

# MAINE STATE LEGISLATURE

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## Review of Maine Public Broadcasting Network

### FINAL Report

Interim: October 19, 2012

Final: May 17, 2013

Following the enactment of language (printed below) requiring a review of Maine Public Broadcasting Network (MPBN) (PL 2012, c. 665), a working group was formed to conduct that review and met three times as a group in 2012 and twice in 2013 with additional subgroup meetings and discussions occurring between formal meetings of the working group. Membership on the working group includes Rob McAleer and Lynette Miller representing Maine Emergency Management Agency (MEMA), Mark Vogelzang and Gil Maxwell representing MPBN, Suzanne Goucher representing the Maine Association of Broadcasters, Mike Cianchette from the Governor's office, Joseph Carleton representing the Senate President, Billy Thompson representing the Speaker of the House and Sawin Millett, Commissioner of Administrative and Financial Services.

PUBLIC Law 2012 Chapter 655

PART BBB

Sec. BBB-1. Review of Maine Public Broadcasting Network. The Commissioner of Administrative and Financial Services shall consult with the Maine Public Broadcasting Network and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and other state agencies as needed on the following matters:

- A determination of the cost incurred by the Maine Public Broadcasting Network to provide emergency broadcasting services to the State on a fee-for-service basis;
- A survey of other ways in which Maine Public Broadcasting Network assets may be available to the State for technical support, bandwidth and other data transmission services on a contractual basis;
- A report from the Maine Public Broadcasting Network on the status of its strategic plan and the launch of a campaign to raise capital; and
- A plan whereby, over the next 5 years, the appropriation provided by the State to the Maine Public Broadcasting Network for the purpose of providing a statewide public broadcasting network is gradually reduced and replaced by a fee-for-service contract to be agreed upon by the State and the Maine Public Broadcasting Network.

Sec. BBB-2. Report. The Commissioner of Administrative and Financial Services shall submit a report, together with any necessary implementing legislation, to the Joint Standing Committee on Appropriations and Financial Affairs by September 15, 2012. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs may report out a bill to the First Regular Session of the 126th Legislature.

**Background: The role of MPBN in Public Emergency Alerting**

Alerting the public is one of a number of emergency preparedness and risk reduction strategies. Such alerts are most critical in those fast-breaking events when, for example, a fast-approaching tornado, a dam breach, or a hazardous-material tank truck rollover threatens a community and fast action is needed.

The Emergency Alert System (EAS) and its predecessors, the Emergency Broadcast System and CONELRAD, were created to ensure that an emergency message from the President could reach every part of the United States over public airwaves. Federal Communications Commission (FCC) regulations require that every licensed broadcast station, both radio and television, be able to carry a National alert message.

While the FCC requirement exists, the system has not been used for an actual federal alert since its inception in the 1950s.

There is no statutory or regulatory requirement for stations to carry State-level alerts. In Maine, the broadcast and cable community, emergency management, public safety and the National Weather Service have voluntarily partnered to provide for State-level emergency and AMBER (abducted child) alerts.

The operation of the EAS in Maine is governed by a State EAS plan, developed by a State Emergency Communications Committee (SECC) which includes all operating partners.

Since the mid-1990s, the MPBN statewide radio network has provided the backbone for the EAS system in Maine. All broadcasting stations and cable TV systems in the state monitor MPBN and rebroadcast alerts to their respective audiences. MPBN maintains transmission capability 24 hours a day, 365 days a year. Absent this statewide network capability, EAS alerts could be relayed via a "daisy chain" of overlapping broadcasting signals, each one monitoring the prior station in the chain and relaying the message to the next station up the line. A daisy-chain relay might necessitate as many as 7 or 8 "hops" to reach all corners of Maine and is less efficient time-wise than MPBN's statewide broadcast capability.

Currently the only pathway by which National alerts reach the entire state of Maine is through the National Public Radio (NPR) satellite link to MPBN. This pathway was successfully tested by the National EAS Test in November of 2011. (FEMA has installed a second over-the-air pathway, through a Primary Entry Point Station in Portland, but this has limited reach and will necessitate the design of a daisy-chain relay in order to carry the alert message statewide.)

As required under the federal Warning, Alert and Response Network Act, or WARN Act, FEMA and the FCC have partnered with the cellular industry to create the Wireless Emergency Alert (WEA) system, also known as the Commercial Mobile Alerting System (CMAS). This system is already active in some parts of the country; it is dependent on the voluntary participation and capability of cellular companies. The messages are only 90 characters long, and require individuals to turn elsewhere for more detailed information. Per federal statute, CMAS messages are not relayed via normal cellular channels, which can become clogged or inoperable in an emergency. Instead, the CMAS messages will be broadcast to cell towers via an MPBN data sub-channel.

US Cellular has "opted in" to the CMAS/WEA system. The "big four" carriers, AT&T, Verizon, Sprint and T-Mobile, have opted in "in part," meaning they will agree to carry alerts in some, but not all, of their coverage areas.

Their capability for distributing alerts in Maine is not fully known; however it was confirmed during 2013's severe winter weather that at a minimum US Cellular and Verizon transmitted National Weather Service CMAS/WEA alerts. Not all cell phones are capable of receiving CMAS/WEA alerts.

New technology for EAS has been adopted pursuant to FCC rule and has been implemented by Maine broadcasters. It includes the capability for Maine broadcasters to receive Federal EAS alerts via the Internet. Broadcasters will also be able to receive state alerts using this pathway; the ability for the State to transmit alerts in this format is under development and near completion. Because Internet access is vulnerable to interruption, alternate over-the-air analog and digital broadcast pathways will continue to be needed.

Future warning pathways include using unused bandwidth in the MPBN digital television signal to provide "Internet over-the-air" EAS messages, as well as potentially longer format public messages, and more complex event-specific information intended for emergency managers and first responders.

**Requested Report Elements:**

- *Cost incurred by MPBN to provide emergency broadcasting services to the State*

In order for MBPN to provide EAS alerting services to the State, a statewide broadcast network must be in operation. Currently, it is the statewide radio network which provides the backbone for the system. Planned pathways will use the statewide digital television network as well.

MPBN has provided the following estimate of the cost of maintaining the infrastructure and ensuring continued operation of its statewide broadcast network of 7 radio stations and 5 television stations including the FCC-mandated EAS, exclusive of programming costs:

**MPBN Transmission and Broadcast Costs, FY12:**

Personnel:	\$1,039,704
Depreciation:	\$471,263
Insurance:	\$23,000
Direct costs (electricity, parts, leases, repairs, travel):	\$1,086,592
<b>TOTAL:</b>	<b>\$2,620,559</b>

There is little to no incremental cost increase associated with EAS broadcast services beyond the costs associated with general broadcast operations as delineated above.

- *A survey of other ways in which MPBN assets may be available to the State*

MPBN has proposed the following ways to extend the use of its broadcast infrastructure beyond EAS to support the State:

- MPBN will partner with FEMA as a CMAS distribution outlet (MPBN has applied for and received a \$543,437 grant that will place AC power generation capability at all MPBN television transmission sites allowing for a 2 week operational period without commercial power in the event of an emergency. This work is approximately 50 % completed.)
- MPBN could provide a back-up public communications center in Bangor to serve as an alternate location to broadcast EAS alerts, or from which the Governor or representative could speak statewide if Augusta were shut down.
- MPBN can provide alternate/additional data transmission pathways for public safety agencies, allowing complex or large-format data files to be transmitted to responders in the field. (Conversely, some State infrastructure or tower sites may be of use to MPBN.) (MPBN has applied for and been awarded a Rural Development Grant for \$750,000 that will replace MPBN's existing microwave interconnection system. In this MPBN has purchased equipment that will provide a closed circuit hardened data communications link between MEMA, Cross Office Building, and MPBN. This equipment was included in the procured grant at no cost to the State. MPBN will be developing a plan to install and test a pilot implementation of two-way data transmission in partnership with MEMA and OIT.)
- MPBN infrastructure has the potential to support or enhance the State's integrated public safety communications network (MSCommNet).
- MPBN is working to identify the best technical solution to provide live emergency broadcasts from both the State House/Governor's office and the State Emergency Operations Center with the possibility of rebroadcast by other stations. (MPBN has applied for and received notification of acceptance to the Corporation of Public Broadcasting for a grant of \$76,250 to install equipment at MEMA, MPBN, and Broadcast Stations in Maine to create this closed circuit interconnection system. The projected date for completion is planned for Winter 2014. This "closed circuit" capability could also be utilized for operational communication and emergency management/public safety training.) The combination of these three grants applied for and awarded to MPBN will greatly enhance Maine's ability to communicate with its citizens in the event of an emergency.

*NOTE:* Since the interim report was published on this initiative in October 2012, MPBN has made significant headway on several of these proposed projects.

- *MPBN Strategic Plan*

In early 2013, MPBN's Board adopted a new 5-year Strategic Plan. Highlights of this plan were shared with the Education Committee and the Appropriations committee during the current legislative session.

There are several key Goals for this new Strategic Plan, but the primary ones that pertain to MPBN's relationship with the State of Maine are as follows:

- Making a deeper commitment to journalism, and to regional news across all its outlets. (This includes the pilot of the new Maine Capitol Connection broadcast channel from the Legislature that premiered in early February 2013.)
- Deliver stronger digital and online services that extend the reach of current television and radio programming from MPBN.
- Develop a mutually beneficial relationship with the State of Maine providing valued emergency and community services.

In order to help pay for these goals a new Capital Campaign is planned. The campaign will, like the Strategic Plan, be a multi-year, multi-million dollar effort to raise funds that will help pay for many of the new initiatives and goals. The initial phase of the Campaign was approved by the MPBN Board of Trustees in February, with an initial goal of \$4 million that will be raised in the next two years.

The Board and leadership of MPBN believes that a new Capital Campaign will prepare the organization for the changes ahead, setting a path for growth in the future.

- *Transition to Fee for Service*

MPBN understands the economic conditions facing the State, and has committed to moving more actively to a Fee for Service for a large part of the next five years, with a "phase down" goal for the general appropriation to be gradually reduced from \$1.7 million in FY14 down to \$1.0 million in FY18. At that point, MPBN expects to have a review of the 5-year changes in consultation with the Legislature. There still is a need to identify specific fees for agreed upon deliverables that MPBN can provide to the State.

As outlined above, the services that MPBN can provide include stronger emergency services such as: using Bangor as a backup State telecommunications center, distribution of emergency data to cell towers and text messages using the WARN system from MPBN and sending closed-circuit data to first responders and commercial broadcasters. On the content service side, MPBN has initiated a pilot season of the Maine Capitol Connection Channel, broadcasting the State Legislature from Augusta to homes across the state of Maine. The costs for the pilot season (2013) of Capitol Connection Channel were underwritten wholly by MPBN, and not paid for in the annual appropriation. MPBN expects that the State or Legislature would provide direct additional funding through a fee for service for continued operation of Capitol Connection Channel in subsequent years. There are likely other services that will be considered as discussions continue.

MPBN has also proposed that the current statutory language that pertains to the MPBN's Governance and ex-officio Trustee structure be changed effective FY 2014. Specifically the intent would be to make MPBN a traditional 501 (c) nonprofit, with the ability to govern itself, develop its own bylaws and other changes that would allow it to bring in additional resources, provide more flexibility and efficiencies, and lessen reliance on State resources.

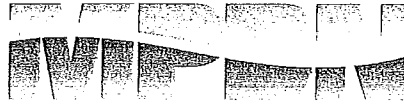
Discussions regarding a level of funding that might represent a "fee for service contract" - as envisioned in Part BBB - are still at the preliminary stage, both in terms of the up-coming FY14/FY15 biennium and as might be proposed over a 5-year "phase down" period. Those discussions will continue within the working group and in relation to the next biennial budget decision-making process.

*Attachments:*

Please see the following attachments which are in direct response to the Work Group's assignment under the Part BBB language:

1. MPBN's Strategic Plan 2013 to 2018
2. MPBN's Maine Capitol Connection description
3. MPBN President & CEO Mark Vogelzang's March 18, 2013 testimony to the Appropriations and Financial Affairs and Education and Cultural Affairs Committees





Maine Public Broadcasting Network

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## MPBN Strategic Plan 2013 to 2018

### Our Vision:

- Make MAJOR INVESTMENTS in those areas that keep us as a VIBRANT LOCAL INSTITUTION – both relevant and financially strong for the next generation.
- Invest in the CONTENT WE PRODUCE and the PLATFORMS WE ENGAGE audiences.

### Focus on Journalism:

**Strategic Goal: Strengthen MPBN's position as the premier, independent public media source of news and public affairs in the region.**

- We will make an investment in journalism – building MPBN's brand as the source of "all things Maine" on radio, television, and digitally.

### Focus on Digital:

**Strategic Goal: Embrace and fully integrate digital content and interactivity with current broadcast platforms and services.**

- We will build internal capacity to move MPBN to a 'digital first' culture across platforms and departments, upgrade MPBN's digital platform (websites, social media, mobile-friendly interface, etc.), establish MPBN-Digital as a reliable and valued source of breaking news, and become the 'go to' interactive player/destination/social platform.

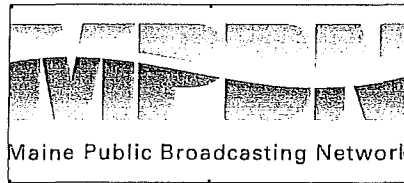
### Focus on Sustainability:

**Strategic Goal: Achieve sustainability through strategic growth and increased efficiency in operations.**

- In order to transform ourselves, we will aggressively pursue opportunities for achieving efficiencies in our operations, while becoming a more nimble, flexible and people-centered organization.

### Capital Campaign:

- On February 5, 2013, the MPBN Board of Trustees approved a two-phased Capital Campaign in an effort to raise funds for the FY13-FY18 Strategic Plan. The first phase of the campaign has a goal of raising \$4 million between now and the end of 2015.
- The fundraising priorities in Phase One will reflect MPBN's strategic planks: Journalism (with the MPBN *Maine Capitol Connection* project as a sub-plank), a Classical Music Network, Endowment, and Digital.



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## MPBN's Maine Capitol Connection (March 18, 2013)

On Monday, February 4th, 2013 the Maine Public Broadcasting Network officially launched the *Maine Capitol Connection* project, **MPBN's free over-the-air television channel devoted to providing public access to the political processes of the Maine State Legislature in Augusta.** The driving force behind the channel is, for the first time, to deliver open access to public policy debate and the decision-making process of our state government, allowing citizens across Maine to engage and participate more fully in the democratic process.

The service is actually a **six month pilot program** to test the concept. Veteran journalist Mal Leary has been overseeing the entire project as Managing Editor, and each day creates a broadcast lineup of live and recorded sessions from the Senate, House and committee hearings with an evening and weekend repeat schedule. As the only state-wide public television service, MPBN believes that the time is right for a dedicated place to see legislative coverage from our State House and **it is our hope a partnership with the Legislature combined with public and private resources will result in funding for future years.** Additionally, as other media across the state cut back on their coverage of developments in Augusta, MPBN anticipates partnering with news media across the state to share and distribute content covered by the channel, further amplifying the reach and impact of the project.

MPBN's longstanding tradition of delivering news and information on radio and television for over 50 years aligns with a commitment to the non-partisan and quality coverage that the initiative requires. **One of the primary goals of the project is to ensure that every citizen, regardless of income or location, will have free access to the deliberations of their elected officials.**

We believe the *Maine Capitol Connection* will have, and is having, a significant and needed impact across the state of Maine. The chief benefit will be a **more fully informed citizenry** of the issues being debated and decisions being made by the State Legislature in the State House. This level of access and government accountability is unprecedented in the State and **will foster a climate of fuller disclosure and greater focus on issues** as Maine navigates its future.

Another benefit of this channel will be in the classroom. MPBN sees the *Maine Capitol Connection* as an **ideal opportunity to educate our students on the workings of government and encourage civic discourse and involvement.** The planned content and coverage will line up with Maine's applied K-12 civics curriculum, and will result in more aware and engaged future citizens and leaders.

## Testimony

**Joint Standing Committee on Appropriations and Financial Affairs  
Joint Standing Committee on Education and Cultural Affairs Committee  
Maine Public Broadcasting Network (MPBN)  
Mark Vogelzang, President & CEO  
March 18, 2013**

Thank you Senator Hill, Representative Rotundo, and members of the committee; I appreciate the opportunity to address you today on the future funding of the Maine Public Broadcasting Network, and to provide a brief overview of a few of our strategic efforts. My name is Mark Vogelzang, President and CEO of MPBN and I represent our 80+ employees across the state, our 21 member Board of Trustees, and the hundreds of thousands of viewers and listeners across the State of Maine.

First of all, MPBN agrees with and supports Governor LePage's proposed appropriation for MPBN of \$1.7 million and \$1.5 million for FY 14 and 15 respectively. We're pleased that over the course of the last year, our discussions with the State, including Maine Emergency Management and Public Safety, have yielded new ideas and new ways of thinking about how the State's support for MPBN could be enhanced and structured.

As an organization, our Board of Trustees has recently approved a new five-year Strategic Plan that we're enthusiastic about – providing a path for new growth, better service to Mainers across our entire state, and a renewed partnership and mutually beneficial relationship with state government. I've included a brief overview for your review. I'm personally appreciative of the encouragement offered by many of you to come back to this Committee and the Legislature with some new thinking– outside of the pressure of budget deliberations last year – on how the State and MPBN can collaborate and benefit. I believe that MPBN is poised to make changes that ultimately will make us an even stronger state partner and an even better public service.

Let me return to the proposed funding for FY14 – 15. Our appropriation is being driven by the economic realities that Maine is facing and decisions that are being made as you are charting the state's course:

- We see the constraints on government's spending capacity at all levels is a reality that affects not only MPBN, but touches nearly everyone dependent on funding from the state.
- As you are aware, the statutory language that requires support from the State of Maine for MPBN's infrastructure and distribution at the 2.6M+ level has not been met in years. Current annual appropriation is nearly a million dollars less than that figure.

- We've said publicly that demonstrating a "fee-for-service" model with State government is something we believe will lead to new ways of thinking. For example, the annual appropriation to Maine Public Broadcasting has become politicized in recent years. If we can more visibly tie MPBN services used by Maine's government in service to its people, that's a win. This year, MPBN offered to underwrite and launch the pilot year of the *Maine Capitol Connection* – our free, over-the-air TV channel dedicated to legislative coverage. For the first time in the history of Maine, citizens can watch on their televisions across the state, the actions of committees, the Senate and House chambers, and the statements of elected officials. We thank the legislative leadership for their enthusiastic support – I believe it was an idea whose time had come, and the effort fits with our move toward providing more news and information, as well as greater transparency and better understanding of how government works.

In summary, we remain committed to serving all the people of Maine and connecting to them in a variety of ways. The five-year plan approved by our Board of Trustees focuses on three things – 1. More emphasis on Maine news, journalism and public affairs content as well covering more of the State; 2. It also places digital platforms and strategy at the core of our future planning; and 3. Finally, we recognize the need for a sustainable future and a key component of that sustainable effort is building a new relationship in our statutory and historical connection to the State of Maine. We need your understanding of where we are headed and your commitment to MPBN as our organization faces current financial challenges, and as we set our sights on continuing to be a valuable asset for Maine and in fact, creating new ways to meet the Public Broadcasting needs of future generations of Maine citizens.

Thanks again for this opportunity, and I'd be pleased to answer any questions from the Committees. Thank you.

**Our Mission:**

*"...As Maine's premier, independent public media resource, we create exceptional opportunities for the communities we serve to engage with critical issues, compelling stories and quality entertainment."*

Testimony

Joint Standing Committee on Appropriations and Financial Affairs Joint Standing Committee on Education and Cultural Affairs Committee-  
Maine Public Broadcasting Network, Mark Vogelzang, President & CEO. March 18, 2013