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Magalie Roman Salas, Esq.
Office of the Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

April 24, 2000

Re: Reply Comments

Public Interest Obligations of TV Broadcast Licensees
MM Docket No. 99-360
Digital Must-Carry, CS Docket No. 98-120

Dear Ms Salas:

Enclosed are an original and four copies of reply comments submitted on my own behalf in MM Docket No. 99-360 and CS Docket No. 98-120. Also included within these copies are my comments in MM Docket No. 99-360, which, according to Federal Express tracking information, were received by the FCC on March 27, 2000.

For some reason they were never posted in your ECFS system and it is not clear if they were entered in the public record, so I am including them as part of this package.

Sincerely,

Alexandra Kol

Alexandra Kol

Enclosures

No. of Copies rec'd 0+8
List ABCDE

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The Honorable William Kennard
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

April 24, 2000

Re: Public Interest Obligations of TV Broadcast Licensees
MM Docket No. 99-360
Digital Must-Carry, CS Docket No. 98-120

Dear Chairman Kennard:

The following are my reply comments in response to the NOI on Public Interest Obligations of TV Broadcast Licensees and the NPRM on Digital Must-Carry.

Overcommercialization of Public Television and The Need for Community Service Television

I agree wholeheartedly with Citizens for Independent Public Broadcasting (CIPB) that public television has become far too commercialized to be considered public and that we need to create community service television as a new and separate broadcast entity.

The FCC should indeed be wary of claims by The Association of Public Television Stations (APTS) that public broadcasters are fulfilling community needs through community advisory board meetings.

In its comments, APTS paints a glowing picture of public television stations eagerly seeking out public input, inviting citizens to partake in community advisory board meetings, and acting as a national community voice.

The real picture is quite different. The response to a citizen walking in on one of these meetings is more likely to be "who are you and who invited you?".

Unfortunately, too many public television stations view community advisory boards as a bureaucratic nuisance and few stations make an effort to involve the public on any significant level. For the most part, they are simply going through the motions in order to satisfy CPB funding requirements.

I also agree with the CIPB that public broadcasters must not be allowed to use their ancillary and supplementary services for commercial purposes. Not only will this further corrupt public television, but these services can be put to better use by turning them over to communities and public institutions.

The programming on community service television (or "public service television" as it is sometimes called) can be done by the public sector itself and does not require large budgets, program directors, elaborate production equipment, or even reporters. The price of digital video cameras and computer-based editing systems is plummeting and the technical quality can be astounding.

It does not take much effort or money to place a digital video camera on a tripod in a local government meeting or a political debate, or to datacast video and text of a literacy volunteer workshop to other volunteers around the country. Many valuable interactive services can be provided to the public for free on this type of television: filing taxes, applying for passports, viewing multimedia collections of libraries and museums, taking video tours of historic districts, and even watching FCC open meetings.

Therefore, it is baffling that with so much talk about the digital divide and with so much capacity available on the public's DTV broadcast spectrum to bridge that divide, communities cannot use even a small portion of this bandwidth to meet their needs.

As I stated in a letter to the White House last year, "perhaps the biggest scandal of all is the lack of access in the age of abundance. Vast amounts of publicly owned bandwidth sit before us while communities struggle to get connected."

The FCC must make the creation of community service television a priority in the public interest debate.

No Digital Must-Carry Without Community Access

I also urge the FCC not to impose digital must-carry on cable unless broadcasters can demonstrate how the public will benefit from yet more government privileges bestowed on an industry that already enjoys free licenses.

Broadcasters are drastically cutting back their election coverage, fighting the public vigorously in the public interest obligations debate (by crying First Amendment foul and telling us we should seek out other media outlets) and heavy-handedly thwarting communities in their effort to have a greater voice on the public airwaves.

At the same time, broadcasters are claiming they provide a unique service the public cannot get elsewhere and demanding that the government step in to force cable into carrying their digital signals.

Since when does our First Amendment have a toggle switch? Given these contradictions, the arguments for digital must-carry make little sense.

Cable certainly has its flaws, but it does a better job of providing civic, government, political and community information than broadcast television. In fact, cable is the only place on television where ordinary citizens and local governments can speak directly to their communities without editorial intervention. This is done through PEG channels.

Broadcasters provide no such public space, yet threaten to further marginalize existing spaces on cable with digital must-carry. It is important for the FCC to make note of "PEG channel slamming" around the country, a common practice of bumping public and government channels to higher, less desirable allotments to make way for commercial channels.

The Alliance for Community Media has many documented examples of this phenomenon.

What guarantees do we have that PEG channels on cable will not be casualties of digital must-carry? What kinds of community and civic channels are broadcasters planning to offer themselves?

The FCC should keep in mind that broadcasters will have many multichannel, cable-like opportunities in the digital environment to provide such services. If they expect cable to carry their multiple channels (and ancillary and supplementary digital services as well) then they must be willing to assume the same obligations that are required of cable in providing public space.

Otherwise, they are simply barging in.

Enclosed is a recent New York Times article titled, "Networks Cede Political Coverage to Cable." Even veteran broadcaster, Dan Rather laments the dismal state of political coverage on broadcast television:

> *"We have a public responsibility beyond delivering stockholder value... In some ways, we have abrogated that civic trust."*

This alone provides a perfect example why digital must-carry under the current public interest standard will not serve the public interest.

Let broadcasters earn the right for such special government treatment.

Sincerely,

Alexandra Kol

Enclosures

cc: The Honorable Susan Ness
The Honorable Gloria Tristani
The Honorable Harold Furchtgott-Roth
The Honorable Michael Powell
Magalie Roman Salas, The Secretary, FCC
Roy Stewart, Chief, FCC Mass Media Bureau
Deborah Lathen, Chief, FCC Cable Bureau
President Clinton
Vice President Gore
The Honorable John McCain
The Honorable Tom Bliley
The Honorable John Dingell
The Honorable Edward Markey
The Honorable Billy Tauzin
The Honorable Conrad Burns
The Honorable Ernest Hollings

THE 2000 CAMPAIGN: Coverage and Strategies

THE MEDIA

Networks Cede Political Coverage to Cable

By PETER MARKS

To cover the national party conventions in Los Angeles and Philadelphia this summer, CNN has so many programs planned, so many correspondents and anchors preparing to parachute in, that the cable network asked for not one, but four skybooths in each convention hall.

"We will be on the air with more coverage from the conventions than the hours the conventions are in session," said Rick Kaplan, the president of CNN.

But at ABC News, once a source for hours and hours of convention coverage, the debate is not how lavishly to swarm over the gatherings, but how thriftily; among the ideas is one that would put Peter Jennings in a "virtual skybooth," a studio outside the convention hall that would be cheaper than a booth inside. "We're not going to cover this convention the way we have in the past," said Marc Burstein, executive producer of special events for ABC News. "You have to be living on Mars to not know we're living in a new era of fiscal reality."

The quadrennial political conventions have traditionally served as a kind of national show-and-tell for the broadcast network news divisions, an opportunity for news stars to roam the convention floors for immense blocks of prime time and impress viewers with the breadth and depth of their political reportage. But now, the approach to the proceedings is merely one more example of the radical shift in election coverage on television. CNN and its cable competitors — C-Span, MSNBC and Fox News Channel — have usurped the role of the old broadcast networks as the dominant source for the nation's political news.

In the competitive primary season that has drawn to a close, evidence was abundant that the broadcast networks — particularly CBS and A C, which do not own cable news outlets — had been muscled out of their once pre-eminent positions. For one thing, of the more than 20 televised debates involving the Democratic and Republican candidates for president, all but two were on cable.

CBS News, whose election coverage was once considered the most thorough and informed on television, broadcast not a single debate, and its anchor, Dan Rather, participated in none, an outcome Mr. Rather says he regrets. "We have a public responsibility beyond delivering stockholder value," he said in an interview. "In some ways, we have abrogated that civic trust."

CBS

And that's the way it was: when CBS broadcast Walter Cronkite's coverage of the Republican National Convention in 1964, the networks were the unchallenged force in television political coverage. But the networks have been gradually pulling back, and this year the conventions will be dominated by cable news operations.

Although Mr. Rather's counterparts at NBC and ABC, Tom Brokaw and Mr. Jennings, each moderated forums, Mr. Jennings was placed in the awkward position of presiding over one that was not shown nationally on his own network, ABC, but on MSNBC.

And on each election night of the primary campaign, from the Iowa caucuses through Super Tuesday, the cable channels offered chatter into the wee hours, while the networks were confined to brief interruptions of regular programming.

The erosion of political coverage on broadcast networks has been occurring for several elections. Some in the news business describe as a watershed the decision by ABC's "Nightline" to depart the 1996 Republican convention on the second night because of a dearth of real news. This year, with the maturing of two four-year-old news channels, MSNBC and Fox, that now compete with CNN, the shift to cable has solidified. "Cable is the political conduit of the air," said Andrew Kohut, director of the Pew Research Center for the People and the Press. "If you don't have that cable coming into your house, you're getting a whole heck of a lot less information about politics."

Mr. Kohut's organization reported recently that besides the Internet, cable television is the only segment of the political media that is attracting a growing news audience.. In fact, Pew found that for the first time, viewers named cable more often as a major outlet for political coverage than either network or local news.

The migration of political news to the narrowcasting culture of cable reflects the growing compartmentalization of news-viewing habits. That trend and escalating costs — by one news executive's estimate, the networks each spent a minimum of $5 million for each of the two 1996 conventions — have compelled the broadcast networks to think smaller.

"I think everyone is throwing fewer people at it," said Al Ortiz, executive producer of the "CBS Evening News." He added, however, that the commitment to political stories remains intense. "For someone who is looking to watch 30 minutes of evening news and absorb the political news of the day, ABC and NBC and CBS are going at it every bit as hard as they ever did," Mr. Ortiz said.

But they are going at it more tactically, much like national candidates with limited resources who pick a few strategic states. Mr. Burstein noted, for example, that ABC News was the only network, cable or broadcast, that had an off-air reporter following every candidate in the primary race as far back as the fall. "We sent quite a few people into Iowa and New Hampshire; that was totally justified," Mr. Burstein said.

NBC News regularly dispatches many of its best-known correspondents to the various politically oriented shows on MSNBC.

And all of the networks point to their Web sites as alternative vehicles for their in-depth reporting. There is even talk of "Internet alleys," with booths for various dot-com news sites, on the convention floors this summer.

Certainly, the broadcast networks remain powerful news magnets, and viewership on their cable brethren remains meager by comparison: on March 7, when primary results were reported from 16 states including New York and California, about 2.3 million households were tuned to the three all-news cable channels between 8 p.m. and 11 p.m., a much smaller audience than the 10 million or so viewers for any of the evening newscasts on ABC, CBS or NBC.

Yet politics has become a veritable drive-by event on the nightly news. The Alliance for Better Campaigns, a media watchdog group based in Washington, says that during the heat of the primary season the three broadcast networks each devoted an average of 36 seconds a night to the actual words of the presidential candidates on the newscasts and news magazine programs. Altogether during that time, the networks devoted nearly four to five minutes a night to campaign coverage.

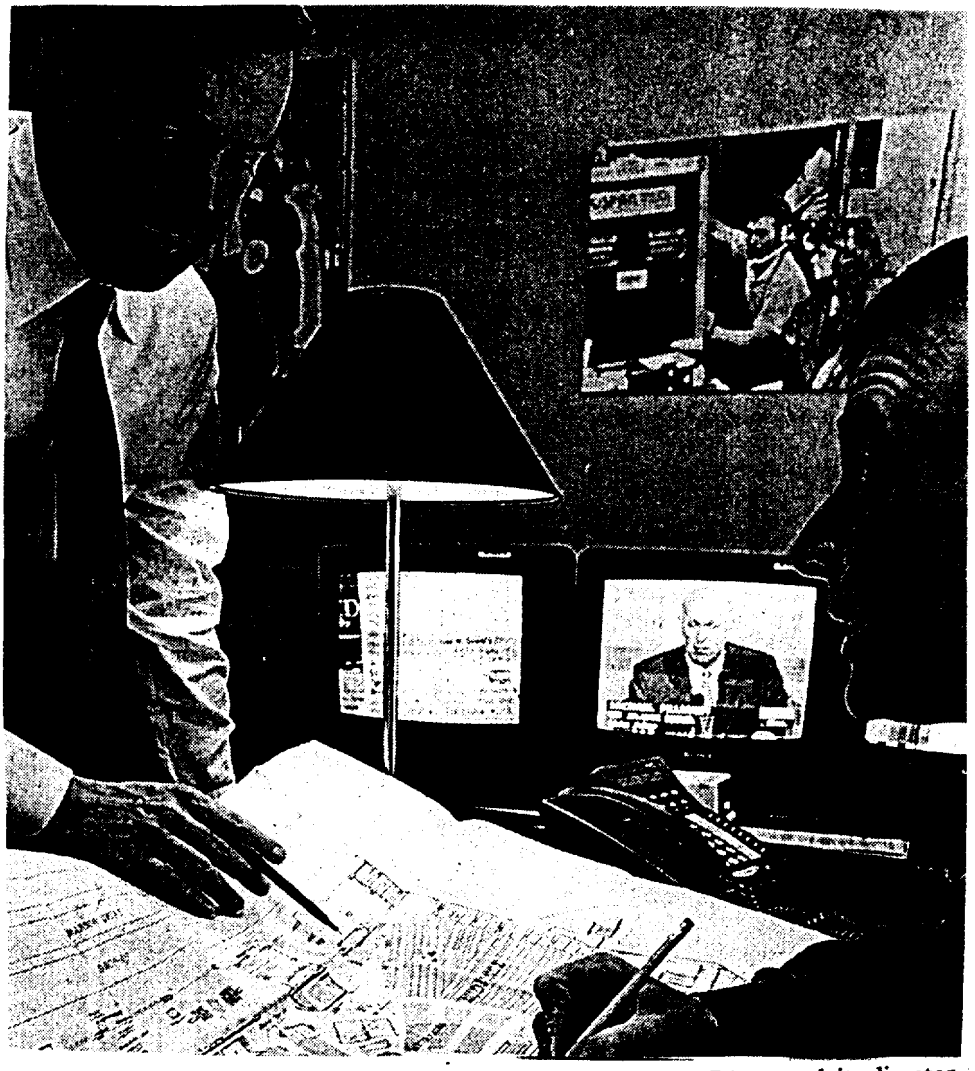
"We have heard about the digital divide; there is a coaxial divide as well," Mr. Kohut said. About 7 in 10 American households are cable subscribers, while about 98 percent own televisions.

Cable news officials say that they are filling a void left by the networks. "We want to be the ones who own this story; we want to be the network of record for campaign 2000," said Sid Bedingfield, executive vice president of CNN.

No network has a stronger claim. Between Jan. 19 and Feb. 1, when it was on the ground in Iowa and New Hampshire for the first caucuses and primary of the season, CNN produced 144 programs on politics, ranging from half-hour punditcasts like "The Capital Gang," to the hourlong "Inside Politics," a daily program hosted by Bernard Shaw and Judy Woodruff that is consumed voraciously by political die-hards.

"It's a show for junkies," said Tom Rosenstiel, director of the Project for Excellence in Journalism. "There is no parallel; nobody else does a program like it."

The emphasis the all-news channels have placed on politics appears to have boxed the networks into a corner. Facing declining audiences for the evening news, the networks also confront the possibility that the cable channels will use the credibility they acquired in the primary season to poach on network viewers when the general election gets the nation's full attention in the fall.



Steve Scully, left, C-Span's senior executive producer, and Gary Ellenwood, its director of field operations, preparing coverage of this year's presidential conventions.

"There does seem to be a little bit of a trend of fewer people watching politics on broadcast because they're being trained to watch this on cable," said Erik Sorenson, vice president and general manager of MSNBC. "It may be that it becomes a safer bet to stay with MS or CNN. You're just not sure if the broadcast channel is going to cover it or not."

The conventions by tradition ring in the political high season for the news media. But because the gatherings seldom generate breaking news anymore, the broadcast networks say that abandoning the wall-to-wall coverage they provided in the 1960's and 1970's is no loss to anyone except those deeply invested in the political process.

And those viewers most likely will be glued to cable. The cable networks will be all politics, all the time during the conventions. "We'll probably have 90 percent of our shows devoted to them," said John Moody, vice president for news of the Fox News Channel. "For us, it's a big commitment in terms of budget and manpower."

All of the networks say they will have substantial presences for the Democratic gathering in Los Angeles and the Republicans' in Philadelphia, and all are also looking for ways to keep costs down. ABC is considering its virtual booth, the broadcast-and-cable news hybrid formed by NBC and MSNBC will provide tag-team coverage, and CBS is currently debating how much coverage it will offer in prime time.

"The prime-time decisions still haven't been made, but it's a pretty safe bet that we will be carrying the nominating process and the acceptance speeches," said Mr. Ortiz of CBS. CNN and MSNBC are planning a series of town hall meetings on various national issues leading up to the conventions, and all the cable channels say they will fill the convention days with hours of reports and talkfests off the convention floor.

Broadcast news executives wonder, however, who exactly their cable rivals are chattering at all day long. "From our point of view it matters much more the quality of what's being done than the number of hours on the air," said David Westin, the president of ABC News. "A lot of what I have seen on cable is perfectly respectable coverage. But what you get is a good deal of conventional wisdom and things that have been reported elsewhere."

Yet for convention veterans like Mr. Rather, there is a certain nostalgia for a bygone era in politics on the air. "I have a passion for politics," he said. "I still love going to conventions. And I loved covering them when things were actually decided there."

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The Honorable William Kennard
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20553

March 24, 2000

Re: Public Interest Obligations of TV Broadcast Licensees
MM Docket No. 99-360

Dear Chairman Kennard:

I am writing as an individual who has been following the Public Interest Obligations debate closely on the Internet and who actively participated in the public comment process during the Gore Commission meetings.

It is only because of the Internet (and despite broadcast television) that I was able to learn about the spectrum debate in the first place and get access to government meetings, documents, speeches, and a diversity of viewpoints. This is not possible in a closed access environment.

Our "free" TV comes to us at a price, as information that is vital to our democracy is often missing entirely from our public airwaves. A good example is the Telecommunications Act itself, one of the most important bills of our time, which never made it to our television screens. Another is low power radio, which generated the greatest outpouring of community support in the FCC's history and which is currently under attack in Congress.

Despite the importance of this fierce debate to communities around the country, broadcast coverage of LPFM is nonexistent on both commercial and public television channels. Only on PEG cable channels can the television public be informed of this issue.

As we move towards online voting, we cannot have this type of information lobotomy on our digital airwaves if we are to have a democracy.

Policymakers must redefine the role of the public trustee so that the public sector can broadcast its own information on the DTV spectrum without an intermediary. It is paramount that <u>every</u> citizen be guaranteed free electronic access to all government, public, and community information available, and that our public trustees do not stand in the way.

Such access can be accomplished easily and inexpensively (and very soon) by setting aside a public and government datacasting network on the digital TV broadcast spectrum as a core obligation of broadcasters. The bandwidth, technology and infrastructure are certainly there: "We can be slamming telephone books into your hard drive right now,"[1] boasted the president of Granite Broadcasting recently.

Broadcasters have announced that they are uniting to form their own national datacasting network to deliver one-way Internet content through the airwaves to computers. Targeted transmissions will also include videogames, music CDs, bestsellers, and every type of digital information decided by major media companies.

As the HDTV promise to Congress fades into the distance (as many had predicted from the start), both the government and the Internet community must closely scrutinize the new direction broadcasters are taking with datacasting.

Broadcasters will have sole discretion in deciding which multimedia webpages and video streaming content will get preferential, TV quality treatment and which will languish at standard modem speeds; which third parties will have access to this powerful delivery system (and at what price) and which will not. The dangers of an access-controlled Internet are obvious.

Three years ago, a well respected technology analyst, William Gurley, wrote an insightful article about datacasting (also called data broadcasting) foretelling how the broadcast industry would ultimately use the digital spectrum. He may have missed in his time estimate, but was correct in many other respects:

> *"Over the next 12 months, a new form of service will arise that will simultaneously upset the current market for Internet content, topple the current standards in the consumer electronics industry, save the storage industry from worst slump in years, and qualify the FCC's HDTV bandwidth grant as the greatest charity event in the history of the world. The technology that could cause such profound change goes by the name of "data broadcasting," and although it's been around for years, its time to shine has finally come.*
>
> *"Who are the big winners? ...the biggest victor of all may be the spate of current television broadcasters who were granted free licenses of spectrum intended for HDTV. Recognizing the growing market for data broadcasting, these vendors will unquestionably reallocate this free gift, valued by some at over $70 billion, toward more realistic and near-term uses like data broadcasting.* [2]

This is precisely what is happening and why a new public interest standard must be defined. The ideal model is the Internet, which requires a minimum amount of regulation and guarantees a cornucopia of public interest content created by the public itself.

---

[1] Jim Davis, "Broadcasters to Send Data Over Digital TV Airwaves," http://news.cnet.com/news.0-1006-200-1581932.html, March 23, 2000

[2] William Gurley, "Data Broadcast: The New Frontier," http://www.news.com/Perspectives/wg/97/wg12_22_97a.html, December 22, 1977

For the past year, the White House has been transmitting to the FCC my correspondence recommending that broadcasters set aside a public space for "a national community access network that is nurtured and cultivated to ensure quality participation by everyone: communities, individuals, government institutions, schools, libraries, and all other public entities."

This is a much needed service that is well within our reach, and I applaud the Administration for being so responsive to public input. Hopefully, the FCC will do the same.

Enclosed are copies of these letters along with the FCC's replies. Please consider them as part of my public comment in this proceeding.

Sincerely,

Alexandra Kol

Enclosures

cc: The Honorable Susan Ness
The Honorable Gloria Tristani
The Honorable Harold Furchtgott-Roth
The Honorable Michael Powell
Magalie Roman Salas, The Secretary, FCC
Roy Stewart, Chief, FCC Mass Media Bureau
President Clinton
Vice President Gore
The Honorable John McCain
The Honorable Tom Bliley
The Honorable John Dingell
The Honorable Edward Markey
The Honorable Billy Tauzin
The Honorable Conrad Burns
The Honorable Ernest Hollings

Alexandra Kol
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(516) 333-7651

President Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

September 14, 1999

Re: Public Interest Obligations of Digital TV Broadcasters

Dear President Clinton:

It has been nine months since the Gore Commission recommendations were presented to the White House. Since then, no government action has resulted from these or other recommendations submitted independently by the public.

In the meantime, the FCC has been most responsive to the demands of the broadcast industry to relax broadcast ownership rules, prompting a new wave of dangerous media consolidation. In the midst of the mergers and acquisitions, broadcasters are moving full speed ahead with their digital television and Internet plans which will link together a vast array of local and national media properties into a giant, proprietary broadband network – all on free public spectrum.

Where is the public in all of this?

Contrary to industry claims, a diversity of media outlets does not mean a diversity of voices. Not when the public is excluded. It is imperative that a significant public space be created on the digital TV spectrum to counteract this ominous concentration of information power, and that broadcasters fulfill their obligations to the public by setting aside spectrum capacity and funds for such a space.

I am most grateful to the White House for twice forwarding to the FCC my suggestions that a high-quality national community access network be built on the digital TV spectrum. However, the FCC has indicated it will not accept any public input at this time (see the two letters I received from the FCC) and will only start proceedings after it receives the Gore Commission report from the White House – and even then may or may not open up this debate to the public. This is unfortunate, as the FCC knows that the Gore Commission report was severely criticized by the public for caving in to the broadcast industry. The end result is that bureaucratic procedure is prevailing over the wishes of the public, allowing the broadcast industry to once again dominate this debate.

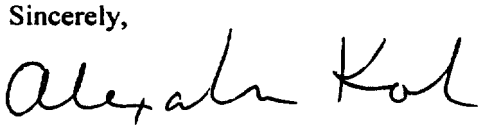
The public needs strong White House leadership on this issue before it is too late – perhaps something stronger than simply transmitting a report that was essentially rejected by the public.

Please consider presenting this issue prominently before the public for discussion and putting forth a "Digital Public Street" initiative: a wireless public network linking together communities, neighborhood and nonprofit organizations, schools, libraries, museums and government agencies on the DTV spectrum. Such a network, complete with interactive government capabilities, should be a basic service provided to all citizens when they turn on their digital TV sets or computers equipped with digital TV receivers.

Communities throughout the country would be eager to support the White House in its efforts to create a digital network that truly serves the public instead of private interests. The Administration has the power and vision to pioneer such a network and leave a profound legacy.

Enclosed for your reference is my past correspondence to you which you forwarded to the FCC, along with the FCC's replies.

Sincerely,



Alexandra Kol

P.S. Please note my new address for any future correspondence.

Enclosures

cc: Vice President Gore
FCC Chairman William Kennard
FCC Commissioner Susan Ness
FCC Commissioner Gloria Tristani
FCC Commissioner Michael Powell
FCC Commissioner Harold Furchtgott-Roth
Roy Stewart, Chief of Mass Media Bureau, FCC

Federal Communications Commission
Washington, D.C. 20554

DEC 14 1999

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JG-2C164
CN-9906231

Alexandra Kol
44 Melody Lane
Westbury, NY 11590

Dear Ms. Kol:

Thank you for your letter, which was forwarded to us by the White House, regarding the public interest obligations of digital television ("DTV") broadcasters. You suggest the creation of a high-quality national community access network on the DTV spectrum.

With respect to the issue of the public interest obligations of digital broadcasters, in its *Fifth Report and Order* in the digital television proceeding, the Commission recognized that in the digital age broadcasters will remain trustees of the public's airwaves. The Commission also recognized that the dynamic and flexible nature of digital technology creates the possibility of new and creative ways for broadcasters to serve the public interest. Various parties have proposed ideas for defining and implementing such public interest requirements. Some contend that TV broadcasters' public interest obligations in the digital world should be clearly defined and commensurate with the new opportunities provided by the digital channel broadcasters have received. Others believe that our current public interest obligations should not change.

As you are aware, President Clinton established an Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters in 1997. In December of last year, the Advisory Committee issued a report to the Vice President, containing ten separate recommendations concerning the public interest obligations of DTV broadcasters. The Commission adopted a *Notice of Inquiry* to consider these recommendations, and those of others, at its open meeting on December 15, 1999. The *Notice* solicits public comment on these important issues. We will include your letter in the record of this proceeding.

Thank you for your interest in the Commission's proceedings.

Sincerely,

Roy J. Stewart
Chief, Mass Media Bureau

Alexandra Kol
50 Windsor Place
Brooklyn, NY 11215
(718) 768-6257

Senator John McCain
241 Russell Senate Office Building
Washington DC 20510

March 6, 1999

Re: Public Interest Obligations of Digital TV Broadcasters

Dear Senator McCain:

The Gore Commission recently released its report recommending new public interest obligations for the broadcast industry in the digital age. The issue now rests with Congress and the FCC.

No doubt you are being lobbied by broadcasters to minimize those obligations, by public interest groups to increase them, and by the PBS/CPB establishment to get more money.

Somewhere out there is the public. Please consider what the rest of us have to say on this issue. The White House is apparently listening (see attached letter from the FCC) and I hope you will too.

Enclosed are my comments to the Gore Commission and subsequently, to President Clinton and Vice President Gore. They include a videotape of a TV show I created to inform my community about this issue. It was shown at Manhattan Neighborhood Network, a public access station in New York City and features Gore Commission member Gigi Sohn. (Imagine that this is a citizen's videogram sent via the digital TV broadcast spectrum.)

There is no question that new obligations are needed. The digital format is vastly different from analog and offers far more opportunities than those defined by the current public interest standard. Broadcasters received free licenses for a staggering chunk of publicly owned bandwidth and did so by misinforming the public (see the NAB "TV Tax" commercial on videotape). The public has no such access to talk back.

These new obligations, however, must be in synch with the nature of digital media or they will collapse under the First Amendment, leaving the public with nothing.

Voluntary codes of conduct are meaningless and things like ascertainment and government mandates for specific programming are not only difficult to keep track of on a digital network, but would spill over to the Internet. Video e-mail and multimedia webpages would qualify as digital television and be subject to government regulation.

Then what should these new obligations be? How can the public be guaranteed a voice, that the First Amendment rights of ***all*** digital communicators will be protected, and that the transition to digital will not be delayed with burdensome content regulation?

A portion of the broadcasters' digital bandwidth should be set aside to the public in the form of a public space, modeled after the Internet, where everyone is a programmer of information and public interest content is self-generated. As I mentioned in my comments, this space would be ***a national community access network that is nurtured and cultivated to ensure quality participation by everyone: communities, individuals, government institutions, schools, libraries, and all other public entities.***

The beginnings of such a network already exist, but in low-bandwidth form. For example, government agencies are putting detailed documents and transcripts of proceedings on the Internet, giving the public unprecedented access to information once available only to insiders and wealthy lobbyists. Neighborhoods across America are putting up websites filled with rich civic and cultural information, including video tours and political speeches. This type of programming belongs in high-bandwidth form on our ***public*** digital spectrum.

I cannot stress the value of the NTIA's work in putting the transcripts of the Gore Commission meetings on the Internet and duplicating and distributing public comments to committee members. I would not have been able to participate otherwise. On digital television, citizens should be able to teleparticipate in open meetings from remote locations through neighborhood access centers.

Today, many people have neither access to the Internet nor to a media space for disseminating their views, and are excluded from the democratic process.

Therefore, government, cultural, library and other public access services must be a basic part of digital TV – but programmed by the institutions and communities themselves. Direct dialogue and information are crucial in a push-button democracy and the concept of a public trustee is dangerously incongruous with the self-broadcasting nature of digital media. Perhaps this concept should be reassessed and replaced with one of access.

Congress and the FCC should also examine the qualifications of a troubled and ***digitally inexperienced broadcast industry*** to lead us into the digital age. Audiences are abandoning broadcasters' programming and yet, are expected to buy costly new TVs to experience that same vision in digital form. This is not happening. It is important to note that the Internet (a public access network) did not take off until the public came onboard with its own applications.

A well-designed public space will speed up the digital transition considerably with fresh new voices and innovation, and must be part of the infrastructure, not an afterthought in response to public outcry. While the Gore Commission did propose a separate educational and public interest channel with some community access, it would not be the powerful ***networked*** access that would make a difference. This channel would also happen too late, only after the analog spectrum is returned. It is widely believed that the analog spectrum will remain indefinitely as is.

Please consider that the digital world is a map of the physical world, and a new public policy must reflect that. When we step out of our homes, the first place or "portal" we enter is a public street.

No such street exists on digital television. Perhaps it is time to start building one.

Sincerely,

Alexandra Kol

Enclosures

cc: President Clinton
Vice President Gore
Rep. Billy Tauzin
Senator Ernest Hollings
Rep. Edward Markey
Chairman William Kennard
Commissioner Susan Ness
Commissioner Gloria Tristani
Commissioner Michael Powell
Commissioner Harold Furchtgott-Roth
Roy Stewart, Chief of Mass Media Bureau, FCC

Federal Communications Commission
Washington, D.C. 20554

MAY 25 1999

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Ms. Alexandra Kol
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Brooklyn, New York 11215

Dear Ms. Kol:

The White House has asked the Federal Communications Commission to respond to the correspondence you sent President Clinton, which included copies of letters to Senator John McCain and to me, asking that a portion of broadcasters' digital television spectrum be set aside to create a national community access network to allow participation by communities, individuals, government institutions, schools, libraries, and other public entities.

As we earlier wrote you, the issue of the public interest obligations of digital broadcasters is an important issue, on which there is considerable debate. The Advisory Committee on Public Interest Obligations of Digital Broadcasters (Gore Commission) issued its recommendations on December 18, 1998. After the report is transmitted to the Commission and the Commission has had a chance to study the recommendations, it will decide, in consultation with Congress, what steps should be taken. It may decide to issue a Notice of Inquiry to invite public comments on this issue and gather additional information, and in that event, you may wish to submit your comments and views.

Thank you for your interest in this matter.

Sincerely,

Charles W Logan
for Roy J. Stewart

Roy J. Stewart
Chief, Mass Media Bureau

Alexandra Kol
50 Windsor Place
Brooklyn, NY 11215
(718) 768-6257

Vice President Albert Gore
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

December 12, 1998

Re: Presidential Advisory Committee on Public Interest Obligations of Digital TV Broadcasters

Dear Vice President Gore:

In a few days, the Gore Commission will be presenting you with a report recommending a new public policy for television in the 21st Century.

Unfortunately, due to considerable pressure from the broadcast industry and a strong desire by the committee to reach a consensus, the recommendations have been severely diluted and do not reflect the will of the people. Nor do they reflect the extraordinary potential for using the digital TV broadcast spectrum to build a truly public communications network – one modeled after the Internet, where everyone is a programmer of information.

A rare opportunity exists to create a national network based on "teleparticipation" and community data broadcasting instead of read-only television. Let us not waste it. We must think in terms of people-to-people communication and a wireless highway that links together neighborhoods, communities and public institutions.

Since the digital spectrum is public property, please consider what the public has to say on this issue by appointing a citizen's committee to supplement the recommendations of this panel.

Enclosed are copies of my public comments to the Gore Commission including a videotape of a TV show I created earlier this year about this issue. It was done with a single digital camcorder and broadcast to my community from Manhattan Neighborhood Network, the largest public access station in the country. It also features an interview with committee member Gigi Sohn.

I am sending this tape to give you an idea of how ordinary citizens can participate in democracy by combining TV access with Internet access, and how government institutions can establish a direct dial to the public through digital communications. My information was based on the NTIA's transcripts of the meetings on the Internet which allowed me to be a virtual participant.

Imagine the possibilities with digital TV and data broadcasting: interactive "government at your fingertips."

Last week, a Los Angeles Times lead editorial described the Gore Commission report as a "national scandal" in its failure to stand up for the public. But perhaps the biggest scandal of all is the lack of access in the age of abundance. Vast amounts of publicly owned bandwidth sit before us while communities struggle to get connected.

Let us work towards opening up the digital spectrum to public use and restoring our democracy to its roots. Digital television is too important to be left to industry insiders or market forces. The public must have the ultimate voice.

Sincerely,

Alexandra Kol

Enclosures

Federal Communications Commission
Washington, D.C. 20554

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CN-9900377

Ms. Alexandra Kol
50 Windsor Place
Brooklyn, New York 11215

Dear Ms. Kol:

The White House has asked the Federal Communications Commission to respond to your letter and accompanying videotape recommending that digital television be used to create a national community access network that would ensure quality participation by communities, individuals, government institutions, schools, libraries, and other public entities.

In its Fifth Report and Order in the digital television proceeding, the Commission recognized that in the digital age broadcasters will remain trustees of the public's airwaves. The Commission also recognized that the dynamic and flexible nature of digital technology creates the possibility of new and creative ways for broadcasters to serve the public interest. Various parties have proposed ideas for defining and implementing such public interest requirements. Some contend that TV broadcasters' public interest obligations in the digital world should be clearly defined and support specific obligations such as community access programming. Others believe that our current public interest obligations should not change.

The Commission is reviewing this important issue. As you note in your letter, the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters (Gore Commission) has recently issued its recommendations. The Commission will study these recommendations and then decide, in consultation with Congress, the appropriate steps it should take on the issue of broadcasters' public interest obligations. It may, for example, choose to issue a Notice of Inquiry to gather more information and allow additional public comments on this issue. You may wish to submit your comments should such a proceeding be initiated.

Thank you for your interest in this matter.

Sincerely,

Roy J. Stewart
Chief, Mass Media Bureau