

FCC comments, recommendations:

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Hon. Ajut Pai, Chair
Hon. Michael O’Rielly, Comm.
Hon. Brendan Carr, Comm.
Hon. Jessica Rosenworcel, Comm.

Federal Communications Commission
455 12th St., SW
Washington, DC 20544

Mr. Chmn, Commissioners:

Don’t strangle Community Access Cable Television in its crib—one that it has happily burbled and gurgled in for, what, about 50 years or so, around the time of Fred Wackenhut Friendly (who taught me at Columbia School of Journalism back in the 1970s. And I taught him about the Constitution. A mutually beneficial relationship—I even got a prize out of it.

Down to business: the Cable Act Preservation Alliance (CAPA) has it right, and you’ve got it wrong, in your proposals and tentative conclusions set forth in your (FCC’s) September 25 “Further Notice of Proposed Rule-Making in implementation of § 621(a) (1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket 05-311.”

Anything that you do to cut back, reduce, diminish the ability of local cable outlets to flourish is, whether brazen or stealthy, an affront to the “promote the general Welfare” clause of the Preamble to the US Constitution, which you folks have sworn to “support and defend, against all enemies, foreign and domestic.” Isn’t that correct?

We must start with the premise that We the People, who ordained and established the swamp you’re now wallowing in, own the airwaves, the full gamut of the broadcast spectrum. Back in 1996, when Rep. John Edward Markey shepherded his bill through the legislature—the bill now known far and wide as “The John Markey Media Concentration Enabling Act of 1996” things were a little different. Broadcast networks could have five (5) TV and seven (7) radio stations. They could not own/control a newspaper in the same ADI if they had both radio and TV outlets (talk with John B. Johnson in Watertown, New York about that—you guys forced the family to divest one or the other—the paper or the TV station. Then Markey’s bill came along, but it was not retrospective for Johnson publishing, right?).

Further, the Broadcast license renewal period was three (3) years, not the 8 or 9 year stretch the Markey bill snuck through. And what about the requirement for public service broadcasting, for sending teams of station personnel to talk with folks in the ADI—these were called “ascertainment” interviews, or just “ascertainments”—the goal being to “ascertain whether the stations were addressing the problems, needs and interests of the audience” in the greater broadcasting circle—the “area of dominant influence” of yore. I used to do those ascertainments as they came due, and used to prepare and present TV editorials—and provide for Editorial Replies—for WNBC-TV in the early 1970s—to fill out the short bits of TV to fill out our public service obligation.

Now we have Clear Channel radio, with what, 100+ stations. All run out of a little electronic box near the base of their antennae, with content fed over the internet, from one “engineer” and one “manager”—I’m not sure what you call ‘em nowadays. The long and short of it (from ELF’s—very long—and microwave short) is that 4th Estate journalism (and entertainment, is now as idea-proof as ultra-homogenized, hyper-filterized milk. Bland, bland, bland—but it doesn’t sour in the refrigerator. And tell me just how many local news items get collected from around the base of those antennas and broadcast/cablecast to the other 99 stations. Then there’s talk radio.

Like I said above, I used to have to help prepare citizens to deliver effective counterweight to the editorials I, and the editorial board, acting through me, presented to the public at two minutes before the Today Show in the morning (6:58 am) and the two minutes or so at the end of the local news and before John Chancellor came on to do the national — and international, even — news. We even started up a consumer help segment, called Action 4 in NBC’s five O&Os. Betty Furness was our “talent” for the shows, and we created a database system in NBC’s MIS department to keep track of our viewer’s (and then correspondents) complaints—or problems, needs and interests, as I put it then.

Let’s talk about “diversity” and “a wide spectrum of views, reporting, investigations.” The spectrum is now as wide as the mind-space of five (5) broadcast moguls. And they’re looking to subsume the Internet, as well. What kind of diversity, what kind of exercise of freedom of speech, of broadcasting do we have now?

And you want to strangle the ability of cable to bring forth local programming, from the people, the schools, from local government. Are you kidding?

Here’s what the FCC should be doing: Shorten the license renewal period, back the the three (3) years it was in the 1970s. Claw back the three or four extra broadcast channels that opened up when we went from analog to digital. The FCC should create sufficient channels, within all the bandwidth they supervise, to enable free political advertising—from political campaigning to idea and initiative channels—so on those channels there would be all politics, all the time, 24/365. Free. Over the People’s Airwaves. This would “take the money out of politics,” for one thing. It would also take the windfall profits out of political advertising for the the licensed stations. The FCC would allow them to accept

political advertising, BUT would not let them charge money for it. Licensees could air the ads and advocacy, but they would have to solicit the ads of adversaries and run them in the same ad block. The ad blocks would grow with the number of candidates, and cut into paid programming. Which would cause the licensees to tell the politicians and partisans, “Hey, go advertise on the FCC’s free channels.”

Finally, the FCC must become well-versed in the ways of the Sherman Anti-Trust Act. These media fiefdoms must be broken up, just as with the telephone monopoly, John Rockefeller’s oil refineries, “big Pharma,” the Fed—which is unconstitutional to start with (but this time, don’t just chop at the hegemonies like the poor sorcerer’s apprentice, trying to stop the bewitched broom with an axe; that only compounded the problem, so goes the legend, the Disney cartoon and the reality.

Because the FCC’s leasing of broadcast spectrum gives such a windfall to licensees, you need to have them take some of that profit and, like cable stations run the public access operations, the broadcast licensees could cooperate in setting up and running the free advertising channels. Back in the days when I was traveling the world, I remember that European TV stations devoted a half an hour a night—maybe it was 60 minutes—to run commercials, back to back. I remember watching in France at this phenomenon, and people would “LOL” or if even funnier, “ROTFLMAO”—I don’t remember if one of George Carlin’s short list of FCC “expletives deleted” is in that last string. And none of you are named Bowdler or Comstock.

I won’t say much more, other than to observe that, if you are instrumental in strangling cable, community access cable, then assuredly you will have been instrumental to bringing cable under the “bought out” umbrella of the five (5) media moguls who have effectively gutted (or eviscerated, if you fancy richer syllabification) what used to be a robust, informed and entertaining, educational modality of communication.

I would point out to you that if you take together the Preamble’s six instructions to our governmental employees—employees such as yourselves, for example, the 1st and 9th amendments, you get the intellectual basis for asserting that We the People have retained a right to have affordable access to the best communication tools and systems that our culture can produce and offer for consumption. Just as the Rural Electrification Act wired the nation for power, then morphed into bringing telephony to “our” pueblos and Indian reservations, so it is now time to bring the internet (without harmful microwave and other effects) and the whole of American society into communication. Take a look at the Preamble, which adjurs us to form a more perfect Union, based on cooperation, not cut-throat capitalist competition, then to establish Justice (I don’t think privatizing prisons and being the world’s biggest jailor quite make the cut on establishing justice), then “insuring domestic Tranquility,” (a massive imbalance between haves and have-nots makes any contribution, then “provide for the common defense,” just how well did our government do for us on 9/11/2001? Next comes “provide for the common Welfare”—losing “Two point three TRILLION” dollars—that’s “T” with a “rillion”—down the DoD money pit—again, this doesn’t count towards fulfilling the general Welfare of our nation. And without the prior five “orders,” if you

will, fulfilled, as we see, it's almost impossible to do, or even contemplate or imagine doing, to "secure the Blessings of Liberty to ourselves and our" kids, children, families.

As FCC leaders, next visit the 1st Amendment, where you're adjured to make no law, rule or regulation abridging the freedom of speech, the press, religion, assembly and petitioning for redress of grievances. Massachusetts is the only state in the Union, with its 1788 Constitution, that provides in its bill of rights a "right of free petition," whereby ordinary citizens can submit proposed legislation directly to the archaically named "General Court," our Massachusetts congress. Strangling cable and public access to it does not only abridge freedom of speech, it takes long strides towards killing it. Imagining living in a country that puts people in prison for what they say. Or, according to our most current-seeming science fiction, puts people in prison for what they think, if devices can operate around 10 Hz spectrum, I think it is.

Finally, there's the 9th Amendment, with treats of other rights retained by the people. ("The enumeration in the constitution shall not be construed to deny or disparage others retained by the people." One of those other rights retained by the people surely is the right to have and have use of the best communications system possible. We surely can do better than to strangle cable access to death. New Mexico and the Navajo Nation, back in the 1990s when I and others were looking at the Universal Access provisions, paid for in our telephone bills at the time, that state had the lowest "reach" of telephony in the nation—88% is the figure I remember. How just simply pathetic is that as a statistic—and, moreover, a condition that figure represents in the lives of 65,000 Navajos on their reservation? From where you four sit, I think you can do better. I know you must.

Hopefully,

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