



# JAPANESE AMERICAN CITIZENS LEAGUE / JACL

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March 29, 2016

Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Rielly  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Wheeler and Commissioners of the FCC:

America's diversity is one of its greatest strengths and, as leaders of the Asian-American community we are hopeful that the Federal Communications Commission (FCC) works to encourage policies that acknowledge and appreciate that level of diversity.

Asian Americans have made enormous gains in media representation and options in recent years. Shows like *Fresh Off The Boat*, *the Mindy Project*, and *Selfie* have left old stereotypes behind and brought our communities more fully into our national media conversation. Networks like MNET and CrossingsTV have found a successful niche producing vibrant, quality content for the Asian American community. At the same time, choice and innovation in TV has never been richer or more diverse – with new streaming services, breakthrough devices like Roku and Apple TV, and a dizzying array of digital apps that allow us to watch almost anything on any screen we own.

That is why we urge the Commission to review any proposal for new regulations that would force the unbundling of television programming and undermine decades of progress in minority media ownership and representation, depriving communities of color of relevant and meaningful programming tailored to their interests, languages, and experiences. In our view, a healthy and thriving market like this is not the place to experiment with sweeping new rules.

Chairman Wheeler's proposal, which would allow large technology companies to repackage licensed programming from TV providers into their own products and services without payment or permission, raises significant concerns from our perspective. How are small and foreign language networks supposed to survive if their work is taken by companies without compensation?

And it's not just the long-term financial loss. Small networks and those serving minority communities must negotiate for a prominent place on the dial where they can be found and sampled by potential viewers. But they have no way to fight for placement or promotion with anonymous search engines and distant companies that have scraped and repackaged their programming under a government mandate eliminating the need to negotiate for permission or

rights. This is why programmers serving the African-American and Latino communities have already publicly opposed this approach.

Chairman Wheeler has argued that this approach will actually benefit diverse audiences, by elevating Internet-only streaming channels and YouTube programming, where much diversity can be found. While easy access to streaming content is great, web-based video is already at our fingertips on dozens of devices that surround us every day – and increasingly, on the same devices as our TV programming and other digital apps. Viewers in communities of color benefit from having many strong platforms available – not by replacing the broadest and highest quality options with underfunded streaming services.

We also have concerns about the impact this proposal would have on consumer privacy protections. Currently, consumer’s personal viewing histories are protected by laws that prohibit cable TV providers from selling this information to advertisers. But the technology companies building set-top boxes under this rule – companies that have built their businesses on tracking and monetizing user data – aren’t subject to those same privacy laws.

The FCC rejected the “AllVid” model in 2010 after diverse programmers and advocacy groups highlighted problems with that proposal. The FCC needs to ensure that diversity that enriches our communities and our viewers is preserved and enhanced by the change before approving the proposal. Once implemented, the consequences are irreversible.

In 1998, the Asian Pacific American Media Coalition was formed in response to programming that did not star a single person of color. It has taken decades to create diversity in programming – diversity that reflects the people of the United States – we are concerned that this proposal places program diversity at risk.

The following organizations are joining JACL in raising concerns about the proposal:

Asian Pacific American Public Affairs (APAPA)  
Center for APA Women  
Filipina Women’s Network (FWN)  
National Federation of Filipino American Associations (NaFFAA)  
Asian Pacific American Institute for Congressional Studies (APAICS)  
National Asian Pacific American Women’s Forum (NAPAWF)  
Sikh American Legal Defense & Education Fund (SALDEF)

Sincerely,

A handwritten signature in blue ink that reads "Priscilla Ouchida". The signature is written in a cursive, flowing style.

Priscilla Ouchida  
Executive Director  
Japanese American Citizens League