

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

MB Docket No. 04-233

Broadcast Localism

**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 are 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.

I. **PEG ACCESS PROVIDES A MODEL FOR LOCALISM THAT COULD BE USED FOR BROADCAST, SATELLITE AND IP-ENABLED MEDIA.**

The development of PEG access channels, programming, equipment and services -- adequately funded in many communities by 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, wireless, and satellite transmission capacity --along with financial contributions to a "*Community Media Fund*" by broadcast, cable, satellite and other media service providers -- could 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 could be used.

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" set aside for local communities by private land developers. We need some *electronic green space* to be set aside in our current strip mall of commercial media.

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 over one million hours of original, non-commercial, local programming each year. This is happening on cable systems in communities from coast to coast, in

large cities such as New York City and Chicago and in smaller communities such as Germantown, Tennessee and Monterey, California.

Cable access programmers have many exceptional stories to tell about their efforts and daily achievements in presenting "programming that is responsive to the interests and needs of their communities." The FCC could help to fulfill its educational role by distributing information about such local programming activities that are occurring throughout the U.S. on broadcast and cable access stations. Such examples could inspire similar efforts in other communities.

II. COMMERCIAL MEDIA ALONE DO NOT ADEQUATELY SERVE LOCAL COMMUNITY NEEDS AND INTERESTS, AND CONSOLIDATED OWNERSHIP EXACERBATES THE PROBLEM.

With very few exceptions, the commercial media marketplace does not currently support non-commercial speech. While a few examples of responsible and admirable efforts by broadcasters (e.g., the Hearst-Argyle stations) have been presented with great pride to the FCC during its Localism hearings, continuation of the Commission's permissive attitude regarding ownership consolidation could easily lead to the demise of these few remaining points of light. What would happen if another media corporation -- one with a very different local programming philosophy -- decided to buy the Hearst-Argyle group? As recent consolidation history reveals, the help wanted ads would soon be scrutinized by many highly regarded but no longer needed journalists, fresh victims of the consolidation frenzy.

PEG access veterans have had first-hand experience with the effect of media consolidation on local programming efforts. Until they were bought in the 1990s, cable MSOs like American Cablesystems and Continental Cablevision offered a relatively

welcoming approach to local programming in many of the communities that they served. The corporate leadership of those firms included individuals who strongly supported the development of local programming activities, and often regarded such programs as important elements of the company's effort to stand apart from their competitors. That attitude is now a distant memory. The top three cable MSOs that currently control well over half (almost 40 million) of the cable subscribers in the U. S. -- Comcast, Time Warner and Cox -- have lengthy track records of actively and ardently opposing efforts by communities to adequately develop and support PEG Access operations. (Skeptics should contact local government officials in San Jose and other Bay Area communities in California to hear how Comcast has been resisting such efforts.)

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 spectrum and secure adequate funds to support the development of a variety of non-commercial, public service media in every community.

III. LOCALISM PROVIDED BY PEG

The lack of local public affairs programming on traditional media outlets has been well-documented. 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 studied in six cities.

The "Local TV Coverage of the 2002 Elections" report (<http://learcenter.org/pdf/LCLNARreport.pdf>) by the Lear Center Local News Archive illustrates -- in sobering detail -- how local broadcast TV stations have largely abandoned any real efforts at serving local community needs and interests.

In contrast to these dismal findings, 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.

In his remarks to the Voice on the Net Conference in Boston on October 19, 2004 Chairman Powell described how the public access organization in New York City (Manhattan) was serving the local community. He noted:

In addition to individual empowerment, local communities are revived as well. Last week, I was in New York City and visited a wonderful studio called the Manhattan Neighborhood Network. It provided facilities to allow average citizens to produce their own programs for airing on public access channels. It allowed members of the community to check out top quality video cameras, once only available to the most sophisticated news operations. It taught citizens to produce and edit programs on desktop computers, using off-the-shelf software. In all, MNN says it has over 1200 "producers" from the community who cover issues unique to their locality. I was interviewed by some kids who were running their own Youth Channel and talked with some of them over publicly available WiFi hotspots. They had used these hot spots to collect footage remotely and transmit from all over the city. This is technology for the masses.

IV. THE FCC SHOULD COMMISSION STUDIES WHICH EVALUATE THE POLICIES AND PRACTICES OF PEG ACCESS AND THE REGULATORY GOAL OF LOCALISM

The current Notice of Inquiry states that the Commission seeks "comment on any other rules, policies or procedures not specifically reviewed below, that might be relevant to our objectives."(p. 4) A review of the NOI clearly indicates that, for the most part, the Commission has limited its consideration of policies on localism to those related to structural and behavioral rules for licensed broadcasters with no consideration whatsoever of the larger communications framework, which includes non-commercial media, like PEG access. Considering that the goal of providing service to local communities is primary for many non-commercial media organizations, any thorough evaluation of what policies and practices might best promote localism should include an evaluation of non-commercial media like PEG access. The Alliance urges the Commission to rectify this oversight by commissioning studies that can evaluate the methods used by PEG access to promote localism, compare and contrast these practices

and their outcomes with those of commercial broadcasters, and explore the potential for expanding the PEG access model across other media platforms.

CONCLUSION

Chairman Powell included the following comment in his statement that accompanied the NOI:

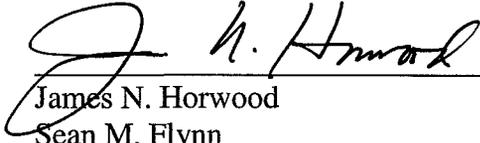
Fostering localism is one of this Commission's core missions and one of three policy goals, along with diversity and competition, which have driven much of our radio and television broadcast regulation during the last 70 years.

The Alliance believes that the best way to foster localism and promote locally-oriented programming is to ensure local and diverse ownership, and to set aside bandwidth and spectrum with adequate operating support for non-commercial, public service media in every community.

Local public interests are at risk as Congress and the FCC reshape the regulatory landscape for media. State and local governments in communities across America must have meaningful and well-defined roles to adequately protect media consumers and to effectively advocate for local needs and interests to be met.

As the federal government continues to consider governmental responsibilities that can be successfully transferred to state and local governments, PEG access provides an exemplary model of how services essential to the public welfare can be provided. Decisions about the operation of PEG access channels and facilities are made entirely at the local level. 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.

Respectfully submitted,



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