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Letters to the Editor

Cable Systems and Access

To the Editor:

The Federal Communications Commission has informed the Congress of its intention to adopt long-term regulations for television during November. The proposed regulations omit a critical safeguard to the public interest which the American Civil Liberties Union, Americans for Democratic Action and the City Club of New York regard as most vital. These organizations demand that cable systems provide open public access channels in reasonable excess of demand at fair and reasonable rates and terms.

This "common carrier" principle is basic to the regulation of communications and transportation monopolies, including the telephone, railroad and postal systems. It guarantees profitable expansion to meet the total needs of household, business, institutional and government users.

Cable will be the monopoly sales and distribution system for almost all news media, education, entertainment, shopping, banking and computer services. The F.C.C. has authorized pay-by-the-program systems for both cable and on-air broadcasting.

It seems inconceivable that passive cable operators will be permitted to operate the toll-gates with the power to restrict or reject independent program and service originators if the cable operator decides to supply the services. Yet this is the scenario proposed by the F.C.C.'s letter of Aug. 5 to Congressional leaders.

Its 55 pages provide no assurances of fair access to all communicators. It ratifies the privilege of cable operators to engage in programing and services, but it is silent as to the number of channels they may pre-empt and their right to refuse to lease channels to independent producers.

The F.C.C.'s cable television hearings were described as the most extensive in the history of commission regulation. Public interest groups sought a regulatory foundation for the orderly, profitable evolution of broadband communications into a universal, free and diversified public carrier service by the year 2000.

The regulatory scheme proposed by the F.C.C. defeats this expectation. It is replete with dead-ends to the public interest and open-ends to the private interests of cable operators and broadcasters.

SIDNEY W. DEAN Jr.
Chairman, Cable Subcommittee,
American Civil Liberties Union
New York, Oct. 20, 1971