

From: Jacob, Michal [mailto: [REDACTED]]

Sent: Tuesday, July 25, 2006 4:31 PM

To: Susan Kelleher

Subject: Responses to Your Questions

KCTS understands the concerns that people may have regarding the potential for a conflict of interest in the broadcast of documentaries about the work of glass artist Dale Chihuly which were produced by Portland Press, Chihuly's publication company. As a general rule, we err on the side of caution by not broadcasting programs produced by the person or organization being featured. And as with most rules, there are exceptions. In the case of several documentaries featuring Chihuly which have been broadcast by KCTS, our decision to broadcast was based on several factors:

- KCTS received rough cuts of each program well before broadcast in order to determine whether each program met our editorial standards and production values. We provided feedback to the director, suggesting ways to improve the programs. These programs were confirmed for broadcast only after we were satisfied that they would be appropriate for our air. In all cases to date, we determined that the story being told was interesting in its own right, and not simply a promotion of Chihuly's work.
- KCTS has a long history with Dale Chihuly which began when our own producers profiled him in two programs produced by KCTS in the 1990s. (One of these, "Chihuly Over Venice," was the first high-definition television program broadcast nationally by PBS.) During those productions, we gained firsthand knowledge of Chihuly's art and his method of working. This has helped us in our evaluation of subsequent programs produced by Portland Press.
- Our viewers have an appetite for these programs. Chihuly is a local (and very colorful) personality and glass-blowing is a beautifully visual activity, uniquely suited for television. These factors, combined with the scale and visual drama of the stories being told, translated into larger-than-average viewing audiences for these programs.
- In recent years, as our own producing resources have been reduced, we have made a concerted effort to acquire more programs from local independent producers, and some of these have also featured the producer in the storyline. For example, our ABOUT US series included a film entitled "Quick Brown Fox," which featured the producer as she coped with her mother's struggle with Alzheimer's disease. We also broadcast the film "Broken Limbs" in which the filmmaker recounted his own efforts to understand why his father's apple farm was failing. In each case we made an editorial judgment that the story being told was compelling and would be of high value to our viewers. All of these independently produced programs, including those provided by Portland Press, benefit our viewers at relatively low cost to KCTS.
- The Chihuly documentaries produced by Portland Press have helped KCTS raise money during membership drives in part because of our ability to offer Chihuly lithographs and glass works as thank-you gifts to viewers donating at specific membership levels. It should be noted that KCTS has always paid Portland Press for such items.
- The Chihuly documentaries are arts-oriented and not issues-oriented programs. At their core, they are about the artistic process, and the fact that they were produced by people who work closely with Chihuly helped to ensure an effective level of intimacy in the storytelling.

Although I am satisfied that the above factors support our past decisions to broadcast the programs, I accept that some people may disagree. The question could be asked, for example, whether the director's employment by a Chihuly organization compromised the storytelling or otherwise resulted in programs that misled our viewers. For the first two reasons listed above, we believe that was not the case. Reasonable people may very well disagree. But are we to automatically reject any program that, if broadcast, would benefit the subject being featured? Or that has a strong connection between the producer and the content? If that were our policy, we would not have been able to broadcast the two ABOUT US films mentioned above. Nor would we be able to broadcast an upcoming special featuring the Seattle Symphony in concert—a program that is being produced by the Symphony rather than KCTS. (This program, like the Chihuly documentaries, will not promote the performers *per se*, but will share their fine work with our viewers.)

Perhaps one answer lies in more-apparent disclosure. In the case of the ABOUT US films, it was clear to viewers that the filmmakers were connected to the content. In the Chihuly documentaries, even though the programs were clearly copyrighted by Portland Press, it is likely that many viewers were not aware of the connection between Chihuly and that organization. In the interest of better serving our viewers, we believe there would be merit in making that connection more explicit during any future broadcasts.

In any case, this is a complicated issue, and we would be very interested in hearing what our viewers (and your readers) think of how we handled it.

Whenever we evaluate any program for broadcast, we try to make a decision that benefits our viewers and is consistent with the KCTS reputation for quality. Our practice is to consider each case on its own merits, and our intention is to always make the best decision we possibly can.

Michal Anderson Jacob
V.P. of Administration and CFO
KCTS Television