

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

A La Carte Pricing and Programming for
Cable Television

MB Docket No. 04-207

COMMENTS OF
THE ALLIANCE FOR COMMUNITY MEDIA

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The Alliance for Community Media (Alliance) is a national nonprofit membership organization representing hundreds of Public, Educational and Government (PEG) access centers in the United States. There are approximately 5,000 PEG television channels dedicated to localism, education, community affairs, government meetings, and programming by nonprofit entities and individual producers across the country.

These local channels reside on cable systems and exist as part of franchise agreements between local franchising authorities and cable operators. Typically these channels are carried on the basic service tier of the cable system.

Over one million hours of original PEG programming is produced each year and thousands of people are trained to use production equipment and computers at PEG centers. This activity not only enables a diverse range of communication in the local community, but also provides basic technical skills to people who otherwise might not get this training. Alliance members work every day to bridge the "digital divide," and give people practical skills that can be used to increase employability, acquire education and participate in the democratic process.

Deployment of a la carte or themed tier programming would have a direct impact on those who facilitate and produce PEG access programming and their ability to continue this important work. Any discussion of a la carte must include consideration of how a la carte will affect PEG access and local communities. Any a la carte proposal must include provisions to protect these important public interest resources.

In addition to its direct interest in PEG access, the Alliance is also interested more generally in promoting consumer interests through effective competition and, where necessary, effective regulation of multichannel video programming distributors. In this regard, the Alliance agrees with, and adopts, the comments being filed by the National Association of Telecommunications Officers and Advisors. This pleading focuses on the issue of most direct concern to the Alliance, the continued availability of PEG channels to all cable subscribers.

I. PEG ON BASIC TIER AND IN THEMED TIERS

It is not clear that consideration has been given by proponents of a la carte to a requirement that PEG channels continue to be included in a basic service tier in an a la carte or themed tier regulatory structure. Redefining what is or is not the “basic service tier” or attempting to move PEG to a themed tier system could seriously jeopardize a community’s ability to receive these channels or to fund them.

In many communities in the United States, PEG is the only local media. The concentration of media through consolidation and cross-ownership has resulted in less local coverage by broadcasters and, in that environment, PEG has become critically important as the only outlet for news and information in the local community.

PEG channels provide a broad array of local programming including: gavel to gavel coverage of city and county council meetings; unedited school board meetings; distance learning from colleges and universities; health, welfare and safety programs; consumer interest programming; nonprofit programming by groups typically excluded from mainstream media such as the elderly, persons of color, ethnic programming, second language programming, persons with disabilities, retired and active duty military, labor, the arts and children; and discussions of issues important to the community through public access available as a First Amendment forum.

For the local community to continue to benefit from PEG programming, every subscriber must be able to receive PEG channels in the basic tier. Additionally, relegation of PEG to a “themed tier” would destroy the ability for every subscriber in the community to receive the PEG channels. The adverse impact that this would have on diversity, government communications, access to education and local information would be devastating to many local communities.

A failure to guarantee the ability to have PEG in a basic tier also could make PEG a political football. Every cable subscriber now has the ability to block PEG channels from coming into his or her home if desired. But, if PEG is not guaranteed carriage in the basic tier, there could be attempts to keep PEG out of the basic tier when programming includes controversial topics. Imagine a scenario where political opponents are left to fight over whether or not city or county council meetings should be cablecast on the basic tier. Or, in the case of Public access, where much of the programming is religious, imagine a special interest group waging a political battle to move public access into a “religion themed tier.” Or cable operators themselves might decide to move Educational

access programming and distance learning into a special “education” tier received by few viewers.

The ability of local governments, educational institutions, social service organizations and others to impart information to the community unfettered by competing interests can only be accomplished if PEG continues to reside on the basic tier.

II. LOCALISM PROVIDED BY PEG

There has been a lack of local public affairs programming on traditional media outlets. In April 1998, the Media Access Project and the Benton Foundation published a report, *What's Local about Local Broadcasting?* (www.benton.org/Television/whatslocal.html), that surveyed stations in selected markets regarding the amount of local public affairs programming aired weekly. The survey found that, in the five markets examined (Chicago, IL; Phoenix, AZ; Nashville, TN; Spokane, WA; and Bangor, ME), 40 commercial broadcasters provided 13,250 total hours of programming - just 0.35% (46.5 hours) were devoted to local public affairs over a two-week period. Moreover, the survey found that 35% of the stations provided no local news, and 25% offered neither local public affairs programming nor local news.

An expanded Benton Foundation study done in early 2000 (www.benton.org/publibrary/television/lpa.pdf) looked at 24 markets and undertook a random sample of 112 commercial broadcast stations to analyze local public affairs on those stations. The study found that 0.3 percent of the total commercial broadcast time within these markets was devoted to local public affairs programming.

In November of 2003, the Alliance for Better Campaigns published a study on local television (<http://bettercampaigns.org/reports/display.php?ReportID=12>) that found

the same result in six cities where the FCC held hearings on localism. The study found that local public affairs accounted for 0.4% of the programming on the 45 local television stations studies in six cities.

An example of the local and diverse interest served by PEG is CAN TV, the public access organization in Chicago. On a \$2.5 million annual budget, CAN TV has a total of 140 hours weekly of original, local programs on its channels. That figure includes 22 hours each week of live call-in programs by local nonprofit groups around issues related to immigration, housing, health, AIDS, domestic violence, gay/lesbian and a wide range of other issues. An additional seven hours weekly includes local coverage of town hall meetings, public forums, and community and civic events. In contrast, WTTW, Chicago's local PBS station, averages a little over 6 hours of local programming a week with a \$35 million annual budget.

CAN TV operates five noncommercial channels that are 95% local, generating 140 hours weekly of original programming devoted to the local community; it supports television use by Chicago's 8,000 nonprofit organizations, 75% of which have budgets of under \$250,000, that create civic, educational, arts, jobs, health, immigration, and other community based programming; and it ensures that Chicago citizens have a voice on cable television by supporting training, equipment and channel time for Chicago's diverse citizens and groups.

Since its founding in 1983, CAN TV has become an essential means of information receipt and dissemination for thousands of Chicago residents and nonprofit organization. Its five local, noncommercial, cable channels help viewers find jobs, locate HIV/AIDS and domestic violence counseling, access art and educational resources,

volunteer for nonprofits, interact with local public officials, and experience a diversity of viewpoints. CAN TV is an award-winning, highly successful, independent nonprofit. For more information, go to www.cantv.org/rcn.

III. THE LIKELY CONSEQUENCES OF AN A LA CARTE REGIME ARE NOT KNOWN AND MAY ADVERSELY AFFECT LOCALISM AND DIVERSITY

The Alliance is concerned that the consequences of moving to an a la carte regime are not known. As proposed by some advocates of a la carte, the current cable model would be undercut and replaced. Because PEG, and other diverse and public interest programming, serves a public good by preserving and fostering localism and diversity, any proposal that does not address how such programming would be accommodated in an a la carte world could result in the loss of public benefit.

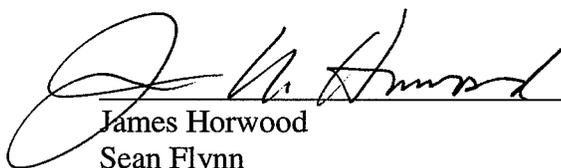
PEG channels and support are provided for in cable franchise agreements and represent, together with franchise fees and I-nets, compensation for use of public rights of way by cable operators. A change in the current cable model that would reduce such compensation would deprive the public of benefits that were bargained for by local franchise authorities when they issued cable franchises.

CONCLUSION

For the foregoing reasons, the Alliance urges that any recommendations concerning a la carte or themed tier programming take into account the likely consequences that would affect public benefits and that, in any event, any recommendations provide that a basic service tier that includes PEG be preserved.

Respectfully submitted,

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