

## cable cop

by Sue Fox and Johnny Videotape

Cable TV is everyone's potential two-edged sword. The problem is how to gain all the benefits from cable's 2-way information flow potential, while insuring responsiveness and responsibility to the community — including economic feedback. The solution: insist on the public's rights at every opportunity, and now, before the rules are changed again. Seems the FCC has developed a chameleon policy regarding its position on cable TV.

For example, recently ATC (American Television Corporation) and Cox, two of the largest cable systems in the country, announced a merger (see chart on page ). As with all cable systems, they face the problem of how to get more subscribers. At present, approximately 9 percent of the US is on cable — in areas that are generally signal-starved, offering a lucrative market. But these are pretty well filled. To gain further subscribers they are going to have to offer more to the public than just another TV show off the air. There are several people who want to insure that it isn't going to be merely burglar surveillance systems and the like.

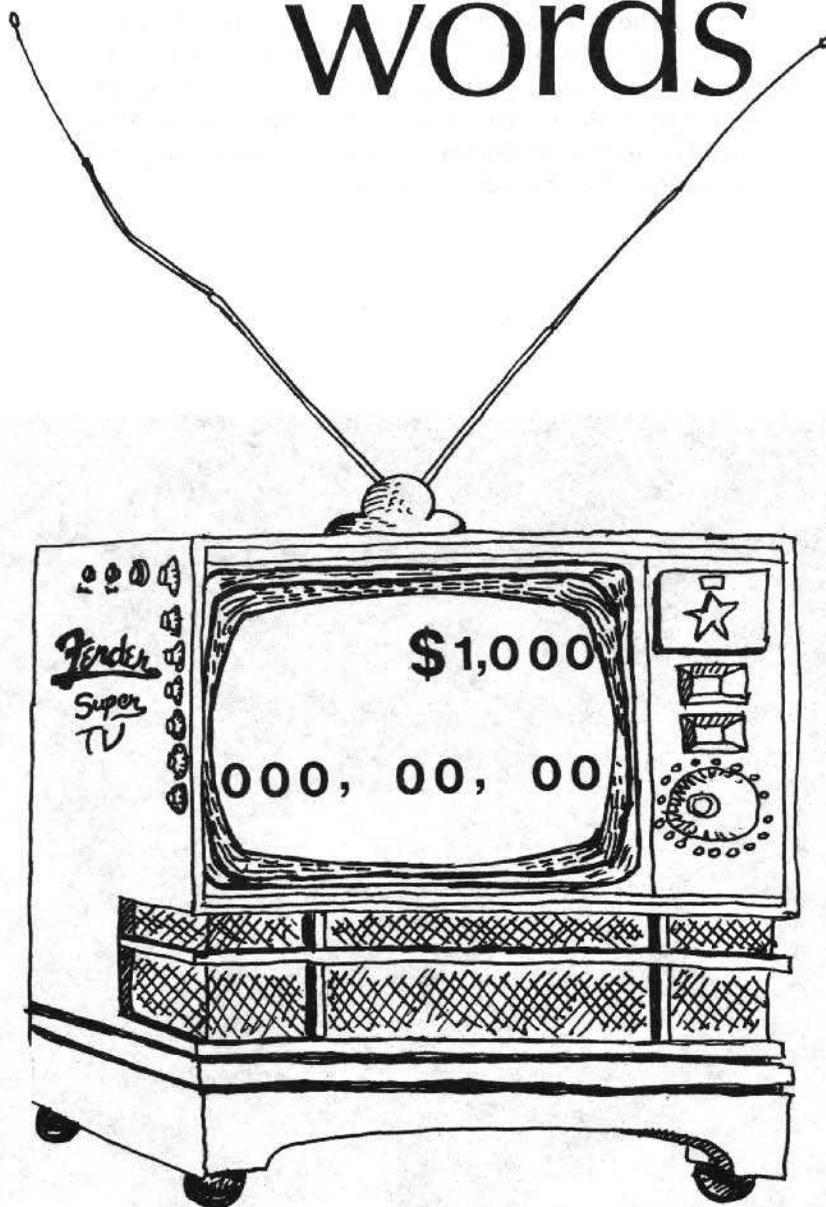
Consequently, San Francisco Attorney Tony Kline and several community groups called for a meeting with representatives from both cable giants to discuss plans for insuring the child born of the union, Cox-American, would have a strong sense of public responsibility. Cox-American was represented by Monroe Rifkin, president of ATC, but no members of Cox's hierarchy showed. Kline had gathered with him members of CRLA, the NAACP, the Committee on Open Media, and Allan Frederiksen (alias Johnny Videotape) from the Santa Cruz Community Service Television Project. This coalition's bargaining position was based partly on the possibility of blocking Cox-American's new license by challenging their violation of the FCC ban on cross-ownership of media in a given market, and lack of public service. Cross-ownership will happen because Cox owns a broadcast TV station in Oakland, California, while ATC owns the nearby Lafayette cable systems. There is also a similar example of cross-ownership among their combined holdings in the Southeast.

Prior to the meeting, professor Phil Jacklin of the Committee on Open Media wrote:

A cable TV operation is by its nature a local monopoly. A single subscriber never has more than one choice for service. When several local monopolies are controlled and owned by a single large corporation, then the resulting "network" has implications for whole regions of the country and for the nation itself.

When there is a natural marketplace of ideas, there is a natural or unplanned access and diversity. But in a monopoly situation, we must "design in" access and diversity. We must design and establish institu-

# one picture is worth a 1,000 words



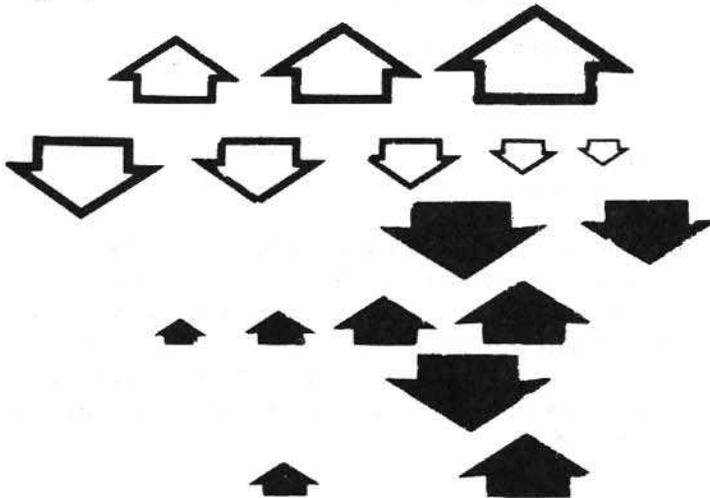
tions and arrangements which guarantee open communication. In a monopoly situation, we cannot take democracy for granted.

What we ask is a commitment to certain institutions and formal arrangements which establish opportunities for decommunications, for the kinds of communications essential to a free and democratic society — free expression and public debate, education and journalism, the flow of information vital to human beings.

At the meeting, four basic needs were presented: minority ownership, minority employment, public access and leased access channels. The last point proved to be most controversial. Professor Jacklin, Allan Frederiksen, and the Committee for Open Media have been working on the concept of a non-profit organization leasing a channel on a low cost, long-term basis. This could provide various community groups a vehicle for regularly scheduled programming, plus a chance to generate on-going production costs through the means of occasional sponsorship spots (unlike the public access channels). However, cable companies had never thought of the leased channels in anything but profit terms. Even broadcasters may consider leasing channels in the future — it would probably be cheaper than broadcasting on-the-air and they could then forego the FCC 3 year license renewal rule for broadcasters.

A Cox lawyer stated that he felt there would be problems with tariff laws — would it be "legal" to discriminate against competitors for the channel market according to what they can pay (regardless of profit vs. non-profit orientation)? The issue needs to be resolved soon.

Rumor has it that after the '73 elections, the FCC will waive its cross-ownership rules as it has already waived many of the March '72 rules regarding what a cable operator must now do in order to obtain a certificate of compliance to enable him to import distant signals, etc. Seems also that the Office of Telecommunications Policy, the Nixon Administration's designed and appointed mouthpiece, is gradually building up to replace the FCC. (And remember, folks, '73 is the year Nicolas Johnson's term is up in the FCC.) The OTP, though supposedly without the power to create laws, allegedly wrote the March '72 rules on cable TV.



However, the OTP and FCC have usually been no great friend of cable. In fact, it was the OTP and broadcasters who largely wrote the copyright rules requiring cable payment for specific off-air rights. The OTP is also in the second draft of a proposal to make the whole cable industry common carrier. This would essentially destroy its profit-making potential — sort of making it a closer cousin to the phone company. They would be unable to initiate any programming but would act only as an available carrier of signals. So why will the FCC soon be abolishing its cross-ownership rules? Because one-third of the cable systems are presently owned by broadcasters.

The merger between ATC and Cox should be interesting. Cox has been around longer and is more tied to the broadcasting past. ATC, because it is only four



years old and was never a child of broadcast TV, seems to be aware of its need to be more responsive to public interests. They have been conducting a public access experiment in Reading, Pennsylvania, for over a year and are soon to initiate them in Orlando, Florida, Charleston, West Virginia, and Beloit, Wisconsin. The merger will be a fifty-fifty deal. Monroe Rifkin of ATC will be Chief Executive of Cox-American, while the President of Cox will be the Chairman of the Board. They have already petitioned the FCC to transfer their microwave and radio licenses and have asked for a waiver of cross-ownership rules.

Hearing this, Kline and his community coalition asked that another meeting be held the beginning of November with representatives of both Cox and ATC. In it, the rights of the public will be presented, including: An agreement not to pre-empt public service programs or spots coming in from a broadcaster whose signal is usually carried; an agreement to require commercial lessees to carry public service spots, including Free Speech Messages, at regular intervals and as 5 percent of all messages carried or one minute in twenty; an agreement to make available free or nominal cost leased channels for non-profit organizations representing various special interests, communities unified by race or idea, political parties, constituencies, etc.; an

Mr. W. J. Bresnan, President  
Teleprompter Corporation  
50 West 44th Street  
New York, N.Y. 10036

Dear Mr. Bresnan:

The Santa Cruz Public Access Coalition has been actively involved in attempting to secure public access to the Teleprompter Cable System in this area for the last eighteen months. We first broached the idea to your local system manager, Kester Krieg, in December, 1970. Although his initial response was positive, when specific video tapes were produced and made available, he found "technical" reasons for rejecting them. This was our first indication that, at least at the local level, Teleprompter would be reluctant to support and encourage access.

In observing public access in other parts of the country, such as New York City, we noted that access was provided when required by the franchise agreement. We took the issue to the Santa Cruz City Council in October, 1971 to request an amendment to the franchise requiring public access. At minimum Teleprompter did not support the access concept and at maximum it obstructed a favorable hearing from the Council.

A public access petition was then circulated and one out of every ten registered voters signed the petition. Thus broadbased community interest in public access was conclusively demonstrated.

This organization, and others like it, are concerned that any franchises granted in the future include service features and requirements which will meet the needs of the community involved. We have a list of every community in California that will be granting a franchise in the next year. We are, and will continue to be, in contact with these municipalities. We will advise them in accordance with our experience.

Teleprompter has an established record of public service in other cable communities. We believe that our interests are the same: communication systems that serve people. We look forward to your response,

Sincerely yours,

Michael J. Sales & H. Allan Frederiksen  
for the Santa Cruz Public Access Coalition

The problem of public access and how to get it, along with all the other questions of who should have access for what and the problem of existing franchise agreements which do not give public access, and the legal question of such agreements which are obviously not in the public interest are basically in the hands of the FCC. Allan has addressed himself to that group in the following letter:



#### AN OPEN LETTER TO FCC COMMISSIONERS

In a recent news item in *Broadcasting Magazine* (9 October, p. 5), it was reported that the Office of Telecommunications Policy has nearly completed long-range policy recommendations on cable television. The proposals were said to include policies "recommending that cable TV be structured as common-carrier as means of increasing access to [the] medium. . . ."

The Committee For Open Media is deeply concerned as to whether these proposals will truly enhance the public's access to cable TV. The Committee further believes it wholly inappropriate that a private executive input procedure be employed for the formulation of public policy.

Cable TV has the potential of becoming the primary distribution medium of all forms of communication within the next decade. It seems incomprehensible that policies in such an important area as cable communications could be formulated without any definition of needs being sought from the general public.

The Committee For Open Media requests that the FCC begin a formal inquiry with full input from the general public on the problem of access to cable TV. In particular the Commission should explore the possibility of overseeing the establishment of non-profit community leased channels.

Faithfully yours,

Phil Jacklin & Allan Frederiksen,  
(Johnny Videotape)

The outcome of the rising public demand for access to what is probably a public utility in the first place is far from settled. Only diligent public servants and individuals like Allan Frederiksen, Sue Fox and Roberto Esteves and writers like Brom and Evers can turn the tide toward more public open access information exchange.



agreement (The Community Title Proposal) to return 10 percent of all revenues before taxes to a community controlled Office of Access Support. These funds would be used for the three required access channels as well as for a scheduled and programmed public access channel, if there is one, and for non-profit community-leased channels. Support would include a salary for a co-ordinator and equipment for a community TV workshop on the model of the ATV project in Reading, Pennsylvania; an agreement to return 1 percent of all revenues before taxes to a Public Information Fund for promotion and publicity of programming on access channels; an agreement to distribute a manual, e.g., "How to Use This Media," to all subscribers, which manual includes (a) an explanation of the various access channels, (b) instructions about how to gain access or time on the cable, (c) instructions about how to use half-inch VTR equipment, (d) information about services and opportunities provided by the local Office of Access Support, (e) a bibliography of books on the potential of cable and the problems of public policy related to this potential; an agreement to provide channel space for the three FCC required access channels in all cable systems owned and not just in the 100 largest markets. In every location where cable franchises exist or are being bargained for, these rights should be demanded. Cox-American will be second in size only to Teleprompter. Will they try harder?

Probably not. In an article written for the *Bay Guardian* by Thomas Brom and researched by Elliot Evers entitled "How Bay Area Cities Sold Out the Public's Airwaves," Brom says,

The major TV and radio stations in the Bay Area are already controlled by outside media conglomerates: no minority ownership at all. But with cable it gets worse. The selling out of cable franchises in

fact has brought many more conglomerates to the Bay Area than there were before.

The *Chronicle* won out against four competitors and got a cable franchise in San Francisco from the San Francisco Supervisors, but in the six years since it fought the 21 year bargain for \$2,500, Western TV Cable has never developed a cable system. San Francisco's other cable franchise went to Viacom International, a spin-off of the CBS empire, for a token payment of 5 percent of the gross receipts.

The best solution for cable TV, as for other utilities, lies in city ownership. This is the route taken by San Bruno which used profits from its water system to finance initial cable construction. Public ownership, of course, raises the danger of political censorship of free speech and it will be important when cities own systems that there are solid statutory provisions for free community access to several of the system's channels.

In San Francisco Roberto Esteves of the Public Library's Bay Area Reference Center is developing Video Task Force to gather the opinions of various groups and individuals and using these various opinions to try to influence City Hall to acknowledge its responsibility to the community need for open channels. Esteves has set up a cable workshop for this purpose, with the first program bringing together a representative of City Hall and a former cable company management executive who is now a cable consultant in a symposium, for all practitioners of video whatever their orientation. Esteves also hopes to convince the San Francisco Public Library that it should, as the center for public information, begin to build a library of tapes and a public production center with an orientation toward educational uses of video. In the librarians' journal published by the Bay Area Reference Center titled *Synergy*, Esteves has said,

Where does the library come into cable focus? Both as an educational institution and a clearinghouse of community information (it is, isn't it?), the library is in an excellent position to opt for free time on either the education or community access channel. Natroba County Library in Casper, Wyoming, has already demonstrated the success of video reference service and other libraries are beginning to experiment with inventive video programming to make cable TV the "Branch" of the future. What better way to have outreach programs than to reach into people's homes? The real difficulty is getting your city to award a franchise stipulating the free access channels. The library as a community information center must realize the tremendous importance of acting for the community now while cable casting is still in its infancy.

Allan Frederiksen of Santa Cruz has tried to impress his community and other communities in California with the same ideas. He is a veritable David against Goliath but it seems that a few small stones are not going to open up any public access in Santa Cruz or anywhere else that has already made a franchise agreement which excludes public access. In a letter to the Cable Goliath, Allan has said,