

Date: Wed, 25 Nov 1998 21:20:43 -0400
From: Michael Eisenmenger <eisenmen@rci.rutgers.edu>
MIME-Version: 1.0
Precedence: bulk
Reply-To: eisenmen@rci.rutgers.edu
Sender: owner-cem-net@igc.org
Subject: Article: Digital TV and Public Interest Obligation
To: cem-net@igc.apc.org
Status:

Here's a Current article on the preliminary report coming from the Gore commission on public interest obligations by digital broadcasters (HDTV). By failing to extract any public interest obligations from commercial broadcasters, the sell-out in favor of corporate media looks quite immense. The final report will be released to Gore on Dec. 18th, a time that will insure it disappears in the holiday distractions. Please prepare some letters and comments to send both now and when the report goes public. This report and any guidelines that result will likely have an impact on future policies such as spectrum and public interest obligations for cable TV and digital radio.

This article and additional info is at:
<http://www.current.org/tech/tech821g.html>

Michael Eisenmenger

Eighth and final meeting, Advisory Committee on
Public Interest Obligations of Digital Television
Broadcasters

Soft Gore report will be price of
consensus with commercial TV

Originally published in Current, Nov. 23, 1998

Analysis by Steve Behrens

One of the most concrete proposals that the Gore Commission will submit to the Vice President Dec. 18 [1998]--and perhaps the one that it embraced most readily--will be its recommendation for an additional educational DTV channel in every city.

The idea was snapped up by the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters because it could do something for the public interest without adding obligations for commercial broadcasters.

At times during the committee's final meeting, Nov. 9, it appeared that the most important people in shaping the report were the commercial broadcasters on the committee--though they made up only seven of the 22 panel as well as their commercial colleagues outside the committee, who are not-eagerly awaiting its report. Panel

members repeatedly dismissed recommendations that would not fly with the politically formidable commercial TV industry.

The panel backed away from specifying minimum public-interest requirements for broadcasters after Co-chairman Leslie Moonves, president of CBS Television, said those very words were "lightning rods," and Boston broadcaster Paul La Camera said his peers would regard them as "a declaration of war."

Hollywood titan Barry Diller spoke forcefully against "pay or play" tradeoffs, which would let stations buy their way out of public-interest duties by paying for publicizing or other good works. And Moonves warily crossed his arms, warning that he wouldn't vote on anything until he'd seen the whole report.

His fellow co-chairman, Norman Ornstein, wasn't taking votes anyway. The famed political news analyst held firm to his strategy of finding a consensus acceptable to the whole committee and letting individuals write narrow dissents.

*Ann Eubank
Mark*

Ornstein explained to reporters after the meeting that a "hard-line" report voted by a bare majority of the committee would be easier for opponents to dismiss as a "fringe" document. "You get nowhere," he said.

Even with a broader consensus, he predicted, "We're going to get some screaming from broadcasters that it's onerous and outrageous, and from the left that it's way too weak." But getting consensus from both commercial broadcasters and public-interest advocates on the panel is not insignificant, he said.

"If a consensus does not exist, and I believe that's a fact, then you have to resolve it by taking votes," advised committee member Newton Minow. And public-interest attorney Gigi Sohn observed that the report would be stronger if it reflected majority votes. But Ornstein was adamant. The votes, he said, would happen when members decide to sign on, or not.

This week, panel members are reviewing a final draft of the report and writing their dissents. The day after the meeting, public-interest advocates led by the Center for Media Education caucused privately in Annapolis, Md., on strategy to shape public reception of the coming document.

What the report may say

At least some committee members left the Nov. 9 meeting wondering exactly what the final draft of their report will say. But there were glimpses of its major elements from the draft report and from their talk:

Education channels: Instead of the FCC taking back the old analog TV channels after the digital transition, it would allocate one 6 Mhz channel per market for noncommercial educational purposes.

The panel has formal education in mind: "not just Nova," as Ornstein said, "very distinct from public television." But the draft report also mentions "lifelong learning," public affairs, arts and civic education.

Existing pubcasters would not automatically get the channels, but the draft report said they might get first option to give the FCC a plan for using the channel. If it's rejected, other groups could seek the channel.

Who would pay for these new channels? The draft report mentions these options: spectrum auctions, the fees that the FCC is already empowered to collect from "ancillary and supplementary services" on DTV channels, and new proposed fees on DTV multicasting (see below).

Separately, the report is also likely to speak up for a trust fund to aid the existing public broadcasting system, committee member and CPB Vice Chairman Frank Cruz told the CPB Board last week. But the report won't endorse any particular way to finance the fund, he added.

Fees on DTV multicasting: The panel appeared to agree that broadcasters who use their DTV channels to air multiple programs at once have some additional obligations to the public interest. But fees on multicasting would not be levied until after a two-year moratorium, so that they don't impede innovation while the market shakes out, Ornstein said. Then, the draft report says, if broadcasters do multicasting and "realize a substantial increase in revenue," they could choose to either pay a fee ("pay or play"), dedicate channel capacity to the public interest or give free airtime to candidates.

Fee revenue would subsidize public-interest programming.
A revival of the voluntary NAB Code: The committee is sure to recommend that the National Association of Broadcasters draft a new set of standards, updating the NAB Code of Conduct of 1952-82.

Minimum public-interest standards: After strong remarks by Moonves and others, the committee was heading toward saying that broadcasters should meet some minimum public-interest standards, but it will omit specific targets pushed by maverick North Carolina broadcaster James Goodmon.

With the standards comes a carrot for broadcasters: some amount of must-carry protection for DTV. The standards would give the government a rationale for requiring cable systems to carry DTV stations.

Required disclosure of do-gooding: In the public inspection files that broadcasters must maintain, they would be required to report their volume of news programming, PSAs, free candidate airtime and other achievements. One public-relations downside, as noted by South Dakota broadcaster William Duhamel: "By definition, half of stations are going to be below average." Free candidate airtime:

The committee will recommend that broadcasters, as well as cable operators and satellite companies, voluntarily commit five minutes of free airtime a night to local, state and federal candidate

appearances
for the last month of campaigns.

Committee members agreed to send a challenge to Congress, Ornstein said after the meeting: "You enact significant reforms, broadcasters will step up and do their part."

--

Paper Tiger Television
339 Lafayette Street
New York, NY 10012
phone: (212) 420-9045

fax: (212) 420-8223
email: tigertv@bway.net
web: <http://www.papertiger.org>

Paper Tiger TV is a non-profit volunteer collective that has been pioneering media criticism through video since 1981. The diverse series of over 260 programs addresses issues of democratic communications, media representation and the economics of the information industry. The tapes are broadcast in NYC and across the U.S. The tapes are also distributed by PTTV to universities, libraries, and media art centers worldwide.
