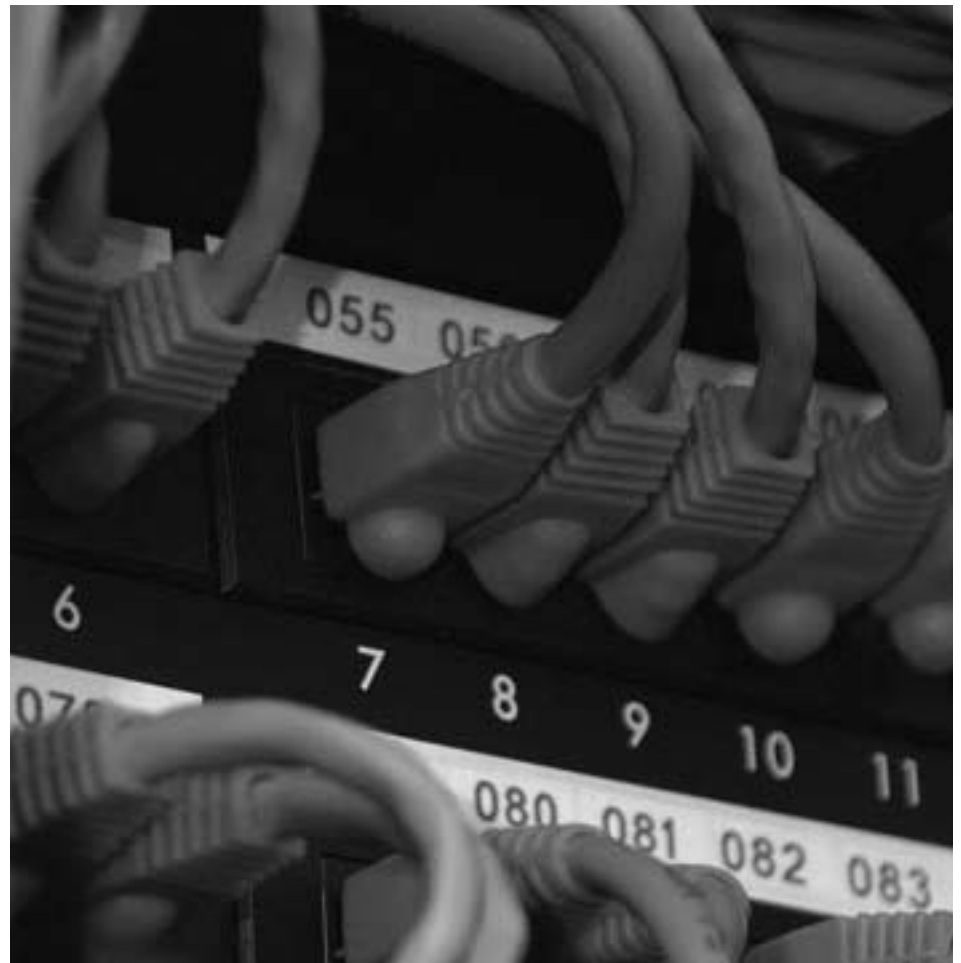




UMASS BOSTON TACTICAL MEDIA GROUP



TELECOMMUNICATIONS LEGISLATION PRIMER

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WHAT IS THIS DOCUMENT?

Many of us rely on cable and phone companies for Internet access, communication and entertainment, and often pay considerably. Phone companies are currently pushing Congress to make it easy for them to do this - demanding that their private use of the public rights-of-way (i.e., stringing new cables all over the place) be publicly subsidized, and that they be allowed to bypass local governmental control. As consumers and participants in this marketplace, we want real democratic telecommunications that will ensure affordable, quality access for everyone that wants it.



This document is meant to provide context and guidelines to navigate the technical landscape of proposed telecommunications legislation in the United States. The telecommunications (phone and cable service) companies heavily influence the very laws that dictate how they themselves bring information to our homes, schools and offices. Understanding how our lives could change for the worse due to the corporate pressure on the legislative process is an essential part of creating telecom policy that works for everyone.

What is at stake is not just how much consumers pay for access to the Internet or their cable TV, but rather the very fabric of American civic discourse - how ideas get communicated or are stifled, whether citizens will have a way to get the information they need to govern themselves.

This guide is brought to you by the Tactical Media Group of UMass Boston.

WHY IS COMMUNICATIONS POLICY URGENT AND IMPORTANT?



There is broad social significance to communications policy. Network communications are the core, defining infrastructure of the 'network society' that has emerged in the last 10 years in the US, and much of the world. Telecommunications and mass media are not simple businesses that create products for market; they are the pathways to social inclusion, the means by which we create a shared culture. Communications and culture are inseparably entwined. There is direct relationship between communications and media and the quality of our public and private lives. They provide the basic cultural material from which we construct our identities, and democratic access to these networks, and the competencies they demand, are key to our success as citizens, workers and creative individuals.

The Telecommunications Act of 1996 promised more competition, more diversity, lower prices, more jobs and a booming economy. Instead, the public got more media concentration, less diversity, poorly regulated monopolies and higher prices. It is vitally important that history does not repeat itself.

HOW IS THE TECHNOLOGY CHANGING?

In the past, phone companies provided phone service and cable TV companies provided cable TV service. This is all changing. In the near future, all phone, TV, radio and web usage will be available through a single network connection.

Cable TV companies are now able to provide phone and Internet service over the same wire they send cable TV. Phone companies are able to send video down the same wire they send phone and Internet service. Each company is under pressure to offer all three services: video, phones, Internet as one package.



WHY IS THIS TELECOM POLICY DEBATE HAPPENING?



Phone companies that are interested in building new networks to offer various communication and video services don't want to play by the same rules that the cable companies have in the past. Phone companies want to be able to specifically choose which neighborhoods to build in (based on profit potential and not universal access).. Additionally, they want to negotiate franchises on the national level, avoiding creating specific franchise agreements with each city, and thus taking away any control and negotiating power that city might have in building the new network.

Cable and phone companies were required by law to build out their network infrastructure according to local franchise agreements with local governments and to include providing universal access to their video (cable television) services to ALL communities. Under the Telecommunication Act of 1996, cable service providers are required to negotiate these local franchise agreements and strive for universal access, while providers of information services do not.

Telephone companies have failed to upgrade their systems to offer advanced communications services packages: video, phones and Internet. Now they want to offer video services to compete with cable and they are frightened of permanently losing the market for these advanced services to the cable companies. They argue the local franchising process is too burdensome and are proposing a dummed down national video franchise process that would strip public interest requirements and local control out of US communications law.

The Tactical Media Group has been created by students, staff and faculty of the Community Media and Technology Program at the College of Public and Community Service at the University of Massachusetts Boston. We are supporting the College's urban mission by promoting awareness and understanding of media and technology policy in the Boston area and beyond. We engage area communities through educational initiatives in that arena with an eye towards fostering social activism and using media and technology to help bridge the digital divide.

<http://www.cpcs.umb.edu/cmt/tacticalmedia/>

<http://tacticalmedia.blogspot.com/>



WHAT IS THE PROPOSED LEGISLATION IN THIS DEBATE?



The **Communications Opportunity, Promotion and Enhancement Act of 2006 (COPE)**, also known as the “Barton Bill”, is a major piece of telecommunications reform legislation currently being considered in the House of Representatives. It’s likely that the Bill’s sponsor, Rep. Barton, will continue to lobby hard to prevent additional amendments in the full House version of the Bill. Congressman Edward Markey from MA introduced a Network Neutrality amendment that, despite a round of spirited debate as well as pleas from the minority party, was defeated 34 to 22. Virtually all the amendments introduced that would protect the public interest were defeated. One of Barton’s rationales for this bill is increased competition in local video markets (thus promising cheaper prices and more choices for the consumer); however there is no evidence that competition might result from this legislation.

The much longer **Communications, Consumer Choice, and Broadband Deployment Act of 2006** is the current bill pending in the Senate, sponsored by Senator Stevens (R-AK), Chair of the Senate Commerce Committee. While this bill has a few positive parts (including mandates that the FCC open up unlicensed spectrum for wireless innovation and creation of more competition around rights to valued sports content), it has several troublesome portions.

Yet this is the telecom industry’s spin:

“Today, consumers won yet another decisive victory with committee passage of the video choice bill (Verizon Lobbyist Peter Davidson).”



Stevens Bill Red Flags:

1. creation of **broadcast flag** (Digital Content Protection Act of 2006), threatening fair use of digital content by ensuring more control of media content by a copyright holders.
2. **municipal broadband** (Community Broadband Act of 2006) is threatened by regulations that say local government can only set up it’s own broadband network if the project is put out to public bid first, ensuring the necessity to partner with private entities.
3. **network neutrality** (Title IX) standards (under current Broadband Policy Statement) won’t be enforced by the FCC, who will only be able to report on trends instead of preventing anticompetitive behavior.
4. changes in **video franchise agreement procedures**, where PEG support can be refused if a city doesn’t return the video provider application for franchise in 15 days and cities have almost no grounds for review/disapproval of the video provider application.

For more information on this bill,

Check out <http://www.democraticmedia.org/news/washingtonwatch/StevensBill.html>

PROBABLE OUTCOMES OF THESE PROPOSED POLICIES

These proposed changes in U.S. communications policy will affect every level and sector of our society - including our economy, our public media, and our rights as citizens. These changes represent a significant departure in our established public interest principles, such as universal service, equitable common carrier requirements, free expression, and diverse ownership of our media.

Citizens	will have fewer opportunities to receive the diverse media content needed to be effective in a democracy - for example, public access stations will lose their funding to cover local and citizen created news reports.
The Digital Divide	(the known gap between communities in their access and knowledge of technology, due to literacy and economic constraints) will be more likely to remain the status quo.
Consumers	will find no increased competition for communication services, and will be forced to accept higher prices and less choice for broadband and video services.
Local governments	will lose the ability to require that networks and infrastructures delivering voice, video and Internet services are built and made available to their citizens in an equitable fashion.
Local governments	that will lose control over the management of their local rights-of-way, resulting in rising maintenance costs and reduced public revenue.
Less affluent neighborhoods	will be "red lined", and will be widely denied up-to-date access to new services.
PEG (cable) access centers	(and the rights to free expression they help guarantee) - will be weakened or eliminated entirely.
Communities	will lose publicly provided community networking infrastructures that are critical to the survival of schools and social service agencies.
Students	will lose much of their ability to make use of the Internet and PEG Access for free or affordable access to communications and research tools.
Internet information providers	(like Yahoo and Google) will have to start charging users for access to their services.



WHAT CAN YOU DO?

1. EDUCATE YOURSELF AND OTHERS!

Read the research:

- Benton Foundation Website: <http://www.benton.org/>
(Subscribing to their headlines service is an easy way to stay up to date).
- Media Channel : <http://www.mediachannel.org/>
(A media issues supersite, featuring criticism, breaking news, and investigative reporting from hundreds of organizations worldwide.)
- Free Press: <http://www.freepress.net/guide/policymakers.php>
(A who makes media policy guide)
- List of Media Policy Resources from Berkeley: <http://www.lib.berkeley.edu/MRC/MediaPolicy.html#telecommunications>



Read the Blogs:

- Digital Destiny: Jeff Chester: <http://www.democraticmedia.org/jcblog/>
- CCTV's Media Policy Blog: <http://www.mediapolicyblog.org/>
- a media reform forum created to increase citizen awareness of media policy issues.



Download Manhattan Neighborhood Network's Save Access Toolkit:

<http://mnn.org/saveaccess/pdf/Toolkit.pdf>

2. USE YOUR VOICE!

Join a national campaign:

Save the Internet Campaign:

<http://www.savetheinternet.com/>

- Write letters urging Congress to keep the Internet free and open.

Save Access:

<http://saveaccess.org/>

- Managed by individuals involved with community media and the struggle for a democratic media.
- Resources also available to e-mail or call Congress.



Save the Internet Orgs:

FreePress

<http://savetheinternet.com>

<http://netfreedomnow.com>

Common Cause

<http://www.commoncause.org/handsoffmyinternet>

<http://www.commoncause.org/CoSponsor2360>

The Nation

<http://capwiz.com/the-nation/issues/alert/>

Join a local campaign:

ACME Boston:

<http://www.acmeboston.org/>



create • educate • mobilize

GLOSSARY

Application Service Provider:

An application service provider (ASP) is a business that provides computer-based services to customers over a network - like a Web application, but it doesn't need to be. Larger scale ASPs include: Google, Yahoo!, MSN and other prominent Internet-based services.

Brand X:

Brand X was an ISP that wanted to use large company pipes to sell DSL service (internet connection) without a surcharge from larger company. This brought into question whether pipes are resources available to anyone. The Supreme Court decision created a precedent that companies own the pipes because they laid them.

Broadband:

Evolving digital technologies that provide consumers with access to high-speed data services. DSL and cable modem, are typically capable of transmitting 256 kilobits per second or more. This low standard is barely enough for users to receive low-quality streaming video.

Cable:

Cable Internet access (or simply cable) refers to the delivery of Internet service over a modem that is designed to modulate a data signal over cable television infrastructure. It can also be used to refer to cable TV.

Common Carriage:

A network usage principle that guarantees that no customer seeking reasonable service, and able to pay a competitive price, would be denied lawful use of a transportation service or would otherwise be discriminated against. In the U.S., it was broadly applied to railroads and later communications media.

Communications by wire or radio:

Broadly defined in the Communications Act of 1934 as "(The) transmission of writing, signs, signals, pictures, and sounds of all kinds... between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission. (47 U.S.C. s 153(a)(b).)"

Duopoly:

Any marketplace where consumer choice is limited to two service providers. In the broadband world duopoly applies to the cable and DSL services that today control almost 98 percent of the residential and small-business broadband market.

DTV:

Digital television uses digital modulation and compression to broadcast video, audio and data signals to television sets. DTV can be used to carry more channels in the same amount of bandwidth than analog TV. A bill signed into law on February 8, 2006, set February 17, 2009 as the date by which the transition of all broadcast television in the United States would be digital.

DSL:

Digital Subscriber Line, or DSL, is a family of technologies that provide digital data transmission over the copper wires used in the "last mile" of a local telephone network.

Franchise Agreement:

Municipal agreements with cable television service providers. Monies from cable franchise fees are used by

GLOSSARY (CONT'D)

public, education and the government (PEG) access TV stations to operate the facilities, employ staff and trainers, develop curriculum, schedule and maintain equipment, produce programming, manage the cablecast of shows and publish promotion materials to build audiences.

Information Service:

(according to the Telecom Act of 1996) Offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

Internet Service Provider:

An ISP is a business or organization that offers users access to the Internet and related services. Many but not all ISPs are telephone or cable companies.

Network Neutrality:

“Network neutrality” is a voluntary but guiding principle of the Internet, which ensures that all users are entitled to access content and services or run applications and devices of their choice.

Public, Education and Government (PEG):

PEG access centers exist because cable operators provide channel capacity, services, facilities and equipment as partial compensation to communities for their use of public rights-of-way (streets, highways, parks and other government owned property). This compensation provides access to media for the local population.

Pipes:

The physical infrastructure that delivers broadband to an end user.

Public Interest:

The public interest, or interests, are concerns everyone holds collectively. The public interest is central to policy debates, politics, democracy and the nature of government itself.

Public rights-of-way:

Streets, highways, parks and other government owned property. Since the people technically controlled the government, we technically controlled the public rights-of-way.

Telecommunications (Telco):

The communication of information over a distance; covering many media and technologies including radio, fiber optics, telegraphy, television, telephone, data communication and computer networking.

Telecommunications Service:

According to the Telecom Act of 1996, a ‘telecommunications service’ is the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Universal Service:

A telecommunications concept that has been around for 100 years. Primarily it means that any user can connect and that quality services should be available at just, reasonable, and affordable rates.