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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

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Office of Commissioner
Jonathan S. Adelstein

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Federal Communications Commission
Office of the Secretary

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Presentations
MB Docket Nos. 02-277, 01-235, 01-317, 00-244

9 Documents

Dear Ms. Dortch:

Please submit into the public record in the above-captioned proceedings the following papers which were presented to me at a public hearing on FCC Media Ownership Rules held at San Francisco City Hall in San Francisco, California on April 26, 2003. The hearing was co-sponsored by the Media Studies Department at the University of San Francisco; the Communication Department of Stanford University; the Graduate School of Journalism of the University of California, Berkeley; the Communication and Entertainment Law Journal, Hastings Law School; and the Media Alliance.

Sincerely,

Jonathan S. Adelstein
Commissioner

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List A B C D E

to: Federal Communications Commission, Commissioner Jonathan Adelstein, Congress members and public citizens

from: Henry Kroll, Project Administrator
Media Democracy Legal Project

Subject: Media Consolidation Rulemaking Hearing
and Public Forum - San Francisco City Hall - April 26, 2003

We are meeting today because the Telecommunications Act of 1996 allowed an unprecedented level of concentration of radio and television operations licensed by the FCC to operate on the publicly owned airwaves. Prior to the 1996 Telecom Act, a single business could be licensed to operate no more than 40 radio stations across the country. Now a single media giant, Clear Channel, operates under FCC approval nearly 10% of the nation's 15,000 commercial radio stations. In 1996, Republican Presidential Candidate Bob Dole called the Telecomm Act "the biggest give away in U.S. history" because $70 Billion worth of the electronic spectrum was handed over to the existing media giants so they could develop "digital tv" and then broadcast commercially with many new signals in place of the single existing "analog" channel each licensee originally held. This was given to the existing broadcasting companies without the even the FCC establishing ANY PUBLIC INTEREST OBLIGATIONS for the new digital spectrum nor competitive hearings for those digital licensees.

Today we join citizens across the country coming together "to get something back " for the "give away" of the digital spectrum. We need a broadcasting system that provides for democratic discourse with an independent broadcast journalism capable and willing to fully serve the diverse communities across this vast nation.

The Media Democracy Legal Project was formed when leading scholars, journalists, and attorneys were convened by Dr. George Gerbner, Dean Emeritus of the Annenberg School of Communication at the University of Pennsylvania following the passage of the 1996 Telecomm Act to assess its destructive impact on our democratic heritage. We are now joined by civil rights leaders, religious organizations, media watchdogs and supporters from across the country. Sadly we find little interest in Congress for remedial action or repeal of the Telecomm Act and up to now have faced a vast indifference by the FCC on these matters. However, we are determined to use the constitutional legal process to obtain governance of our publicly owned airwaves in accordance with democratic ideals and the United States Constitution.

We are preparing a ground breaking Constitutional case that challenges the present broadcasting monopoly structure which is curtailing the democratic process. While FCC Chairman Powell

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San Francisco Forum on Media Ownership

Comments of Brian A. Wilson
Analyst, Department of Telecommunications & Information Services, City & County of San Francisco; Chair, Alliance for Community media, Washington, DC

April 26, 2003

I am Brian Wilson, Chair of the Alliance for Community Media, a national advocacy association representing over 1000 PEG ACCESS/community media centers and thousands of cable access channels across this country.

Clearly, the vision this country had concerning media in the early part of the 20th century was that one voice, or limited voices controlled by large corporations would silence dialogue and create limited access to information and point of view. Market concerns should never impact our citizens' right to a cacophony of voices sharing a wealth of information. The rules currently under review by the FCC are the essential checks and balances to the growing trend in media consolidation. In today's interconnected world where media is the message, that message is increasingly singular, and yet more now than ever being regarded by a community as an essential service, whether it be internet, broadband, broadcast, satellite, or newsprint. The public interest, that seems to elude Chairman Powell, is best served by the availability of a broadly diverse range of viewpoints and media diversity is seriously threatened by further consolidation of media ownership. The rollback of media ownership regulations designed to protect will in effect reduce that competition, that accountability and the diversity of content, particularly in the area of news coverage. As a democracy, we require access to a diverse range of media voices and messages, in order to fully participate in our collective community's social, cultural and political life.

In the decades after the FCC called for space to be reserved for public, educational, governmental or ("PEG") access channels in 1972, changes in the law have significantly weakened the regulatory structure for PEG. But PEG has survived and it is instructive to take note of the cable model and how it has served the people across this country.

In cities throughout America there are nonprofit organizations, with limited budgets and limited resources, like the League of Women Voters. PEG Access is the only media to serve those groups with training, equipment, facilities and channel space so their mission can be shared. Every month thousands of locally produced programs are created and submitted to PEG Access for cablecast on noncommercial channels. Literally that is more local programming than is generated by all of the broadcast networks combined.

We advocate for this model to be extended throughout the commercial media spectrum. PEG access doesn't involve taxpayer expense or taxpayer involvement. Whether it's public rights of way or public airwaves, we recommend that legislation require that the industry that profits from the use of public property pay to support set asides for the public.

Collapsing media ownership would have a direct and detrimental effect on Community Media's ability to continue to serve their residents. Funded largely by franchise fees, their budgets are tied to the survival of competition. Comcast, the largest cable operator in the country, holds franchises with over 22 million subscribers. If the cable competitors of Comcast fail or merge with Comcast, it could cut funding to those centers in half.

In addition to creating the tremendous commercial power, media consolidation affects the political process as campaign contributions and well-funded lobbying efforts open the door for the industry to frame issues without the public in the picture.

As the Chair of the Alliance for Community Media, we propose a simple regulatory model be applied to all entities providing direct telecom services that provides for franchising authorities to impose fees and rents for use of public rights of way and electromagnetic spectrum and designate the funding and channel capacity for public use. PEG fills a need for information not being met by other media. It's been 30 years since the FCC first initiated this vision. We urge the Commission to resist attempts to repeal the cross ownership ban and to protect content diversity and press freedom by retaining the existing media ownership regulations. Strong action is required to protect the public interest.

I want to thank the Media Alliance and Jeff Perlstein for affording me the opportunity to present testimony from the perspective of someone who has worked for over 25 years in media.

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# PROPOSAL FOR A NEW RADIO PROGRAM AT KPFA/PACIFICA

Listeners are excluded: they are asked to participate, but are kept at bay by a culture of experts who monopolize the air time.
Listeners have a great deal of knowledge. They know a lot which is either not known or not dealt with by the so called experts - the radio hosts and their guests, the "talking heads of the left". These experts should be able to handle scrutiny of their ideas. Their often willfull supression of knowledge should be subject to the self-correcting mechanism which I will call "free speech" or "dialogue".
I propose a call-in program that would act as a review of books, periodicals, magazines and newspapers. This would keep the level of the conversation high, while allowing a wide variety of ideas and facts to be brought to the audience by the listener/callers.
Currently, callers are expected to talk about "the subject at hand", which often boils down to promoting somebody's book.
I think that a collective could produce a better program. It would be hosted by two or more volunteers, hopefully knowledgable people who would be able to contribute their vast knowledge, correcting and adding information to the knowledge of the callers without monopolizing the dialogue, without using the callers' questions or information as batting practice, as an excuse for a diatribe or disquisition; that is to say they should move the dialectic along and not monopolize the air time.
The program would function as a review of the mainstream press, the foreign press, and the alternative press, as well as of books.

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**TO FEDERAL COMMUNICATIONS COMMISSION**
**FROM MEDIA DEMOCRACY TASKFORCE OF THE MARIN SOCIAL JUSTICE CENTER 4/26/03**

**Thank you for holding this hearing; it reminds us that democracy can work.**

**Walter Cronkite once said that perhaps we can't blame each German citizen for the holocaust, but we can fault them for losing control of their information. Media concentration limits our access to a wide variety of sources of information and opinions.**

**Wasn't it Dan Rather, an NBC anchor, who referred to the President as his Commander-in- Chief? Are we to re-act as soldiers and think of George Bush as Our Commander?**
**CNBC recommended to Phil Donahue that his guests should not be "skeptical of the Bush Administration, when other networks are taking every opportunity to wave the flag." Surely skepticism is essential to democracy! NBC is a network whose parent company makes weapons for the military! We would like to see a ruling that keeps weapons manufacturers out of media. Mainstream media has become militarized!**

**FCC Chairman, Michael Powell, has said that media mergers make business more efficient. That is NOT the business of the FCC. The FCC's reason for being is to defend democracy by keeping the airways open and available to all the people. Without a free flow of diverse information, democracy cannot exist, much less flourish.**

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Dear FCC Commissioners:

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The U.S. Supreme Court declared that the mission of a democratic media is the public's right to have access to "the widest possible dissemination of information from diverse and antagonistic sources. It is essential to the public that a free press is a condition of a free society."

In other words, by the process of the first amendment, the public will be informed on all sides of an issue and from those reports they can make intelligent decisions. Our agents would be voluntarily connecting with the voices of those who are not fully represented in society because of language and/or educational deficits. This interaction—the open exchange of media and public is defined as the "market place of ideas."

On the eve of WWI, the idea of disseminating information was engaged by another pretext—that of "manufacturing of consent." This thesis was provided as a means to "tame" the democracy of information, which proliferated in a diverse American public. The elites believed people did not and could not know the world directly and so a media of specialized divisions would support various agencies of government and prepare this manufactured knowledge by employing symbolic power and appeal to irrational emotions based on proven psychological methods of communication. So, democracy became a distorted end and not a process.

Echoed from the Regan-era "the marketplace is supreme" was defined as a free marketplace for corporatations—not a "marketplace of ideas." For people. ~~According~~ to one industry analyst, "this market approach means less attention to consumer groups and more of letting companies do more of what they want."

Michael Powell was appointed Chair of the FCC in 2001 and he said: "Let the markets pick winners and losers," and "if you are truly committed to service in the public interest, bet on a winner and bet on market policy." What this means is that the only thing that is important is the bottom line—winning in the stock market and removing the democratic process from exchange of ideas. Moreover, this "winning marketplace" is in fact government-granted huge monopolies on the frequencies that belong to the public. This marketplace is kept in check by lobbyists who in turn eliminate any possibility for fair competition and diversity. In fact, Powell has labeled democratic ideas of diversity as

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"emotional sentiment." In a rush to accommodate these supreme market forces, He vigerously approved 62 pending radio bands to pro-war CC and Cumulus media. What about the voices of the Peace movement?

At present the FCC's "NOTICE OF PROPOSED RULEMAKING" (9/12/02) has turned away from democratic principles. In its review the word "citizen" is mentioned only once, "civic engagement" is not mentioned at all, but more disturbing is "consumer" is plastered over three dozen times in the document! The FCC's belief that the TV is just another appliance, "a toaster with pictures" is the overriding impetus for an open door to corporate favors.

The mainstream media is not living up to the mission of "marketplace of ideas" and is only interested in more limitations to access dissenting political viewpoints reflected in local cultures of the American public. A Call for Media Democracy is the only decision the FCC must be fighting for and what they claim to be protecting and promoting as "stronger incentives to provide diverse formats, programs and content in ever increasing numbers of alternative providers of delivered video / radio programming."

Finally, these principles would enhance the FCC structures of local radio ownership rule and duopoly rule, national broadcast ownership cap as well as newspaper/broadcast cross-ownership rule and in turn uphold the promise for a diverse, fair and democratic opportunity in all media. The FCC must stand for these, limit media consolidation and promote public access to media.

Sincerely,

Carol B. Chandler
800 Church #24
SF 94114

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Shirley Hansen, 2831 Cabrillo Street, San Francisco, CA 94121 email: shansenca@aol.com April 26, 2003

COMMENTS FOR THE FEDERAL COMMUNICATIONS COMMISSION ON PROPOSED CHANGES ON MEDIA OWNERSHIP RULES

A cynic once said about the American press: "Freedom of the press is guaranteed only to those who own one." Unfortunately, we Americans are discovering that our sources of public information (radio, TV and the printed media) are being captured and monopolized by a handful of gigantic transnational corporations. Until recently, we had competing newspapers in almost every major city. Now most of the media is owned by only ten or so major corporations, and their loyalties are not to the American people but instead to their own profits, their own bottom lines.

This frightening trend toward increasing monopolization threatens our American Democracy because the corporate media tend to support only the established order, the entrenched power. With their profits derived primarily from corporate advertising, the media reports are unduly influenced by the corporate side of almost every story. For instance there is precious little reporting that challenges the basic agenda of insider debates in Washington. Almost universally, our press supports the prevailing political system and its economic and foreign policies. They support the corporate position on taxation, trade, government spending. We have descended into a Soviet-style reliance on official sources. The American people do not need a press that simply repeats the pronouncements of the powerful. But that is primarily what we're getting, along with a mind-numbing swamp of so-called "reality" escapades and juicy scandals on sex, drugs and murder.

Sometimes it seems that the TV reports from Washington serve as a palace court press. They do not consistently serve as a stimulator of ideas or as a check and balance for the policies of the nation's political rulers.

Also, Americans have not been guided toward a greater understanding of the complex issues dominating the outside world because we hear little of the news abroad. Foreign news doesn't sell like O.J.Simpson. Except, of course, for the past month, when we've been deluged with coverage of Iraq as though it were a video game -- and under the pretense that there was actually a war with two opposing military forces.

The American news media has become a profit-obsessed colossus. The corporate monopolization has resulted in a dumbing down of the news. What we're getting is pseudo news because it makes larger profits. European and Japanese newspapers have far more intelligent news coverage. Foreign readers are shocked by the commercialism and superficiality of American TV. This should not be so! The nation's airwaves are public property!. Deregulation under President Reagan enriched the controlling corporations but impoverished the nation! Then in 1996, the Telecommunications Act, written by the industry and passed by Congress in the dark of night with little public exposure, made a bad situation for the American people even worse, enriching the industry even further.

The American right wing seems to have taken over every large news organization -- TV, radio, newspapers and magazines.

THE MESSAGE HERE IS THAT THE FEDERAL RULES GOVERNING WHAT MEDIA COMPANIES CAN OWN SHOULD BE STRENGTHENED, NOT WEAKENED. THE MEDIA -- PRINT, RADIO AND TELEVISION -- SHOULD WORK FOR THE AMERICAN PEOPLE, NOT SIMPLY TO ENRICH THE ALREADY WEALTHY TRANSNATIONAL CORPORATIONS.

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# UNDER THE RADAR 1ST AMENDMENT COMPROMISES IN U.S. CABLE TV PUBLIC ACCESS CHANNEL FRANCHISE AGREEMENTS BETWEEN LOCAL GOVERNMENTS AND CABLE OPERATORS – comments

By

**Joseph V.A. "Joe" Partansky**
(Partansky was a 2002 candidate for City Clerk of Concord, CA; the "censored" instructor of the adult education course "Accessing All Government Information for Truth and Accountability;" a 1995-1999 public member of the Contra Costa County Better Government Task Force; and the 1962-64 co-founder/manager of the San Francisco State University " Free Speech Platform.") 1406 Barbis Way, Concord, CA 94518, (925) 682-9957, partansky@i680n.com

at

**ACCESS: Broadband and The Digital Future—Who is in Control?**
**"Public Access Cable and Regional Interconnect Panel"**
Saturday, 11:30 to 12:20, April 5, 2003
Stanford University Palo Alto, CA

## ABSTRACT

After introducing a few distinctions between "air wave" and "cable transmission" of content "controls" and the roles of the federal, state and local government "controls", the commercial and national public broadcast programming will be differentiated from Cable TV Public Educational and Government (PEG) channels/broadcast programming. Then the 'P' in PEG or Public/community generated programming for cultural, social concerns and political understanding and debate will be addressed. Less than 15% of Cable TV franchises have contracted for Public Access (?). Commercial vs non-commercial and political, free speech programming and playtime vs short announcements, event calendars an PSA rules and prohibitions will be addressed. Recommendations include that local entities' proposed contract/renewal language be made public before negotiations with local cable operators start and periodic updates be made before any vote on the franchise. All political candidates and ballot measure pro/con advocates be allowed to use and given priority on both playtime and announcements, during a limited window. To assist connectivity to audiences all PEG channels announce each others' programs, in a timely manner.

1st Amendment Seven – all prohibit announcements by political candidates if they operate PUBLIC ACCESS

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Joseph V.A. "Joe" Partansky
(925) 682-9957 partansky@i680n.com

# PUBLIC COMMENTS

Before
Concord City Council , Tue. 22nd April , 2003

My name is Joe Partansky, I am an advocate for transparency and openness in government.

I am particularly glad that the Mayor will proclaim April 21-27th, as "Disability Awareness Week" and look forward to hearing tonight's other various presentations and proclamations.

As the audience and the council may recall the City did NOT proclaim March 16th thru 22nd, 2003 "Media Democracy Week." This "Media Democracy Week" Proclamation would have encouraged city staff and members of the educational, cultural and civic awareness communties to blow their horns for the three legs of **P.E.G.**/Cable TV PEG Access. PEG is the short form of expressing Concord's Comcast and Astound franchise agreement for channel use for Public (free speech), Educational (pre-k to life long learning) and Government – which could include not only the City of Concord, but also special districts that impact residents of Concord). PEG programming is the locally sponsored or produced program content that viewers see in Concord, on their Cable TV channel 24 or 25, if Comcast, or channel 29 if Astound. You subscribe to either of these local cable operators, but the rules are set by the federal government or are negotiated by the City.

When the city did NOT delcare/proclaim March 16 thru 22 "MEDIA DEMOCRACY WEEK," after numerous public requests, I did. Also, since then I attended and contributed to the one day conference, "ACCESS: Broadband and The Digital Future—Who is in Control?", held at Stanford University on April 5th . Also, I attended the recent San Francisco City Council Land Use/Franchise hearing dealing with PEG ACCESS issues.

At the Stanford conference I learned that Concord's franchise concessions

were not the only agreement that appears to have unreasonably placed limits on "freedom of speech". These limits remain on what political candidates can say during elections and potential voters can hear. On the Stanford panel on "Cable TV Access and Interconnectivity," I suggested that --besides "normal programming access"/playing videos-- political candidates be able to use the community bulletin boards or community announcement calendars for political speech/PSA/Public Service Announcements. Also, I suggested that local Government Channels publicize local Public Access and Educational Access programs and the P & E channels reciprocate.

Our local governments have a responsibility to speak for the interests and provide ongoing support for Public and Educational programming. Likewise, all PEG channels should carry announcements of government events, public meetings and programming.

I won't summarize the San Francisco City Council subcommittee hearing, but it can be viewed by anyone that has a computer on it streaming,archived video at the URL www.sfgov.org/SFGTV. But I would like to share with the Concord City Council, the San Francisco Government Cable TV's brochure, which Concord could well emulate. Maybe Concord's Government Channel could both make a brochure and twice a year insert a poster/flier in the Concord CityNews. Also, Concord needs to explore adding streaming live and archive video, so those of us at home who want to use our computers can either listen in on public meetings in real time or delayed times, at our convenience.

In closing, since Concord will tonight Proclaim "Disability Awareness Week", the City government Cable TV management should consider initiating captioning , for the hearing impaired and the rest of us, all broadcasts of government meetings!

**Regular Agenda**, further comments by Joe Partansky
regarding agenda item **9.b., which will be asked to be pulled from the "Consent Calendar" and** which recommends "approving a six-month extension of the cable television franchise with Comcast to November 4, 2003. Resolution 03-19 for adoption. Recommended by Director of City

Management" (Staff report of 3 pages was authored by Peter Dragovich , peter@ci.concord.ca.us or 925-671-3085).

The City of Concord should prepare to cancel the Franchise Agreement entered into with TCI, AT&T and now held by Comcast. The agreement has serious performance problems. The Comcast has not come forward with its proposed contract. The contract with Comcast for local operations of Cable TV should be cancelled.

If this agreement is extended, then all PEG programming should be labeled and identified by Comcast and by the City that it is a leg of the currently extended franchise agreement PEG Cable TV Access channel. This fair consumer labeling should alert the views to a) what PEG Access is and what component of the program they are watching is; b) the label note should also state that the whole franchise is only extended to November 4th and is up for renewal; and c) requests for comments about PEG Access Programming **and** the local operator's service performance in any and all areas are requested. Comments should be sent by mail, fax, e-mail or special phone number to the Franchise Manager.

In the meantime the website of the City should contain not only the Comcast and Astound current contracts, but the Consultant's report, and the City's consortium complete proposed contract or a detailed summary of its goals and objectives.

All correspondence to and from the City and Comcast should also be posted. All financial reports that involve Comcast should also be posted. How is Comcast living up to not only its service obligations, as well as financial? Does the City have any reserve funds that it, Comcast and Astound have and are periodically contributing to help in the construction or operation of a future stand alone or cooperative production center for any PEG component. What reserves are accumulating?

The voters of Concord need more information more easily accessible about this franchise now and before it's negotiations are finalized and brought back to the City Council. If the negiotiation last more than one month, once both sides have exchanged their first proposed contracts, a monthly public report to the Council and Citizens of Concord should be made.

Two important events relevant to Cable and Telecommunications are:

(1) PUBLIC HEARING WITH FCC
Saturday, April 26th, 10a.m to 4p.
The Legislative Chamber of the San Francisco City Hall
Will cover various aspects of media conglomeration, e.g.
News and civil discourse,
Media business and employment,
Diversity in cultural programming, etc.
(For more information consult www.media-alliance.org)

(2) CANADIAN CABLE SUMMIT
April 27-29, 2003
Liberty Grand Entertainment Complex, Toronto, Ontario, Canada
Representatives of government, local and national Cable operators
(In Canada 6 million home have cable TV, via 800 cable systems and owned by 92 Canadian cable companies)
For more information contact www.ccta.com.

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