

The First Amendment should direct this issue, because broadband access to American homes promises to be one of the most important freedom of speech issues of the 21st century. Any content, anywhere, of whatever interest or point of view can be economically delivered in the networks of the near future--except broadcast quality video, important because it has become the leading information source for many Americans.

As Editor of DSL Prime, a newsmagazine devoted to this industry, I report on the companies and issues involved, and know the companies will be eloquently represented in this proceeding. But the First Amendment requires an advocate as well.

The Internet and today's computers could make it possible to produce and deliver nearly any video content to an increasing number of Americans. But the design of many proposed networks, like the design of most cable installations today, will create a fatal bottleneck between content creators and most homes.

Specifically, several of the current video trials, such as US West in Phoenix, deliver fewer than 150 channels of broadcast quality video. However, network engineers tell me a network of similar design could deliver more than a thousand channels for an additional five to ten cents per month. I am personally aware of several hundred channels in the planning stages already, and expect thousands to appear if our broadband networks make that possible.

The power of the printing press, A.J. Leibling told us, belongs solely to those who own the presses. The internet holds the potential to be the cheapest "printing press" ever invented, I believe, in the sense that it allows publishing at a small fraction of the cost of traditional ink on paper. I myself can distribute thousands of copies of my newsletters at insignificant cost over the internet.

Today's computers and electronics are so inexpensive that nearly any high school, much less any political party, can afford tools that can produce professional quality video. But unless the networks are designed properly, there will be no way to distribute that video.

We already see that problem in broadcast and cable, where getting distribution is more difficult than producing the material. It would be a terrible mistake to recreate that problem in the new internet era. It is political and economic will that is lacking, possibly compounded by the network providers share of revenues from content. Just like cable providers with ownership of networks, new wireline providers might seek to avoid competition for more profitable affiliated channels or chargeable video on demand.

Of course, most viewers will be satisfied by a few popular channels. But I believe American principles insist that whether you agree with Bernie Sanders or Newt Gingrich, or worship as a Southern Baptist or a Sunni Moslem, the media should be open to you. Until recently, high costs and limited bandwidth restricted your choices, but that can change today.

Maximizing the consumer's freedom of choice should be a guide when determining issues of public policy. There are

many different means relevant to this proceeding to achieve that goal. Some would argue the most effective way to maximize choice would be to provide incentives, including regulatory relaxation, to the incumbent carriers. This policy would be justified if the carriers made clear and enforceable commitments to delivering this choice to the American people. Others would argue for increased regulation, seeing enhanced competition as the way to deliver choice. To enhance competition, the commission could define the unbundled elements or access requirements even more broadly than currently envisioned, requiring the incumbent carrier to unbundle not just wires and network elements, but actual access on a channel basis. To do that, the carriers would have to share access not just with competitive providers but with content producers as well, allowing software shared access to the home. Presumably, the wisest public policy is neither of those extremes, but I leave it to the judgement of the commission to find the best means of practical implementation.

The purpose of this comment, therefore, is not to advocate a particular determination of the issue, but to urge the FCC to make its determination in the light of the First Amendment. We have an historic opportunity to expand the voices available to the American people, and I urge the FCC to find a regulatory way to allow Internet freedom for all traffic, including high bandwidth video to the American home.

Respectfully submitted,

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