

FCC Gets an Earful at Public Hearing, by Martha Wallner

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According to the FCC, the purpose of the initiative is to determine "whether current FCC policies and rules designed to promote localism satisfy their intended purpose, or instead should be changed or supplemented." Commissioner Michael J. Cops registered his irritation with FCC leadership when the initiative was announced, stating "There are issues here where we should be acting, not asking more questions, and putting them off will raise questions in some minds about our seriousness of intent to resolve such matters." Indeed, Chairman Michael Powell's failure to attend the hearing in Rapid City, SD and the one in Monterey, casts serious doubt on his intentions.

### **Court Victory by MA and Allies shifts Landscape, Sets the Stage**

Powell was dealt a stunning blow in June of this year when the courts ruled in favor of Media Alliance, Prometheus Radio and fellow plaintiffs against the FCC. The courts found the FCC arguments to scrap longstanding media ownership limits, "arbitrary and capricious," ordering that the old rules remain in effect until the Commission comes up with a better justification for changing them.

Ostensibly, the FCC will use the findings of the localism hearings to build a more solid case for new rules and a new framework, but it's doubtful that the FCC will act this year. The court defeat of the rule changes was a humiliating setback for the Bush Administration and Powell, who had clearly intended this as a cornerstone of his legacy. There are many rumors swirling about who will actually be on the Commission after the November elections.

Whatever happens in November, activists have been treating these hearings as a strategic opportunity for public education and coalition building that expands the growing movement for media policy changes. For Californians the hearings and the increased public scrutiny of local broadcasting are particularly timely: 2005 is the launch of the two-year process for reviewing TV and radio station licenses throughout the state.

## **From the Bay to Cannery Row: Speaking Out for Media Change**

Media Alliance prepared for the hearing months in advance, contacting activist organizations throughout the Bay Area, Sacramento and the Central Coast. Working with local organizers, MA held workshops in Salinas, Santa Cruz and Monterey, where participants dialogued about the day-to-day impact of current media policy on their communities and policy recommendations to include in their statements at the hearing. Participants included members of the League of United Latin American Citizens (LULAC), SEIU and CWA, Barrios Unidos, The Citizenship Project, Media Workers' Guild, Monterey Bay Central Labor Council and the Unitarian Universalists.

MA's outreach to independent media outlets helped bolster attendance at the workshops and ensure strong turnout and coverage of the hearing. Radio Bilingüe, KUSP, Free Radio Santa Cruz and KPFA aired frequent announcements as well as the live broadcast anchored by Harrison Chastang of KPOO-FM. Media Alliance scored advance cover stories in the Monterey Weekly, Metro Santa Cruz and SF Bay Guardian, in addition to placing Op-eds by the FCC Commissioners in the SF Chronicle and the Mercury News.

On the night of the hearing, the public filled the Steinbeck Forum in downtown Monterey. The panel, chosen by the FCC, squeezed behind a long narrow table looking eerily like *The Last Supper*. Broadcast veteran, Belva Davis, moderated from the center of the panel, flanked by Commissioners Copps, Adelstein and Abernathy. The panelists' testimony reflected the deep division that exists between the commercial media industry and the public interest sector.

Hearst-Argyle spokesperson, Joseph Heston, President of KSBW-TV in Salinas, contended that consolidation had given his station the resources it required to provide local coverage. He stated that, in fact, KSBW's "success stems directly from our overriding commitment to localism." Joseph Saltzman, Associate Dean of the Annenberg School for Communication-USC, delivered a scathing report on the paucity of political coverage in the top 50 U.S. markets. Prepared by the Norman Lear Center, the report found that while Hearst-Argyle did better than the national average, "Hearst-Argyle is the exception, not the rule." Saltzman argued, "The campaign coverage Americans get on the airwaves they own should not depend on good luck or good will," and for this reason, "we need explicit standards of performance by local news. Stations promise to fulfill a public interest obligation in order to get their license."

Eduardo Dominguez of Telemundo claimed current practices and policies in commercial media adequately serve Spanish-speaking audiences. But panelists Blanca E. Zarazúa, Chair of the Hispanic Chamber of Commerce of Monterey County and Delia Saldivar, Regional Manager of Radio Bilingüe's KHDC-FM in Salinas, strongly disagreed. Saldivar pointed out that while 32% of California's population is Latino, and 70% of that number is of Mexican descent, "the number of radio outlets, commercial and non-commercial, that are owned or controlled by Mexican-Americans in California is zero, except for the non-commercial Radio Bilingüe stations." Citing statistics on the serious health problems faced by Latinos, she argued, "the Latino people are suffering and in many cases dying because of the lack of media interest addressing public health issues."

During the public testimony period, scores of speakers expressed dissatisfaction with the FCC's current policies and local media outlets' coverage of community issues. Peter Kwiek, an activist with SEIU and the Salinas Action Network, testified that when 4000 workers marched in Salinas for universal healthcare a year ago, they received the "usual scant, superficial sound-bite coverage with absolutely no opportunity to meaningfully present our point of view." Bill Meléndez of LULAC testified that after de-regulation, the regular quarterly assessment meetings local broadcasters held with members of LULAC, the NAACP, and the local Filipino Councils, ground to a halt.

In addition to calls for stricter standards for commercial media, the hearing included recommendations for policies that support non-commercial media and increase community control of media. Panelist Sean McLaughlin, representing the Hawaii Localism Coalition, proposed that "a policy approach similar to that of local franchising of cable TV should be considered for broadcast, satellite and IP-enabled media." John Higgins, President of AccessSF, the public access channel of San Francisco, echoed and expanded on the Hawaii coalition's proposal. Higgins called for a 10% set-aside of all media outlets for public use, with provisions for media training and sustainable funding to support these set-asides.

### **From Cannery Row to the Future**

In a recent In These Times article, Who Owns The Sky?, author David Bollier, describes how activists, from librarians to environmentalists, are resisting privatization by invoking the concept of "the commons." He explains, that, "unlike markets, which cater to those with money, a commons generally aims to provide equal access to a resource. Access is a civic or social right, not a privilege reserved for those who can afford it." Proposals for the set-aside of channels, spectrum, bandwidth and resources, reflect an effort by advocates to transcend the boundaries of the current regulatory framework driven by "free market" principles and move towards the concept of a media commons.

There are strong indications that the Telecommunications Act will be re-opened and re-fashioned in 2005, affecting the media landscape for years to come. Regardless of who controls the Senate in 2005, there are strong indications that the Telecommunications Act will be re-opened and re-fashioned next year. Of course, industry lobbyists are already lining up with their wish lists.

Now is the time for public interest advocates to counter the media industry's proposals with policies that embrace the emerging paradigm of the commons. The response to this latest round of FCC hearings demonstrates that the constituency for this sort of fundamental change is growing, and mobilizing.

To watch and/or listen online to the FCC hearings in Monterey go to:  
[www.fcc.gov/realaudio/mt072104.ram](http://www.fcc.gov/realaudio/mt072104.ram)

Media Alliance would like to thank the many individuals and organizations who helped make the public mobilization for the Monterey Hearing a success and to specifically thank the following organizations for their financial support of this effort: The Alliance for Community Media – West Region, the Communication Workers of America, and Free Press.

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