

THE RIGHT OF WAY

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 Public Access
 of Indianapolis, Inc.

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Indianapolis Needs its Public Access TV Back

Some 3,000 communities around the country have public access TV. Indianapolis used to be one of them. In the 1980s, Indianapolis's citizens, religious leaders and community groups fought a long, tough battle to include provisions for public access TV in the city's first cable franchise agreements. However, when these agreements were renewed in 1996, the city quietly killed the public access TV channel, trading public interest for corporate gain.

The right to free speech is greatly diminished when average citizens and community groups are locked out of television, which is still the most dominant vehicle of mass communication. Today, nearly all media-including TV, radio, newspapers and magazines-are owned and controlled by a handful of media conglomerates driven by profit. What these corporate owners show on television, therefore, is what maximizes their profits-not what is most newsworthy or beneficial to the community.

The power of public access television lies in its ability to promote real public discourse and participation by broadcasting programs of unique interest to the local community. Corporate-owned stations air the expedient political sound bites and self-serving views of the anointed-appointed few who are beholden to their interests. Public access TV is the infrastructure necessary to support the free exchange of ideas essential to a healthy democracy. As David Welch, Cofounder of One World Media Center said, "For democracy to work, a broad range of people have to be able to participate in public discourse. What happens is that a lot of public discourse happens on newspaper or television or radio. If it's too expensive, it starts to limit the realm of democracy itself." Public access TV helps broaden the realm of democracy. It is community-based, independent and alternative media.

The mission of Public Access of Indianapolis (PAI) is to get public access TV back on the air in Indianapolis. A world-class community

deserves world-class community media. Here's how you can help:

- Join our mailing list and stay informed. See below for contact information.
- Sign an organizational statement of support. Go to our website at www.indyaccess.org
- Become a member and volunteer as a videographer, editor or writer
- Contact the Mayor and your City-County councillor. Find contact info at www.indygov.gov or call 317-327-3200
- Make a tax-deductible contribution to PAI. See below for contact information.

"Indianapolis is really alone when it comes to having no public access."

Bunnie Riedel, former Executive Director, Alliance for Community Media, Washington, DC

To help Indianapolis become a world-class city, complete with world-class community TV, join **Public Access of Indianapolis (PAI)**, a nonprofit community media organization with a goal of reestablishing public access TV on Bright House Networks and Comcast Cablevision systems in Indianapolis. PAI provides volunteer video services for nonprofits, and maintains an on-demand, streaming video library of community events and meetings.

Website: www.indyaccess.org

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It's Not Wayne's World

If you have ever watched the hit movie "Wayne's World," you know it follows the adventures of two public access TV producers. The main plot of the movie involves an evil producer who completely changes the premise of the show. People in Indianapolis are not so lucky: In 1996, thanks to a new franchise agreement between the Cable Franchise Board and the cable companies, producers of public access cable shows lost their voice entirely. Mayor Bart Peterson claims that Indianapolis is a world-class city, but how can this be when its citizens do not have a voice?

Before the disappearing act of public access cable, Indianapolis had an array of shows, most produced by religious groups and community organizations. These shows provided coverage of local issues. Produced at a small cost, these shows could reach hundreds of thousands of people. All that changed in 1996. Now organizations do not have the same voice.

If you are holding your breath waiting for corporate media to cover community events, keep holding it. After all, they cover the weather at least three times in a 30-minute broadcast, but completely ignore stories such as the janitor's strike for living wages. And if by some miracle they do cover the event, it is reduced to a 30-second "in depth" segment. If 30 seconds is "in depth" then 60 seconds must be a full documentary.

This is why we need public access TV back in Indianapolis. Imagine a show where the Girl Scouts could tutor younger children or a religious group could broadcast their community events. And could you imagine a soap opera produced by local high school students? The possibilities are endless!

It's not Wayne's world, it is ours!

Tracy Carson is a local activist and PAI Board member who resides in Indianapolis.

Other Waynes, other worlds

Although Indianapolis no longer offers public access TV, some 1,000 access centers around the country produce a wide variety of programs. Following is a small sampling:

Chicago's CAN TV-21 "Teen Moms Only" show has won numerous local and national awards and been used by social services agencies around the country.

A 10-year-old in New York City was trained on video production and is now producing shows with his mother on violence prevention.

In Center Point, Indiana, Terry Moore used public access TV in her community's campaign that resulted in regulation of out-of-state dumping.

Davis Community TV (DCTV) in California features election programming for the city

council and special elections.

Saint Paul Neighborhood Network dedicates one of their public access channels to international programming, featuring news, perspectives and entertainment in German, Chinese, Spanish, French and Hmong.

LETTERS & COMMENTS

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The Right-of-Way
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or
Email to:
newsletter@indyaccess.org

St. Louis Conference for Media Reform

Free Press, a nonprofit organization "working to make media reform a *bona fide* political issue in America" (www.freepress.net) sponsored the second National Conference for Media Reform on May 13 to 15 at St. Louis's Millennium Hotel.

More than 2,500 persons attended the conference, filling the lower-level meeting rooms, gathering materials and exchanging information with others who hailed from every U.S. state (and Puerto Rico) and ten other countries. At least 36 Hoosiers attended from Indianapolis, Bloomington, West Lafayette, Westfield, Madison, Rockville, Frankfort, Columbia City and South Bend.

Opening, closing, and keynote events energized the diverse assembly and featured national and international spokespersons for media issues including corporate control of content, local access, station consolidation, community broadband, low-power FM radio, media workers' rights, fake news, government control of public radio and TV, and Telecommunications Act amendments.

At each session participants offered suggestions for ways people could address issues-one of which is pending changes to regulations under the U.S. Communications Act, which states its purposes: "...so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a ...communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property"-[Communications Act of 1934](http://www.fcc.gov/Reports/1934new.pdf)

Amendments to the Act are ongoing, with major updates expected soon, including a revision of the 2003 ownership consolidation changes that were blocked by Congress and sent back to the Federal Communications Commission (FCC) after an unprecedented public outcry. Conference panelists

told people to be on the lookout for pieces of legislation attached to other bills that could escape notice until they've been passed. FCC Commissioners Jonathan Adelstein and Michael Copps offered their personal support for individual efforts. Contact them via www.fcc.gov

Also at issue for Indianapolis is its lack of a public access TV channel-lost when cable franchise agreements were renewed in 1996. Public Access of Indianapolis (PAI)-a non-profit organization dedicated to restoring public access to the city-is stepping up its efforts to make sure the next cable



Bill Moyers, former host of NOW on PBS, speaks at the National Conference for Media Reform. Photo: freepress.net

franchise includes a public access channel. St. Louis Conference panelists confirmed that trying to win concessions directly from cable companies is ineffective but the public can have an impact by influencing the people who negotiate franchises with the cable companies. In Indianapolis, the Cable Franchise Board of the City-County Council oversees the cable agreements (see Calendar in this issue for meeting dates). Learning who the board members listen to and where their interests lie, then relating PAI's goals to their interests can forge alliances and increase the likelihood for restoration of this valuable resource to Indianapolis.

For some conference attendees, the greatest inspiration came in the closing speech by Bill Moyers. He recounted how the Corporation for Public Broadcasting (CPB) began and how he was invited to create "NOW" for the Public Broadcasting Service (PBS) after 9/11. He ultimately left the program when its success "was creating a backlash in Washington." Mr. Moyers heard threats that PBS reauthorization by Congress would be held off "unless Moyers is dealt with," and his repeated attempts to meet with CPB Chairman Ken Tomlinson were ignored. The audience burst into applause when Moyers mused, "I should put my detractors on notice: They might just compel me out of the rocking chair and back into the anchor chair." www.freepress.net/news/8120

Jean Coughlin is a retired Indianapolis IT worker.

Some featured speakers included:

Robert McChesney
Free Press, U. of Illinois, Rich Media, Poor Democracy and The Problem of the Media

John Nichols
The Nation; Capital Times; Our Media, Not Theirs: The Democratic Struggle Against Corporate Media with Robert McChesney

Jonathan Adelstein
FCC Commissioner

Michael Copps
FCC Commissioner

Thomas Crone
radio host KDHX St. Louis

Malkia Cyril
Youth Media Council, Oakland

Phil Donahue
former host *Phil Donahue Show*

Al Franken
Air America Radio

Juan Gonzales
New York Daily News

Amy Goodman
Democracy Now!

Dee Dee Halleck
Paper Tiger Television

Jim Hightower
Hightower Lowdown newsletter

Naomi Klein
No Logo

George Lakoff
Don't Think of an Elephant

Bill Moyers
former host of *NOW* on PBS

Luis Enrique Romero
Alianza Puertorriqueña de Artista y Grupos Amigos (Puerto Rican Alliance of Artists and Friends)

U.S. Rep. **Diane Watson** (D-CA)
U.S. Rep. **Bernie Sanders** (I-VT)

Negotiating a Franchise Agreement

Franchise agreement contracts allow cable communications companies (providers), which are private businesses, to place the cables that deliver their product to consumers along community-owned rights-of-way in exchange for payments (franchise fees) to the city.

Franchise agreements may include:

1. Provisions for public, educational and government (PEG) access channels on the local cable system;
2. Broadband internet access for the community, such as content sites or the anchor of a wireless network to serve the community;
3. Facilities and equipment for media production;
4. Wiring for institutional sites such as libraries and municipal buildings;
5. Financial support specifically for the purposes of operating the above; and
6. Capacity for Voice-over -Internet Protocol (VoIP) as cable companies become telephone service providers.

Current Agreements and the Cable Franchise Board

In Indianapolis, Comcast Cablevision and Bright House Networks choose to operate as monopolies in competition-free zones, a practice that results in enormous profit for the cable companies and higher prices for customers. Current franchise agreements for Indianapolis do not include provisions for public access TV.

The city's Cable Franchise Board monitors the activities of the providers to see that customer complaints are handled quickly and fairly, that service interruptions are restored promptly, and that the providers abide by the terms of the franchise agreement contract. The Cable Franchise Board also oversees the negotiation of franchise agreements. Cable franchise agreements have a long life. The current franchise agreements for Indianapolis were negotiated for 12 years begin-

ning August 1996. The next agreements are likely to cover a similar period of time.

The Franchise Renewal Process

Thirty to thirty-six months before the end of their current contracts, cable providers give a city notice if they would like to renew their franchise agreements under the provisions of federal law. Federal law governs a formal process for franchise renewal that limits the reasons that a city can deny contract renewal.

The city is required to undertake a needs assessment study and performance review within six months of receiving this formal notice. The needs assessment study identifies the demand and requirements for public, education and government access TV channels as well as the community's other current and future communication needs. The data and insight gleaned from the needs assessment survey is vital to support a claim of community need for public access TV channels, for example. A city can deny renewal of a franchise agreement if the cable company can not or will not meet current and future community-related needs (with consideration given to cost), or if the cable company has substantially failed to fulfill its obligations under its current contract.

The majority of contracts are renegotiated through an informal procedure in which both parties make offers and counteroffers until an agreement is reached. This process can begin anytime after formal notice is given. If the informal procedure does not result in a contract, the city presents the findings of its surveys and performance reviews to the provider and demands that the provider submit an official renewal offer. Once an official offer is submitted, the city has a four-month window in which to accept or reject the proposal.

The Opportunity for Public Input

In Indianapolis, the cable franchise renewal process will begin sometime after August of

See Franchise Agreement, page 5

Negotiating a Franchise Agreement, continued

this year-three years before the cable providers' contracts expire in 2008.

An active and organized community can influence the franchise agreements by

1. Attending Cable Franchise Board Meetings;
2. Developing an understanding of the applicable local laws, the current agreements, and the needs of the community; and
3. Communicating with the franchise board, the City-County Council, and the mayor's office about the importance of community access.

The IndyGov website at www.indygov.org provides access to Mayor Bart Peterson and members of the City-County Council as well as current franchise agreements and meetings and minutes of the Cable Franchise Board.

Additional information on the renewal process is available at www.freepress.net.

Kurt Johnson is a retired CPA, a writer, a farmer, and a lifelong dissenter. He advocates avoiding all media until it becomes less like nuclear radiation and more like sunshine.

National Challenges to Local Access

Video Choice Acts of 2005 (H.R. 3146 and S. 1349), bipartisan bills introduced simultaneously in the House and Senate on June 30, 2005, would allow the incumbent Baby Bell telephone companies to provide video services without having to negotiate local franchise agreements like cable TV providers are required to do.

www.freepress.net/defendlocalaccess/

Preserving Innovation in Telecom Act of 2005 (H.R. 2726), introduced May 26, 2005, prohibits municipal governments from offering telecommunications, information, or cable services except to remedy market failures by private enterprise to provide such services.

Whereas, the **Community Broadband Act of 2005** (S. 1294), introduced June 23, 2005, would amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

www.freepress.net/communityinternet/

Advanced Internet Communications Services Act of 2005 (H.R. 214), reintroduced January 4, 2005, limits regulation by the Federal Communications Commission and the states of advanced internet services such as Voice-over-Internet Protocol (VoIP).

www.freepress.net/defendlocalaccess/

Things You Can Do:

- **Tell your City-County Council** member to support restoring public access TV and funding a thorough **Community Needs Assessment** for the cable franchise renewal negotiations in Indianapolis. You can find your councillor and his/her contact info at imaps.indygov.org/govntprofile or by phone at 327-4241.
- **Share videos** that have a mission: www.mediarights.org.
- **Watch state and federal websites** for pending bills affecting media regulation, let others know what's happening, and contact your Senators and Representatives to urge them to support media reform legislation.
- **Join Public Access of Indianapolis.** See membership form on page 7.
- **Talk** to friends and neighbors about **media concerns**.
- **Pass along this newsletter.**

Stewards or Sweethearts?

Cable Communications Agency Director Rick Maultra says, "Indianapolis should be good public stewards of the public rights-of-way." Passing up three-quarters of a million dollars without a fight cannot be considered good stewardship, yet that's exactly what members of the Cable Franchise Board did at their June 20 meeting.

Three facts:

- 1 Section 1.02, paragraph (5) of the city's cable franchise agreement with Comcast Cablevision states: "The term Gross Revenues means any and all revenues derived from the operations of Operator's Cable System to provide cable services."
- 2 Launch fees are monies cable companies - the above-named Operators - receive from channels in return for adding those channels to the cable company's roster.
- 3 Under current cable franchise agreements, the cable companies pay five percent of their revenues to the city in return for permission to lay their cable in publicly owned rights-of-way.

An informed reader might think that launch fees qualify as revenue and might think that the Cable Franchise Board (CFB) would also, especially when such an obvious interpretation would add about \$800,000 to the city's coffers—approximately \$468,000 from Comcast and a lightly lesser amount from Bright House.

But, at their June 20 meeting, the board members decided not to pursue an issue that has been a bone of contention among Comcast, the CFB and Mr. Maultra over the past year. Under threat of having the fees passed along to Comcast's customers, the board voted to not pursue collecting five percent of the launch fees. Instead of discovering the Federal Communications Commission's position as to whether launch fees constitute revenue; instead of taking the issue to court and risk having customers pay an estimated extra 25 cents a month if the city lost; instead of aggressively pursuing arbitration with Comcast, which has negotiated settlements in similar situations around the country; instead of holding Comcast liable for \$468,000 payable to the city, the board approved a motion to draft a settlement letter to Comcast agreeing to refund some \$49,909 that Comcast had voluntarily overpaid.

The CFB's decision points up the importance of including comprehensive and precise language in the new cable franchise agreements due to start negotiations later this summer. Mr. Maultra, whose knowledge and experience make him the logical choice for lead negotiator, and the CFB members, who will oversee the new cable franchise agreements, need to address the launch-fees issue as well as other gray areas in the present contracts to ensure that the 2008 cable franchise agreements reflect the best possible stewardship of the public's rights.

Kathleen Dobie, local freelance editor and activist, is paying attention and is outraged.

TV by and for the People

How many of us have complained about the media? Too liberal? Too conservative? Too many stereotypes? Too many sound bites and not enough substance? Too much negative, violent, sensationalist coverage? When we understand that nearly all media, including TV, radio and newspapers, are owned and controlled by a very small set of media conglomerates whose actions are dictated primarily by profit, such complaints should come as no surprise. And as what we watch, read and hear becomes controlled by fewer people in commercial media, it is imperative that the public have a voice, too.

Public access TV allows local community groups, charities, individuals and religious organizations to tell their own stories, in their own way, using the most important means of mass communications: TV. Public access TV is TV for and by the community. It is local. It is independent. It is nondiscriminatory. It is noncommercial. And, rest assured, programs must meet community standards of decency. Pornographic, obscene, or libelous programming is not protected speech on public access TV.

Public access TV, like educational access TV and government access TV (Channel 16), is supposed to be funded from cable TV franchise fees. Enabling PEG (public, education, government) access TV is a primary purpose of these fees paid by cable subscribers. Less than one eighth of Indianapolis's franchise fees are used for public-interest, cable TV-related purposes.

Regaining access to TV in Indianapolis is simply a matter of the city deciding to use one of its extra, unused access TV channels in the name of public interest. But we need strong community support to make this happen. See the list of Things You Can Do on page 5.

Andrea Price is president of the board of Public Access of Indianapolis and is passionate about the role that media plays in democracy.

Membership Application

Public Access of Indianapolis, Inc. (PAI), a 501(c)(3) non-profit corporation, was organized in 1997 for the promotion and facilitation of community based, non-commercial media in the Indianapolis area, through:

- Establishing and maintaining a community media access center
- Providing ease of access to media for diverse viewpoints and interests
- Administering any local public access channels
- Promoting the value of community-based media

Membership in PAI is open to any person or organization with a desire and willingness to promote and foster these goals.

Mail this form to:

PO Box 30269
Indianapolis IN 46230

Please make checks payable to Public Access of Indianapolis

If you'd like to pay by credit card, visit our website at www.indyaccess.org.

Name

Organization

Address

City, State, Zip

Telephone

Fax

Are you formerly or currently a producer of public access programming? **YES** **NO**

Program Name/s

In what ways would you like to work with PAI?

Select Membership Category and annual dues:

Individual Member, \$20

Not-for-profit organization, \$50

Business/corporate membership, \$100

Events

July-September 2005

July 18, 2:30 PM: **Cable Franchise Board** meeting, City-County Bldg., 200 E. Washington St.

Aug. 1, 7 PM: "**The New Nuclear Danger**" video featuring Dr. Helen Caldicott, Glendale Library, 6101 N. Keystone Ave.

Aug. 3, 6:30 PM: "**The New Nuclear Danger**" video featuring Dr. Helen Caldecott, College Library, 4180 N. College Ave.

Aug. 15, 5:30 PM: **Cable Franchise Board** meeting, City-County Bldg., 200 E. Washington St.

Aug. 20, 11:30 AM: **Public Access of Indianapolis** general meeting, Broadway United Methodist Church, 609 E. 29th St.

Sept. 16, 12 N: **WFYI Board** meeting, 1401 N. Meridian St.

Sept. 19: Issue 2 of "**The Right-of-Way**"

THE RIGHT OF WAY

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Address Correction Requested