



1225 South Clark Street
Arlington, VA 22202

March 5, 2024

SENT VIA ELECTRONIC MAIL (TO CELA@FEC.GOV)

Wanda D. Brown
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: MUR 8065 – Response of the Public Broadcasting Service

Dear Ms. Brown:

This letter responds to the letter from the Federal Election Commission ("FEC") to Paula A. Kerger, CEO of the Public Broadcasting Service ("PBS"), dated February 13, 2024, regarding the Complaint, Complaint Amendment #1, and Complaint Amendment #2 filed by Cris Ericson, designated by the FEC as MUR 8065 (collectively, the "Complaint"). PBS received this letter on February 21, 2024, and the letter specifies that a response should be submitted within 15 days of receipt; therefore, this response is timely submitted.

In the Complaint, Ms. Ericson alleges FEC violations by numerous parties in connection with her exclusion from three Vermont U.S. Senatorial candidate debates held on September 8, 2022; October 13, 2022; and October 26, 2022. While none of Ms. Ericson's complaints are against PBS, we presume the FEC's letter to PBS stems from Ms. Ericson's complaint about the October 13, 2022, debate, which involved Vermont Public, a local noncommercial educational broadcaster that licenses a library of national programming from PBS. As the materials provided with the Complaint make clear, Vermont Public was the party that communicated with Ms. Ericson about her eligibility for the debate on October 13, 2022. PBS had no role in the planning, staging, or production of the debate and had no communications with Ms. Ericson about the October 13 debate (or either of the other two debates). Therefore, the FEC should remove PBS from MUR 8065 and close the file as it relates to PBS.

PBS is a private, non-profit organization that supports national program acquisition, distribution, and promotion, as well as engineering and technology development, to assist independent local noncommercial educational broadcasters, commonly known as public television stations. More than 330 public television stations across the country license and distribute a library of national programming from PBS (such as NOVA, Frontline, Masterpiece, and Daniel Tiger's Neighborhood), serving all 50 states, as well as the District of Columbia, Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

Public television is fundamentally different from commercial television. The public television ecosystem has been decentralized by design since its inception over 50 years ago, with



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noncommercial educational stations all locally owned and operated and autonomous from PBS.¹ These local stations distribute a wide range of content at their discretion, including programming offered by national distributors like PBS, as well as other national distributors such as American Public Television and the National Educational Telecommunications Association, as well as their own locally produced programming. In all circumstances, these stations are independently owned and operated local entities. Programming on local issues, such as candidate debates and local public affairs, is produced and distributed by local noncommercial stations without any involvement by PBS.

Here, as is the routine practice, PBS was not involved with any candidate debates held in connection with the 2022 Vermont U.S. Senatorial race. Rather, consistent with the materials provided in the Complaint, to the best of PBS's knowledge, Vermont Public was the party that staged at least one of the 2022 Vermont U.S. Senatorial race debates.² The Complaint shows that Vermont Public communicated with Ms. Ericson about the October 13 debate, and Vermont Public informed Ms. Ericson she was not eligible to participate in the debate. In contrast, PBS had no role in the staging of the October 13 debate, PBS never communicated with Ms. Ericson about the debate, and PBS did not play any role in establishing any criteria for the debate. As explained above, PBS and Vermont Public are two entirely separate entities.

We note that the landmark Supreme Court case on candidate debate eligibility, *Arkansas Educational Television Commission v. Forbes*, 523 U.S. 666 (1998), involved a network of public television stations in Arkansas, and PBS was not made a party to that proceeding at any point. The same holds true for *Libertarian Nat'l Comm., Inc. v. Holiday*, 907 F.3d 941 (6th Cir. 2018), which involved Kentucky Educational Television, another state network of local public television stations.

As this letter explains, PBS was not involved in any way in the matters that are the subject of the Complaint. For the foregoing reasons, PBS respectfully requests its removal from MUR 8065. If you have further questions regarding this matter, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Amanda Huebner".

Amanda Huebner
Senior Regulatory Affairs Counsel
Public Broadcasting Service

cc: Christal Dennis

¹ PBS itself is not a television station licensee.

² PBS does not have any knowledge as to whether parties other than Vermont Public were also involved in staging the October 13 debate.