

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
The Future of Media and Information
Needs of Communities in a Digital Age

GN Docket No. 10-25]

Comments of Somerville Community Access Television

I. Introduction

Somerville Community Access Television files these comments in support of the Comments of the Alliance for Community Media and the National Association of Telecommunications Officers and Advisors and to congratulate the Federal Communications Commission (“Commission”) for recognizing that Public, Educational and Governmental (“PEG” or “public access”) channels must be part of any discussion on the future of media and information needs of communities in a digital age. Somerville Community Access Television operates the public access channel in Somerville, MA, offering training, equipment, and facilities to all Somerville residents to create community media projects. We have 175 members, and produce about 800 hours of original programs each year, and cablecast non-commercial programming 24 hours/day.

PEG channels fill unique community needs such as uncensored political speech and local election forums, promotion and coverage of local events, arts, and non-profit organizations, media literacy training for at-risk teens, and providing non-English language culture and information. Unless the Commission actively encourages development of public access, there is no guarantee that public access will remain in our future. In these comments we will answer the

specific questions posed in Question 27 of the Public Notice regarding PEG. These comments contain two sections. First, we will share a common message that we, as members of the Alliance for Community Media, feel is imperative to call to the Commission's attention. Next, we will offer insights specific to our community to support our answers to Question 27.

II. **Summary of Challenges**

PEG is currently facing significant challenges that include but are not limited to:

- Operators abusing state franchise legislation to limit or sunset traditional sources of PEG support, resulting in PEG centers closing across the nation;
- Operators employing state franchise laws to limit or sunset the availability of PEG channels, resulting in community voices being silenced;
- Operators refusing to treat PEG channels in the same way they treat local broadcast channels, resulting in the loss of audience and shared community communications.

Among the practices that have made it more difficult for consumers to find and view PEG channels are: operators that move channels them to less desirable channel locations, operators that require consumers to obtain additional equipment to view PEG channels, or operators that aggregate PEG channels on a technically deficient video stream, which lacks the functionality of commercial channels; and

- The Commission's delay in addressing a number of PEG community petitions for declaratory rulings to restrict the above complained of industry practices.

The Commission must understand that its inaction as much as the abusive actions of others is jeopardizing the future of community programming. The Commission was once the champion

of community programming, and we hope that this docket signals the Commission's return to that role.

III. Responses to Specific PEG Questions Posed by the Commission:

Somerville Community Access Television offers the following answers to the specific questions outlined in the FCC's Public Notice.

A. PEG channels are being used to effectively provide useful news and information to our community, but are threatened by industry practices and naïve state franchising legislation.

PEG channels are being used effectively in our community. For example, our State legislators use the channel to explain legislation and state programs, our immigrant communities produce news and cultural programs in their home languages to help integrate their members into the larger community, and our teen media program provides educational after-school enrichment programs for low income teens. Our community bulletin board, which runs between programs, advertises non-profit events and information. Because our PEG channels are programmed by the local community, Somerville Community Access Television would answer the Commission's inquiry whether "[PEG] channels [are] being used as effectively as possible for the provision of useful news and information to communities" in the affirmative.

Somerville Community Access Television appreciates that programming could always be more effective if more of the population involves itself in the programming decisions. More efforts could be made in this regard if programmers were assured funding and our channels were not

subject to industry efforts to marginalize our programming, for example by moving our channels around, requiring consumers to purchase/lease equipment to see our channels, or aggregating and streaming our channels with limited functionality.

In 2007 Verizon put forward state-wide franchising bills in Massachusetts that were stopped in committee after a huge turnout at the hearing by opponents of the bills. In 2009 Verizon again attempted (through bills sponsored by legislators but written by Verizon) to limit local franchising options. These bills also were stopped in committee because of the vocal opposition. However, we know that Verizon will try again to circumvent protections for PEG in Massachusetts unless the FCC makes the protections secure. National research has shown that state-wide franchising leads to reduced funding for PEG and poorer service, with no price reductions for the consumer.

B. PEG channels have evolved over time to retain their effectiveness and must continue to evolve to ensure effectiveness in the digital future

In response to the Commission's inquiry as to "How has the role of PEG channels changed over time, and how could their effectiveness be improved?" Somerville Community Access

Television offers the following:

PEG channels and PEG operators have evolved to adapt to meet the needs and interests of the local community. In our case our programming has included more collaborations with social service organizations and agencies, recognizing their need for low cost communication services including TV shows, public service announcements, bulletin board messages, and video on their websites. When teen violence and suicide were at crisis levels in our City, we moved to engage

teens in creating media projects that enabled them to communicate their concerns to the wider community as well as their peers. With 30% of Somerville residents foreign born, our programming allows each group to communicate their concerns and cultures to the wider community, relieving tensions. In fact, 29% of our TV series programs are in languages other than English. Commercial television cannot possibly compete with our local service to Somerville.

It is not just our programming that has changed, our very operations have changed. Our center posts all of its staff-facilitated programs on the Web as well as cablecasting them on its channel. We teach our members how to create Web video files, and use social networking tools to promote program viewing. Our website aggregates Somerville video and blogs from outside our center. The bottom line on all these changes is that our PEG programming and PEG operations have evolved to ensure that they remain relevant in the life of our community.

C. Operators have employed statewide franchising regimes to negatively impact the number, composition and funding of PEG channels.

Laws imposing statewide franchising regimes have been devastating to PEG channels and PEG Centers. Some state franchising laws limit PEG channels to the maintenance of current channels regardless of future community needs or technological advancements. The worst state franchising laws sunset or outright eliminate PEG channels and PEG funding support.

In those states that preserve the number of PEG channels, the funding for PEG operations has typically been cut dramatically. And where PEG funding is available, the options that local

franchising provided to use funds for operations by mutual consent no longer exists in light of the definitions outlined in the Commission's Section 621 order.

In our state, the robust access environment is due to rules that specify that cable franchise fees must be used for the communication needs of the municipalities. Although these communication needs are not limited to providing access channels, it encourages their support. The franchise fees are used to staff city communications offices, and provide I-Net services, linking public buildings for data and video transmission. Just about every town in Massachusetts cablecasts its town meetings and provides information on community issues, events, and services. When we see access stations in other states close down or have their funding substantially reduced, we worry that we could face a similar future. It results in a loss of government transparency and accountability. On the public access side, citizens lose a healthy and creative venue for expression. In our community, youth would lose a low cost introduction to the field of telecommunications as a career choice.

D. Operators have frustrated the intent of state franchising regimes in that they have not provided robust consumer choice, but have dramatically undermined PEG channels and PEG operations

The rationale for state franchising was ostensibly to promote the greater competition and lower consumer prices. But this experiment has largely failed, and PEG programming and PEG operations have suffered greatly as a result of this failed experiment. This should not be a surprise. Because state franchises are standardized and not negotiated to meet community needs, the states have imposed a one-size fit all program. The result is that many communities have no real opportunity to have their PEG needs met. Additionally, the strength of the Cable Act was

that it was flexible in permitting communities to demand more as their needs increased. The inflexible approach taken by state franchising laws is antithetical to the notion in the Cable Act (and implicit in this proceeding on the future of media) that community needs change over time.

Because we have local franchising, each time our City's ten-year franchise contract comes up, the access center does a needs assessment for its facilities and services that assures that the community's needs are understood and met. An open community meeting is held so that residents can voice their concerns and hopes for the next ten years of funding. Each town is different and can negotiate for different things from the cable company. In a state-wide franchise, every town gets the same services, leading to lower support for the towns that make an effort to provide extraordinary, forward thinking, and creative services. In our town, issues around immigration, poverty, and youth activities are central to our access station's services.

Consumers in Somerville have a choice of cable providers, with both RCN and Comcast in town. Many people choose to get satellite TV or just broadcast channels. Statewide franchising does little to encourage competition.

E. The digital age offers opportunities to supplement PEG channels; however these digital advances cannot supplant the need for PEG channels.

Some argue that You Tube, the establishment of personal and public web pages and social websites, render traditional mass media unnecessary. These arguments are most often made by industry and their champions as a justification for escaping public obligations, and are a misrepresentation of the media landscape. It is interesting to note that while making these arguments, commercial interests are not abandoning the television platforms for the Internet.

Commercial providers recognize that in an information economy, the ability to distribute by multiple means is the only way to serve the interests of your audience. Why should community providers be denied their ability to continue to reach their audience in a format of the viewer's choosing?

New delivery platforms do not render traditional platforms obsolete. They allow consumers to choose the means by which they receive information – and to allow each individual consumer to make different choices at different times. The model is not displacement but “information everywhere.” Should a content provider or “speaker” be limited to one platform – be it the Internet, or mobile applications, or traditional broadcast channels – a significant portion of the audience will not be reached. Today, the most effective and perhaps only means to the poor and non-English speaking audiences, communities that rely heavily on public, educational and government programming is by means of the television. The same is true of public participation in PEG programming. If the only way to speak is via the Internet, groups who wish to reach a mass audience on an issue of local public importance may not be able to communicate effectively. But the Commission is already well aware of this challenge following its hearings on localism.

Finally, community programming relies not only on programming outlets, but on programming centers. Even in the digital age there continues to be a strong need for public places where consumers can both receive and create appropriate local information that can be easily found. PEG operations ensure that there is a well-funded “public space” that consumers can easily reach across all media.

Our membership is as diverse as the City of Somerville, and our facility is centrally located and accessible to mass transportation. It is a meeting spot for many organizations that operate in Somerville. Members of all races and ages come together to crew on each others' productions, creating programs that bridge differences. We offer free access to the Internet to community members without computers at home.

Therefore, the Commission must not accept the claims that alternative platforms reduce the need for PEG channels and PEG support. They are based on a misrepresentation of the nature of media. For while advances introduced by the digital age can offer additional platforms for sharing PEG programming, these additional platforms will never replace PEG channels so long as the television is the primary source of video communications in this nation.

IV. Conclusion

Public Educational and Governmental channels must not only be part of any discussion on the future of media and information needs of communities in a digital age, PEG must be a part of the digital age. The Commission must understand that that unless it actively encourages development of public access as it did in the 1970's, there is no guarantee that public access will remain in our future. And that would be a grave loss for communities around the country.

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