

**AGREEMENT BETWEEN
THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA
AND
THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION**

This agreement made and entered into this 24th day of APRIL 2004, by and between The Board of Regents of the University of Nebraska, a body corporate of the State of Nebraska, hereinafter designated the "University," and the Nebraska Educational Telecommunications Commission, an instrumentality of the State of Nebraska, hereinafter designated the "Commission,"

WITNESSETH:

WHEREAS, Nebraska Educational Telecommunications is a joint undertaking of the University and the Commission, and

WHEREAS, the Mission of Nebraska Educational Telecommunications is to educate, challenge and inspire Nebraska, the Nation and the World through excellence in non-commercial telecommunications, and

WHEREAS, the University serves as licensee of educational Station KUON-TV's analog and digital channels as issued by the Federal Communications Commission, and

WHEREAS, the Commission serves as licensee for all other Nebraska educational and public telecommunications network stations and facilities as granted by the Federal Communications Commission, and

WHEREAS the University and Commission have a long history of working together to accomplish the mission of Nebraska Educational Telecommunications, and

WHEREAS, (1) The University has the experience and resources to provide educational and public television programming and services and (2) the Commission has a statutory power and duty to arrange for and provide educational and public telecommunications and services to Nebraska citizens and institutions, and (3) the objects and purposes of both the University and the Commission will be promoted by the agreement hereinafter set forth, and

WHEREAS, the primary interface between the University and the Commission is the General Manager,

NOW THEREFORE, in furtherance of the Mission of Nebraska Educational Telecommunications and in consideration of the mutual promises hereinafter set forth, it is agreed by and between the parties hereto as follows:

1. The University agrees to make available to the Commission for broadcast over the Nebraska Educational Television Network all educational television programs broadcast by the University over Station KUON-TV's analog and digital channels.

The University and the Commission agree to review, or cause to be reviewed by the appropriate staff, all programs presented on the network prior to broadcast or transmission to insure that the programs are suitable for viewing and listening. Such suitability shall be determined by evaluating the content of the program, and screening the programs if necessary, as to their educational or public service value and whether they enhance the cultural appreciation of the viewer and listener.

2. The University will present all programs in such manner as to include all necessary clearances to enable the broadcast of such programs over all stations of the Commission's educational television network. The Commission, at its own cost, will undertake and retain appropriate affiliation for its stations with all appropriate educational and public telecommunications agencies, organizations and services to enable University-presented programs to be simultaneously broadcast or re-broadcast over the stations of the Commission's network.

It is contemplated that on-campus and remote television equipment and facilities of the University and of the Commission will be used for presenting programs for broadcast over Station KUON-TV's digital and analog channels as well as the Commission's networks. The University and the Commission agree to use their best efforts to make said equipment and facilities available for all such uses, but each shall retain its title to any equipment or facilities so provided.

3. It is mutually agreed and understood between the parties that under applicable law and the policies of the Federal Communications Commission and other applicable state and federal laws each party is ultimately responsible for all phases of the operation of the broadcast facility or facilities authorized to it, including the determination of the programming to be presented over such facility or facilities, and nothing in this agreement is to be construed as being in derogation of the preservation of such ultimate responsibility by the respective parties.
4. It is mutually agreed and understood between the parties that costs of personnel, facilities and operations will be shared as agreed upon by both parties through the budgeting process. It is further mutually agreed that this agreement may at any time be cancelled or terminated by the Commission or the University without penalty or liability in the event the Federal Communications Commission revokes, deletes or fails to renew any broadcast license held by the Commission or the University or in the event the

Legislature fails to appropriate the funds necessary to undertake the responsibilities of either party as herein set forth.

5. It is agreed that content and programming will be free from undue or improper influence and the Commission and the University will adopt policies and procedures which will enable professional management to operate in a way which will give the public full confidence in the editorial integrity of Nebraska Educational Telecommunication's programming.
6. It is agreed that the hiring and annual reviews of the General Manager are the responsibility of the University with involvement of the Commission, and
7. The Commission and the University have had a mutually beneficial relationship since 1963 and entered into an agreement on October 15, 1965 which is replaced by this agreement, and
8. This agreement shall continue unless either party shall notify the other by registered mail received at least six (6) months in advance of its desire to terminate. Otherwise it shall remain in full force and effect, subject to all terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized agents on the day and year first above written.

NEBRASKA EDUCATIONAL
TELECOMMUNICATIONS
COMMISSION

By Bob Bate

THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA

By L. Dennis Smith
President

By Kevin M. Rohrer
Corporation Secretary