

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)	
Petition for a Declaratory Ruling That)	
AT&T's Method of Delivering Public,)	CSR-8126
Educational and Government Access Channels)	MB Docket No. 09-13
Over Its U-verse System Is Contrary to the)	
Communications Act of 1934, as amended,)	
and Applicable Commission Rules)	

COMMENTS OF ATLANTA INTERFAITH BROADCASTERS, INC.

Atlanta Interfaith Broadcasters, Inc. (AIB) is a nonprofit corporation in Atlanta, Georgia that has provided educational, instructional, public interest, community, news, public service, and interfaith religious programming to radio, television, and cable systems in the Atlanta metropolitan area for the past forty years. Today, AIB's programming is delivered to approximately one million households via a full-time cable channel.

AIB supports the petition for declaratory ruling here that seeks relief from AT&T's inadequate delivery of local programming on public, educational, and government (PEG) channels. But, PEG channels aren't the only local programmers adversely affected by AT&T's switch to U-verse. AIB's channel was dropped from AT&T's cable service in Atlanta in the recent conversion to U-verse. AIB believes AT&T's conduct displays a disturbing pattern of failing to serve local communities and interests in violation of Commission policies, the Communications Act, and the public

interest. For this reason, AIB urges the Commission to grant relief for PEG channels and to make clear in the process that new business models for cable, such as U-verse, must continue to serve local community needs.

History and Current Operations of AIB

In 1969, Reverend John H. Allen, Dr. Samuel W. Williams, and Dr. Walter G. Cook wanted to bring community and religion together and came up with the idea for AIB. Their initial goal was to secure for the religious community in Atlanta access to local radio and television media. Reverend Allen, for example, persuaded television stations to carry programs produced by school students and helped students film the programs. In those early years, this student-produced programming met FCC rules that required broadcasters to provide educational and public interest programming geared to the local community.

As the FCC's local programming requirements for broadcasters were relaxed over the next decade, AIB turned to cable television. In 1981, Cable Atlanta made 20 hours per week available to AIB for programs from local churches. The cable system only reached 3,000 homes, but it gave AIB a start. Now, AIB has grown into a full-time cable channel that is shared by all faiths in Atlanta and carried to an estimated one million households and that produces its own, local, news and public interest programs.

AIB's programming is of two types. About 75% of it is supplied or produced by AIB members, the churches, mosques, and synagogues of Atlanta. Typical of such programs are televised services at local churches and talks by their clergy. These are usually local programs and serve the spiritual needs of the local community. More than 1,000 faith-based organizations and some 500 nonprofits have provided programming to Atlanta via AIB over the years.

The other 25% of AIB’s programming is sponsored, and for the most part produced, by AIB itself and consists of news, public interest, and interfaith programs. Much of the AIB sponsored programming is secular. AIB is also committed to interfaith programming that promotes tolerance and educates about different faiths. These programs, listed below, air 45 hours per week in daytime or evening time slots.

<u>Program Name</u>	<u>Content</u>
AIB News	Weekly newscast of faith and community events.
Law & Society	Lawmakers discuss current events.
In Focus	Interfaith news magazine designed to raise awareness.
Keynotes	Speeches and lectures by community, national and international leaders.
Moments	Musical program of traditional hymns, spirituals, etc.
Faith & the City	Interfaith dialogue on public issues.
Praise Central	Video music program by interfaith artists.
In the Beginning	Discussion of the book of Genesis by Rabbi Salkin.
Faith & Good Works	Muslim women discuss humanitarian needs and concerns.
8th Fold Path (Zen)	An in depth look at Zen Buddhism.
Sound of Youth	Teens expressing thoughts on faith and community issues.
AIB Presents	Specials that highlight events and issues in interfaith communications.
A Woman's Place	Discussion of issues of faith, health, etc.
Prescription for Life	Medical professionals provide information on current health practices.
Faith & Feminism	Atlanta Women’s Foundation explores various religious traditions.
Live United	The United Way presents community outreach information.

The quality of AIB’s programs have been recognized nationally, by the Georgia Cable Television Association, the Southeastern Emmy Nominations, and the Telly Awards.

In sum, AIB has spent forty years of hard effort to build a unique, high-quality, highly-respected local telecommunications asset that serves both the religious and secular needs of Atlanta area residents on a not-for-profit basis.

Localism Is a Tenet of the Communications Act

The concept of localism has always been a part of the Communications Act. Specific manifestations of this have ebbed and flowed in the language of the law. Public interest lawyers, Gigi Sohn and Andrew Schwartzman summarized how the localism requirement for broadcasters under Section 309 of the Act changed over the time in a 1994 article: “Over these past sixty years, in broadcasting, this duty has variously included ascertaining community needs, providing programming to meet community needs, providing programming to meet the needs of children, and providing fair and balanced overall programming on controversial issues of public importance.” Gigi B. Sohn and Andrew Jay Schwartzman, “Broadcast Licensees and Localism: At Home in the ‘Communications Revolution’” *47 Fed. Comm. L. J.* (December 1994) 383.

In similar fashion, the phrases “community antenna television” and “CATV” connoted localism. While they have been replaced by the broader term “cable television,” the roots in local community remain.

This notion of localism is found in many parts of the Communications Act in references to “localism” and the “principle of localism.” Congress, for one, assumes the electronic media has an obligation to serve the local community. Thus, it has ordered the Commission to examine “the opportunities that the establishment of direct broadcast satellite service provides for the *principle of localism* under this Act.” 47 U.S.C. 335(a) (emphasis added). It has required that local governments be eligible for the award of grants for construction of public telecommunications facilities. 47 U.S.C. 392(a). It found and declared that “expansion and development of public telecommunications and of diversity of its programming depend on freedom, imagination, and initiative on both

local and national levels” and that “the encouragement and support of public telecommunications, while matters of importance for private and *local* development, are also of appropriate and important concern to the Federal Government.” 47 U.S.C. 396(a)(3) and (4) (emphasis added). And Congress found that “it furthers the general welfare” to encourage public telecommunications facilities that are responsive to the interests of people in particular localities and that such facilities were valuable and local community resources for utilizing electronic media to solve local problems through community programs. 47 U.S.C. 396(a)(5) and (8).

Congressional intent that the nation’s telecommunications resources promote localism is also reflected in cable television legislation. Thus, Title VI on cable communications begins with articulation of a purpose to “establish franchise procedures and standards ... which assure that *cable systems are responsive to the needs and interests of the local community.*” 47 U.S.C. 521(2) (emphasis added). Localism is obviously fundamental to the must-carry mandate. Must-carry obligations extend only to local broadcast television stations. Cable systems aren’t required to carry every station in the country or even every station in the state because Congress wanted to protect the value of localism such stations represent. Congress made the proposition explicit with respect to the carriage of low-power stations, saying that in determining whether to extend must-carry rights to low-power stations, “*the Commission shall afford particular attention to the value of localism.*” 47 U.S.C. 534 (h)(C)(ii) (emphasis added).

The protection of PEG channels under the Communications Act is, of course, further evidence of Congressional interest in localism in the electronic media.

U-verse's Destruction of Localism Violates the Communications Act and Commission Policies and Is Contrary to the Public Interest

That AT&T's U-verse destroys localism in the Atlanta market is obvious. When converting from conventional cable to U-verse, AT&T dropped AIB, one of the premier, nonprofit, local cable programmers in the country. AT&T also consolidated the PEG channels, which formerly were on their own cable channels, into the single, inadequate "Channel 99" approach that is the subject of the original petition in this proceeding.¹

The technology and business model of AT&T's U-verse service are a far cry from the first cable system that John and Margaret Walson developed in 1948. They ran coaxial cable through the mountainous community of Mahanoy City, Pennsylvania. Residents there couldn't get broadcast stations over-the-air. The Walsons' business model was that if they built a CATV system, then they would make money selling television sets. Now, sixty-one years later, AT&T has coaxial cable and fiber optic lines on public rights-of-way throughout the Atlanta area and has a business model that relies on a state-wide franchise. But neither the technology nor the business model obviates the need for AT&T to adhere to Congressional and Commission policies favoring localism in the electronic media that predated both U-verse and the Walsons' CATV system. As everyone knows, and as AIB's forty-year history illustrates, creation and maintenance of viable local programming sources is exceedingly difficult. Those that do exist, such as AIB and PEG channels, are a precious resource that should be cherished and guarded.

¹ Channel listings for U-verse for Atlanta are online https://uverse1.att.com/un/launchAMSS.do?target_action=CLT_return&categoryId=WEB1

For these reasons, AIB supports the petition for declaratory ruling that seeks full carriage of PEG channels on U-verse and urges the Commission to reaffirm its commitment to localism.

Respectfully submitted,

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March 9, 2009

Certificate of Service

I, James H. Johnston, hereby certify that on the 9th day of March 2009, caused the foregoing Comments to be served by depositing a true copy thereof with the United States Postal Service, first class postage prepaid addressed to:

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