



December 10, 2010

Mignon L. Clyburn, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN 09-191, GN 10-127, and WC 07-52

Dear Commissioner Clyburn:

We know you are in the middle of a rulemaking that will affect how the Internet, ISPs, and wireless communications operate for many years to come. While we are well aware of the great clamor of interests that surround your office right now, few have a more real stake in the outcome than our members, on whose behalf we have submitted seven FCC filings over the past two years.

We do not plan to flood your office with emails and letters just to notch up numbers because the four of us—AFTRA, DGA, IATSE, and SAG—already represent over 300,000 workers who create the multitude of diverse films, television programs, and sound recordings that are sought-after by consumers around the world. It is the works our members make that are at the very core of the debate over the Internet and Network Neutrality. It is our “content” that is a key, and very lucrative, driver of consumers to the Internet. It is our content that is so sought after that Internet profiteers are springing up all over the world—dedicated to creating money-making websites, easily accessible by an often unknowing public who are offered no safeguards or warning signs. And, it is our members’ livelihoods that are so casually disregarded by those groups whose arguments give safe haven to illegal activity while under other guises they work to stop any meaningful efforts to address digital theft. Their arguments are the height of elitism with their casual dismissal of both our members’ economic and creative rights—and of the value of their work to our country.

The numbers speak for themselves. Currently downstream revenues—that most vulnerable to digital theft—from the reuse of feature films and television programs and lawful sales of sound recordings generate \$1.4 billion annually in essential residuals and royalties for our members. Additionally, residuals and royalties play a significant role in funding the health and pension plans that benefit all of our members—65% for instance of the Motion Picture Industry Health Plan for IATSE members. These benefits are the very type of safety net that the Obama Administration advocates—and they are part of our industry’s long-established and collectively bargained agreements.

The vast majority of our members do not grace the pages of magazines—they toil both in front and behind the camera—and they share the same concerns about being able to provide for their families as other Americans. They are the faces of the 756 members we have who live and work in South Carolina—repeated throughout the country. For them these are not abstract Washington discussions about protecting content on the Internet—they are discussions that represent real wages, residuals, benefits, and opportunities lost forever if the FCC ruling on Network Neutrality does nothing meaningful to protect them and their work.

Our concerns have been fully laid out in all our filings. The Open Internet Order that you will consider on December 21 could make it harder to stem the flood of online theft that threatens our livelihood, our health and pension benefits, and the future of our business. The Order must have content protection language that gives clarity to the current situation; in other words, it must give Internet Service Providers sufficiently unambiguous permission to develop and deploy content protection technologies. At a minimum the FCC should not impair the ability or willingness of ISPs to voluntarily work with the creative community to develop and deploy the full range of existing or future digital theft solutions. Ideally, the FCC would actually encourage Internet Service Providers to do so. We urge you to further clarify the Order to this end.

We are well aware of the thoughtful approach you have taken over the past year when addressing these very complex issues and your acknowledgement of the much nuanced realities that are at stake. It is with this in mind that we write you today.

We thank you for your consideration.

Sincerely,

/s/ Kim Roberts Hedgpeth
National Executive Director
American Federation of Television and
Radio Artists

/s/ Jay D. Roth
National Executive Director
Directors Guild of America

/s/ Matthew D. Loeb
International President
The International Alliance of
Theatrical Stage Employes

/s/ David P. White
National Executive Director
Screen Actors Guild