

ALLIANCE FOR COMMUNITY MEDIA  
WESTERN STATES REGION  
www.aocess.org  
Arizona, California, Colorado, Hawaii, Nevada, New Mexico

A PROVEN MODEL TO PROMOTE LOCALISM IN ALL MEDIA

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In 1984, Congress adopted the Cable Communications Policy Act, which affirmed that local governments have the right to require cable operators to set aside "channel capacity for public, educational or governmental use." These channels, the Congress explained, "provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace." In addition, the Act empowered local governments to assure that cable operators provide adequate facilities and financial support for these channels.

The development of cable access channels, programming, equipment and services -- adequately funded in many communities by grants from cable operators and local government -- provides a model for Localism that could be used for broadcast, satellite and IP-enabled media. Through a locally accountable process, broadcast, broadband wireline, and satellite transmission capacity --along with financial contributions to a "Community Media Fund" by broadcast, cable, satellite and other media service providers -- should be set aside to support local efforts to empower citizens as "sources of information in the electronic marketplace." Local oversight of such public service media resources -- including radio frequencies, cable- and satellite-delivered channels, and other outlets - is an essential principle from the cable access model that should be used.

With very few exceptions, the commercial media marketplace does not currently support non-commercial speech. However, where franchising authorities have negotiated agreements with cable operators to adequately address local needs, community groups and individuals from all walks of life now produce thousands of hours of original, non-commercial, local programming each year. These cable systems serve communities in locations as large as New York City and as small as Monterey, California.

Cable franchising authorities collect compensation for the private commercial use of public rights-of-way by media corporations. Drawing from that experience, mandatory set asides of local media resources and spectrum should be standardized at ten percent to compensate for private use of public media assets -- similar to the policy of "public green space" provided to local communities by private land developers.

Local communities require their own voices. Congress and the FCC must protect local media and uphold the public

interest. Without this intervention, the needs and interests of distinct local communities, especially lower-income people and minority groups who lack buying power, are ignored or misrepresented as a result. The best way to promote locally-oriented programming is to set aside bandwidth and secure adequate funds to support the development of a variety of non-commercial, public service media in every community. The Alliance for Community Media recommends the following Telecommunications Legislative Goals:

(A) Require fair compensation for use of public rights of way and electromagnetic spectrum

Streets, highways and roads are the property of state and local governments; electromagnetic spectrum is owned by the federal government. Governments act as trustees of these assets. Consequently, governments should receive appropriate compensation from the telecommunication industry for their use at fair market value. In the same way that the federal government receives royalties from the timber, oil and ranching industries for use of federal resources, Americans deserve to receive some benefit from these corporations for use of public property.

Telecommunications legislation should recognize the right of local and state franchising authorities, state public utilities commissions, and the federal government to impose fees, taxes, or rents for use of public rights of way and spectrum. Federal law should make clear that public, educational and governmental access to the electronic media (and a funding mechanism to enable the provision of adequate facilities, equipment and services that make such access meaningful) are an appropriate form of payment for private use of public property. Allocating bandwidth and funding to support the effective community use of these resources should be part of a service-provider's compensation to local government.

(B) Permit local determination of how communities are to be served

As the federal government continues to consider governmental responsibilities that can be successfully transferred to state and local governments, cable access provides an exemplary model of how services essential to the public welfare can be provided. Decisions about the operation of cable access channels and facilities are made entirely at the local level. The Alliance believes that this simple and effective regulatory model should be applied to all media service-providers, to help ensure that programming reflects local interests and meets local needs.

The law should expressly state that all video providers are subject to the jurisdiction of local authorities, who are authorized to impose such fees, rents, taxes, or other conditions as may be appropriate for "public necessity and convenience."

(C) Provide community support mechanisms to promote democratic discourse

Universal service assists schools, libraries, and public health centers in connecting to the Information Superhighway. But their ability to simply receive information is not enough. True "universal service" recognizes that, in an age of increasing interactivity, all people should be able to create and transmit information. Our telecommunications policy must recognize that local groups -- churches, charities, YMCAs, Little Leagues, secondary schools, and civic organizations -- have a right to be seen and heard. Community-based programming -- on cable, direct broadcast satellite, on advanced broadcast television systems, and on the Internet -- promotes a better trained work force and higher levels of economic productivity. As a result, all Americans can become "information haves."

Telecommunications reform must create a mechanism which will provide not only channel capacity, but the equipment, services and facilities which permit individuals and community groups to use that capacity on cable, LPFM radio, via satellite, on broadcast television, and on the Internet. The Alliance supports legislation which ensures that educational and community institutions are physically and financially able to connect with their members, their students, and their larger communities.

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