know. I was going to say it would

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1 carry a lot of the programs that the Maryland network  
2 stations carry, presumably it does, but I don't know that  
3 of my own.

4 Q Now, let's go up to the WETA item, you are an  
5 educational station, and you are a distant signal, is  
6 that correct?

7 A Right.

8 Q So, if we are reading this right, and if it is  
9 accurate, you have a cable system here that is carrying  
10 three local must carries, educational and they reach out  
11 and added your signal as well, is that correct?

12 A Right. They clearly have very good taste.

13 MR. BECHTEL: That's all I have.

14 COMMISSIONER COULTER: Mr. Bechtel, I thought  
15 Stanton was close to 60 miles away from Winchester. Is  
16 there some reason that this is not a distant signal?

17 MR. BECHTEL: Commissioner, I really don't know,  
18 but I did check the distance from Washington, and concluded  
19 it was a genuine distant signal of WETA, but I really  
20 didn't check the other three.

21 COMMISSIONER COULTER: It is purely curiosity  
22 anyway.

23 COMMISSIONER BRENNAN: Thank you, Mr. Chamberlin,  
24 for your appearance, and your testimony.

25 Commissioner Hall.

1 COMMISSIONER HALL: Yes, Mr. Chamberlin, you  
2 mentioned that about \$10 million a year comes to your  
3 budget from programs which you produce and then remarket.  
4 I don't understand how that is reflected in the chart in  
5 Exhibit 7, or is it not, or do you just feed that money,  
6 the resale value back into the productions, or could you  
7 explain that?

8 THE WITNESS: Sure, I would be glad to. You mean,  
9 for example, where are the monies that pay for those  
10 programs, that \$10 million worth of programs, where are  
11 they represented in this?

12 COMMISSIONER HALL: Yes, where is the income from  
13 MacNeil/Lehrer?

14 THE WITNESS: Well, for example, let's take one  
15 -- I will come back to MacNeil/Lehrer, take a program we  
16 produce called Smithsonian World, which costs about \$4  
17 million to produce. We receive that \$4 million from the  
18 James S. McDonald Foundation, so that if that had happened  
19 in the year 1982, that \$4.5 million would have been in  
20 that private category there.

21 COMMISSIONER HALL: In that 41 percent.

22 THE WITNESS: The MacNeil/Lehrer is funded by  
23 \$10 millions from AT&T, which would be in that private  
24 category, by \$3 million from the Corporation for Public  
25 Broadcasting, so that \$3 million would be up in that

1 category.

2 COMMISSIONER HALL: I understand that the \$4  
3 million comes in to you from the private foundation, and  
4 you subsequently produce the program. But then when you  
5 sell the program to -- I'm sorry, I misunderstood that.

6 THE WITNESS: No, we don't. It is complicated  
7 in public television. When we get that \$4 million from  
8 the James E. McDonald Foundation, that is to pay for the  
9 production costs of that program, which they think will  
10 be useful to viewers around the country, and therefore,  
11 we give it to them, the other public television stations.

12 COMMISSIONER HALL: I see.

13 THE WITNESS: Now with the MacNeil/Lehrer situation,  
14 you have \$10 million coming from AT&T, you've got \$3 million  
15 coming from the Corporation for Public Broadcasting, and  
16 then you have about \$5 million which all of the stations  
17 who use the MacNeil/Lehrer program contribute and pay.  
18 And they pay to the producers, and only those stations  
19 that contribute to that fund get the MacNeil/Lehrer program.

20 Smithsonian World, which is really paid for by  
21 somebody else, goes to them, regardless.

22 COMMISSIONER HALL: Goes to the other stations  
23 for free?

24 THE WITNESS: Right.

25 COMMISSIONER HALL: Do you ever pay another station

1 to carry Smithsonian World?

2 THE WITNESS: No, no, we do not.

3 COMMISSIONER HALL: Thank you.

4 COMMISSIONER BRENNAN: Thank you, Mr. Chamberlin.

5 We will recess until 10:00 a.m., Monday, here.

6 (Whereupon, the witness was excused.)

7 (Whereupon, the hearing was adjourned at 12:05  
8 p.m., to reconvene at 10:00 a.m., Monday, July 23, 1984)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

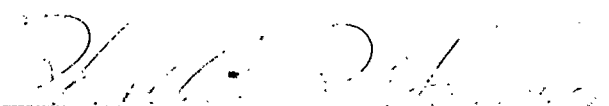
In the matter of: Cable Royalty Distribution-1982  
Phase I, CRT Docket 83-1.

Before: Copyright Royalty Tribunal

Date: July 18, 1984

Place: 2000 L Street, Northwest  
Room 500  
Washington, D. C.

represents the full and complete proceedings of the  
aforementioned matter, as reported and reduced to type-  
writing.

  
\_\_\_\_\_  
Phyllis Young

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