

## THE COMMUNICATIONS MEDIA AND SOCIETY

The right to seek freely, transmit, receive and exchange communications from any source to any destination is essential to the growth, health and self-fulfillment of every person, as individuals.

The right to equal opportunity to intercommunicate with other persons by the use of any technical facility of communications transmission or processing which is licensed by government or in which entry or access is subject to anti-competitive or monopoly control is essential to the free association and collaboration of individuals for common social, economic, cultural and political purposes.

These rights are implicit in the First Amendment of the U.S. Constitution:

"...the Congress shall not abridge freedoms of speech, assembly, petition and the press."

They are explicit in the United Nations Declaration of Human Rights:

"...every person shall have the right to communicate with any other person in any medium..."

The technologies of electronic communications by wire, cable and radiation now make possible universal systems for transmitting and processing broadband video and all other electronic communications, offering almost unrestricted options of time, place, manner and costs.

Interactive two-way systems will develop vast new sources of income both for content suppliers (software) and facilities suppliers (hardware) from direct sale to consumers of programs, content and services as well as from sponsors and advertisers.

GOALS OF PUBLIC POLICY FOR THE REGULATION OF MEDIA TECHNICAL FACILITIES (HARDWARE)\*

..which operate under public permits, licenses, franchises, patents or subsidies or

..which operate under monopoly conditions that abridge free and fair competition.

- I. UNIVERSAL SERVICE: near-100% connection of all users including minimal services for the poor and disadvantaged at rates reflecting ability-to-pay.
- II. UNIVERSAL ACCESS: every person's right<sup>to</sup> provide content services at non-discriminatory rates, terms and conditions.
- III. TECHNICAL STATE-OF-ART continuously upgraded as reasonably viable.
- IV. EFFECTIVE REGULATION, accountable to elected executive, with special safeguards against horizontal and vertical concentration to thwart I, II, and III.

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\*Technical Communications Media Facilities (hardware) include:

- a. Speech and canvassing in public areas
- b. Public street and highway transport
- c. Rail, water, air transport
- d. Postal system; other print distribution
- e. Film and graphics distribution
- f. **Telegraph and telephone**
- g. Microwave, satellite systems
- h. Broadcast stations
- i. Broadband cable, fiber optic systems

and their technical facilities of transmission, reception, switching, terminal processing, data processing, recording, retrieval, accounting, etc.

RESTRICTIONS PLACED ON THE UTILIZATION AND DEVELOPMENT OF BROADBAND CABLE COMMUNICATIONS  
by the October 11, 1984 passage of the "Cable Franchise Policy and Communications  
Act of 1984"

(S-66 and HR 4103)

- a. Cable transmission restricted to one-way except for up-stream signals for selection of programs
- b. Two-way, interactive cable services (ie, security, shopping, banking, teaching, etc.) excluded. (Upstream telephone possible)
- c. No requirements for local, regional or national interconnection with other cable systems or other sources or markets for services.
- d. No requirements for reasonable adoption of state-of-the-art to provide new services or to lower costs.
- e. No requirements or guidelines to achieve universal service: i.e. near-total connection of all potential users and consumers, including the poor, disadvantaged, home-bound, children and elderly - at rates reflecting ability-to-pay (cf. "budget" phone service at \$3.00 per month).
- f. Prohibits allocation of franchise revenues for public, educational, government programs.
- g. General Leased Access ("commercial use")
  1. Effective only when 36 or more activated channels.
  2. Video only: voice, data, graphics excluded.
  3. Must not "adversely affect operation, financial condition or market development".
  4. Must not provide a service now being offered (i.e. movies!).
  5. Rates and terms subject to ad hoc negotiation, dependent upon content, without anti-discriminatory safeguards,
  6. Aggrieved parties referred to U.S. courts, with presumption that operator's terms, rates and conditions "are reasonable and in good faith."
- h. Cross-ownership by newspapers in the same market approved,
- i. Landlord right to reject entry of cable to premises approved.
- j. Semi-automatic franchise renewal privileges, depriving communities of bargaining power to secure better modern services and lower rates. Permits "administrative renewals" between community officials and cable operators, thus avoiding public participation.