

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
A National Broadband Plan for) **GN Docket No. 09-51**
Our Future)
)

To the Commission:

**Comments from Nickolaus E. Leggett
On Civic Participation and an Internet Bill of Rights**

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also a certified electronics technician (ISCET and iNARTE) and an Extra Class amateur radio operator (call sign N3NL). I hold an FCC General Radiotelephone Operator License with a Ship Radar Endorsement. I am an inventor holding three U.S. Patents. My latest patent is a wireless bus for digital devices and computers (U.S. Patent # 6,771,935). I have a Master of Arts degree in Political Science from the Johns Hopkins University. I am also one of the petitioners in the docket to establish a low power radio service on the AM broadcast band (RM-11287).

These comments are in addition to my comments of April 9, 2009 and April 20, 2009 about other aspects of this docket.

Citizen Access to Internet Broadcasting

In 1997, Donald J. Schellhardt, Judith Leggett, and I filed a petition with the Commission to establish a very low power broadcasting service for community and neighborhood broadcasting. We filed this petition because we were concerned that

individuals, community groups, and small organizations had no access to the existing system of broadcasting that is dominated by large organizations. After years of work and participation by thousands of American citizens, the Commission did establish a low power FM (LPFM) radio broadcasting service. This service has allowed hundreds of low power (100 Watt) FM radio stations to be established in rural areas of the Nation.

However, the allocation system prevented the establishment of LPFM broadcasting in high density urban areas including the underprivileged areas that could be assisted by having their own LPFM stations.

This has lead to consideration of other methods of providing broadcasting that is accessible to individuals and small groups in the United States. Several parties proposed a low power AM (LPAM) broadcasting service, but the Commission has taken no action on this proposal. At several times, I have suggested neighborhood and community broadcasting using the millimeter radio waves where there is a huge natural capacity for accommodating local communications. I also developed and recommended a “light house” broadcasting protocol to accomplish this type of broadcasting. There has been no interest from the Commission in this concept either.

This leads us to the potential of the Internet for providing for broadcasting by individuals, small organizations, and small companies. The Internet allows individuals and small organizations to broadcast program content by a variety of technical means. Internet broadcasting is not a perfect communications mode for serving underprivileged urban areas, but it has enough potential for the democratization of broadcasting that it should be encouraged and protected by the Federal Communications Commission.

Civic Participation

My comments here are in response to some of the Commission's questions in paragraphs 70 and 71 (Page 26) of the Notice of Inquiry (NOI). These questions ask about how broadband communications can encourage and enable citizen communications within society and with government. In each instance, I quote the Commission's question from the NOI and then provide my response.

The Commission states: "We seek comment on how broadband infrastructure and services can improve citizen access to local and national news, information, dialogue with government and other citizens,....". This improvement is accomplished by the fact that broadband Internet communications enables many more sources of news and information to operate. Individuals and small organizations that are shut out of traditional broadcasting can set up their own Internet system to publish and broadcast their own content. They can use web site text, web site photographs, emailed newsletters and magazines, streaming audio and streaming video to transmit their content to an audience. This results in many alternative sources of news and information instead of being limited to just a few news sources operated by large organizations.

This especially benefits local news which is often poorly covered by the large news organizations. A local web caster can interview a high school student or a local homeowner who would be invisible to national or even local television. The local web caster can transmit local meetings, sports events, gallery openings, and religious services that cannot be accommodated by conventional broadcast media.

In addition, this new Internet-based media is highly diverse with many different

orientations and opinions available. This is a basic democratic aspect that strongly contrasts to the highly concentrated conventional broadcast media. In many ways this diversity is similar to that which is possible in the print (hardcopy) media but the costs of production and distribution are lower with the Internet.

The Commission also states: “We also seek comment on how broadband infrastructure and services enable amateur content creation and distribution”. The Internet makes it possible for the amateur to distribute his or her content in an effective manner. As a beginning student of the piano, I am quite interested in eventually distributing my own musical compositions and piano playing. I would have almost no chance of accessing the conventional broadcast media, but I can certainly transmit my material on the Internet. This new capability for the amateur is a very major historical change that will eventually invigorate the general culture and society of the United States and the World. No longer will we have to settle for the same Top Forty songs over and over. Instead we can branch out to hear new material from our community and the whole World. In addition, we can contribute our own creations to society.

Many amateur performers can send their content by streaming audio that can be easily accommodated by broadband Internet. Music, plays, poetry reading, discussions, and the reading of text can be sent by streaming audio that is relatively narrow band and can be accommodated by a conventional broadband system without negatively impacting other users.

This democratization of the media is available to professional artists and creators as well as to amateurs. They can use the same technologies to circulate their own products as well.

The Commission asks: "...does access to broadband increase the ability of the average citizen to make her voice heard by the government and other citizens..."? My answer is definitely YES. In my own situation, broadband Internet has allowed me to participate directly in reading rulemaking proceedings and filing formal comments in Federal government proceedings at the Federal Aviation Administration, Federal Communications Commission, Environmental Protection Agency, and other Federal organizations. For example, over the years I have filed over 200 documents in dockets at the FCC. My filings have been in several subject areas such as broadcasting, privacy, amateur radio, radio astronomy, and protection against electromagnetic pulse (EMP) and solar storm events. In effect, the broadband Internet has given me an office at the FCC where I can access the dockets as conveniently as if I were a Commission employee.

Similarly, the Regulations.gov portal has allowed me to participate immediately in rulemaking proceedings at other agencies. I have provided detailed comments on global warming (climate change) issues, use of the no-fly list in aviation security, electric powered aircraft, inventors and environmental regulations, etc. I could not have done all this without the power of the broadband Internet. The Internet gives me the ability to examine documents and transmit comments without any need to travel to the agency locations.

In addition, the broadband Internet allows me to communicate and collaborate with other people on specific issue areas. This was of enormous help in the development of coalitions on the low power FM (LPFM) radio broadcasting issue and for the various amateur radio issues. The Internet is a town square where citizens can circulate their opinions and generate support for their approaches and positions. In many ways, the

Internet has become essential to our modern exercise of democracy. We must protect this town square from dominance and control by large corporations or by government agencies. All citizens must be able to participate equally. As Commissioner Jonathan S. Adelstein said in his statement: "...not one of our citizens should be left out.". (Page 57 of the NOI). This right to participate is a basic requirement for modern democracy.

The Commission also asks about the "benefits of video streaming or video conferencing of government meetings to enable participation by those who cannot attend the meeting in person...". These benefits are major. I personally watch and listen to FCC open meetings by video streaming while I have only attended two meetings in person. The farther a citizen is from the meeting location, the more important this is.

Community Development

Broadband can directly aid community development. In Paragraph 80 (on Page 29), the Commission asks: "How could broadband be used to provide communities with local news and information?" Broadband can provide a "spectrum" for the transmission of local program material from Internet "radio stations" set up by local individuals and organizations. Each of these "radio stations" is a computer that is set up to transmit streaming audio or video material.

The Commission must make sure that these stations are allowed to operate without being blocked by communications or cable companies. At this time, Comcast is involved with a controversy over the blockage of file sharing traffic over its network. Similar challenges will arise where the operation of individual Internet stations are blocked or inhibited by large corporations. This interference strikes at the basic heart of American democracy. Our democracy cannot continue if the individual or small

organization cannot speak out and be part of our national communications media.

Requested Actions

The Commission should establish a broadband “Bill of Rights” that will allow individual Americans and small organizations the basic right to broadcast and communicate over broadband. This Bill of Rights should include the following features:

1. All individual Internet stations have the right to broadcast and communicate over the Internet without interference by corporations and/or government.
2. If broadband usage exceeds existing capacity, usage can be rationed (in terms of bits per second) with all Internet users having the same proportional reduction in capacity for the duration of the shortage. There must be no favoritism at all for large organizations.
3. Government and/or private organizations may not monitor the content of Internet transmissions unless such monitoring is done by lawful court order. This will establish the appropriate privacy of Internet web casts, web sites, and email traffic.
4. First Amendment rights on the Internet shall be the same as the First Amendment rights for print and radio/TV broadcast media.
5. Intellectual property rights, such as copyright, shall be the same as the rights applying to print and radio/TV broadcast media.
6. All Internet station journalists and bloggers shall be recognized as legitimate journalists with the same rights of access as print or conventional broadcast station journalists.

We must protect all Americans' access to Internet broadcasting and all other uses of the Internet. This is basic to America's democratic future. If our rights to access are denied or inhibited by corporate or government action, America will face a nasty future of declining legitimacy and truly obnoxious politics.

Respectfully submitted,

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