

*Public Access of Indianapolis (PAI) is a nonprofit community media organization with a goal of reestablishing public access TV on Bright House Networks and Comcast cable television systems in Indianapolis. PAI provides volunteer video services for nonprofits, and maintains an on-demand, streaming audio and video library of community events and meetings.*

# THE RIGHT WAY

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of Indianapolis, Inc.**

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## Media Reform: Big Telco vs. Big Cable vs. Public Interest

The long-promised era of digital convergence, high-speed or “broadband” internet, telephone, and video over a single wire, is upon us. Competition, actual and anticipated, is fierce among the major commercial providers of telecommunications services. The ability of a single provider to offer multiple services – broadband internet, telephone, video, and soon wireless mobile phones -- represents an attractive business opportunity for traditional telephone and cable companies to expand their markets.

There is a need for legislative reform to unify the disparate regulations that govern the historically distinct types of telecommunications providers and technology platforms. However, in many areas, industry’s desire to capture this business for themselves and increase their profit margins drives the current push for legislative reforms in order to gain an edge over their new competitors, eliminate public interest obligations, and even prohibit additional entrants into the market.

### Legislative Kaleidoscope

As early as 1927, people with vision knew that radio could be a blessing to everyone or a golden goose to commercial interests -- or even a cruel tool wielded by those in power to control popular opinion. The Communications Act of 1934, which established the Federal Communications Commission (FCC) as the federal regulatory agency, forms the foundation of U.S. telecommunications law, and with its amendments, governs radio, telephone, broadcast television, cable, satellite television, and wireless communications. A fundamental principal of the Act is that communications and media licenses are granted to promote “the public convenience and necessity.” Thus the Act, its amendments, and FCC policies have contained numerous public interest obligations for commercial communications providers, such as universal service and interconnection for telephone providers; equal time for political candidates on TV and radio; set-aside of channel capacity for non-commercial and educational purposes; and broadcast television programming that includes coverage of local events and issues, airing opposing viewpoints, and children’s programming. Nevertheless, public interest obligations, such as the FCC’s fairness doctrine (see sidebar, page 4) have seen considerable erosion over the last 30 years primarily due to the erroneous belief that the growing marketplace would preserve diversity of opinion and the public interest.



**“The most important consideration is who will be responsible for setting [its] standards?”**

Dan Lynch, Cable Franchise Board member on public access TV for Indianapolis. See profile, page 3.

### Remembering Joe Farah, inside—Page 3

The Telecommunications Act of 1996 promised a plethora of competitive choices for consumers through extensive deregulation. Results include a 59 percent average increase in cable rates, and accelerated consolidation of ownership. A report published by the Consumer’s Union and the Consumer Federation of America states,

The Act’s failure is not because, as some have suggested, the Federal Communications Commission (FCC) was overly regulatory in seeking to create conditions ripe for competition. The fundamental problem is that the huge companies that dominate the telephone and cable TV industries prefer mergers and acquisitions to competition. They have refused to open their markets by dragging their feet in allowing competitors to interconnect, refusing to negotiate in good faith, litigating every nook and cranny of the law, and avoiding head-to-head competition like the plague.<sup>1</sup>

### What’s At Stake

There is a massive effort underway to increase deregulation and rewrite telecommunications laws. Will anti-public interest and anti-competitive trends continue with the current flurry of proposed legislative reform for the new telecommunications landscape? Or will we reassert our rights for telecommunications policies that first and foremost serve “the public convenience and necessity”?

<sup>1</sup>“Lessons From the 1996 Telecommunications Act: Deregulation Before Meaningful Competition Spells Consumer Disaster,” Consumer’s Union and the Consumer Federation of America, February 2001

See *Media Reform*, page 4

## The Right-of-Way

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# 15 Things... I Hate about TV

In thinking about things I dislike about television, it was difficult to narrow it down to just 15 items. There are so many things that I would change, but here, for your consideration, is my list of the top 15 things I hate about television:

1. No public access television in Indianapolis. The fact that our mayor and public officials are comfortable with taking away the voice of the average citizen makes me wonder what they're afraid of. Public access television can be a resource for groups like the Boys Scouts or religious groups to communicate to the community.
2. Too many commercials and commercial placement. Every show seems to have at least ten minutes of commercials. It's ridiculous that a show called "60 Minutes" winds down to about 48 after commercials. Worse yet are all the "This show is brought to you by" messages ... just nauseating.
3. Reality television. Shows like "American Idol," "Survivor," and "Nanny 911" exploit people for the lure of cheap celebrity. Reality television isn't even real — those fantastic cuts and interviews are purely for entertainment value.
4. Broadcast news teasers. Teased by the promise of a story about Senator Lugar's deployment in Russia, I kept waiting and waiting but all they showed were silly stories. I finally got so tired of waiting that I turned the channel.
5. Obsession with weather and natural disasters. With the recent hurricanes, this problem has gotten worse. Watching a television newscast, I saw a weatherman who seemed disappointed that there were no fatalities to report when the threat of severe weather passed.
6. Drug commercials. If you're over 4 feet 7 inches tall, have brown eyes, and suffer from the occasional cold, ask your doctor about taking XYZ drug. Sometimes the commercials don't even tell you what the drug is for.
7. Celebrities as news items. Do I care if the cast of "Desperate Housewives" can't get along? No. It's bad enough that we're fed shows like "Entertainment Tonight" and "Access Hollywood." Do I need celebrity news when I'm watching a so-called "hard news" program? NO!
8. The lack of investigative reporting. I am still waiting for a good investigation story. I decided to watch a news program that kept promoting their in-depth investigative story. I timed the "story" at about two minutes. Two minutes! How deep are they supposed to get in just two minutes? Not deep enough.
9. President Bush's press conferences. Bush looks so confused during his press conferences. Worse yet, he tries to make jokes and then laughs when the rest of us are waiting for his punch line. Why are my favorite shows interrupted for this?
10. Court TV. The whole judicial system has been flushed down the toilet thanks to Court TV. The main problem is that the reporters assume that all defendants are guilty — especially celebrity defendants.
11. CNN, Bill O'Reilly, and Rush Limbaugh. I think I've said just about all I can say on this one.
12. Exaggeration and misrepresentation by news media. Watching coverage of an event with Cindy Sheehan, I heard the newscaster make it seem like three people showed up when I could plainly see about 50.
13. Media consolidation. When you realize that almost 90% of media outlets are owned by just a few corporations, you understand the problems with media. We need to continue to support PAI's efforts with our dollars as well as our voices to fight this problem.
14. Poor minority representation in news programs. Too many minorities are relegated to anchoring the weekend news or are stuck on programs that air early weekend mornings when no one is watching.
15. Specialty channels. I should just adore these but I don't. There's no Public Access channel or Tracy Is Super Smart channel, so why is there a Food Network, three cartoon channels, and plenty of sex channels? I guess there are things that I will never understand.

*Tracy Carson is a local activist and PAI Board Member who maintains a web site on bad television.*

# Remembering Joe

Joe Farah became involved with Public Access of Indianapolis (PAI) only a few years ago, but he left a lasting positive impact. Well known as a scholar and armed with a quick mind, Joe first made his impact at one of our monthly meetings by giving everyone a crash course on Public Broadcasting and the organization Citizens for An Independent Public Broadcasting. Joe Farah helped PAI develop the New Citizens Watch Series and kicked-off the series with his research into consumerism which included his personal, towering collection of unsolicited holiday mail order catalogs.

In an effort that demonstrated his deep understanding of the importance of an independent

media, Joe Farah hosted the program "Common Bonds Radio" on WICR 88.7 FM. Common Bonds Radio sought to highlight progressive solutions to the problems faced by our city, state and country. As a part of Common Bonds Radio, Joe interviewed Robert McChesney when Dr. McChesney

was here for PAI's first Alternative Media Festival in 2002.

Joe Farah had a deep understanding of many issues and often delivered so much information so quickly that it was hard to keep up. On occasion, PAI had a camera rolling when he was speaking.



*Joseph C. Farah (1942—2005) during the 2002 Spirit & Place Festival*

More than one event covered in the PAI online video library featured Joe as a representative of Veterans for Peace. The lecture "Hoosier Fascism During the Interwar Years" is available as part of PAI's coverage of the 2002 Spirit & Place Festival and gives a good example of Joe's practice of scholarship.

Joe Farah has been rightly described as a Renaissance man and one who confronted our

society's acceptance of the lies that kill. To hear Joe Farah, visit the Video Library section of PAI's web site at [www.indyaccess.org/video-library/](http://www.indyaccess.org/video-library/).

*Nick Hess is a founding member of Public Access of Indianapolis and works for WCTY, government access TV for Indianapolis and Marion County.*

## Dan Lynch, Profiled

"I think public access TV is a great idea, and a needs assessment is good, but who will be responsible for setting standards and deciding what programs are or are not suitable for a community channel? That is the most important question to be resolved." Dan Lynch, member of the Indianapolis Cable Franchise Board (CFB), had just come from a spirited board meeting when he shared some of his thoughts, convictions, and personal information for this, the second of *The Right-of-Way's* profiles of board members.

Mr. Lynch is a native Hoosier, grew up in Indianapolis, graduated from North Central High School, and resides in Lawrence township with his wife, a social worker at the Deaf School here, and their two children. He also finds time to serve as secretary of his neighborhood citizens' association. His favorite TV channels are the Discovery channel and the History channel, in that order.

A Mechanical Engineering graduate of Purdue University with an MBA from Indiana University, Mr. Lynch is currently with Eli Lilly Corporation.

He was appointed to the Cable Franchise Board by the mayor and is in the middle of his third term. His technical and business background serves him well on the CFB. He sees his role as ensuring that public needs are met, cable franchise fees (the largest source of the city's revenue outside of taxes) are received, and that cable companies are held accountable for their responsibilities under the franchise agreements.

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## The End of the Fairness Doctrine

A 1959 amendment to the Communications Act of 1934 contained several provisions to ensure the maintenance of public interest, most notably Section 315(a) often called the Fairness Doctrine. Based on a 1949 Federal Communications Commission (FCC) policy on broadcast editorializing, the Fairness Doctrine required that broadcasters provide a "reasonable percentage of time" for coverage of controversial public issues and "equal" opportunities for the presentation of different points of view. In 1967, two corollary doctrines, the political editorial rule, and the personal attack rule were adopted.

The Fairness Doctrine was upheld until 1986, when an appeals court said the doctrine did not have the force of law and the FCC could choose to enforce it or not. Although the FCC said they would continue to enforce the doctrine, they in fact did not, which prompted consumer groups to file a lawsuit against them. This time the FCC declared the doctrine to be against the public interest and thus decided it would not be enforced. In 1987 and 1989 Congress passed bills to make the Fairness Doctrine law: The first bill was vetoed by President Reagan, the second stalled because President George H. W. Bush threatened to veto it. The political editorial and the personal attack rules were repealed in 2000.

## Media Reform, continued

The stakes are high and the potential impact on citizens great:

- Will we continue to have unfettered access to the internet?
- Will our city continue to receive fees for use of public right of ways?
- Will we be able to regulate the placement of cell towers in our neighborhoods?
- Will we be forced to buy expensive new digital televisions or receivers to receive over-the-air TV?
- Should all citizens have access to high-speed internet service?
- Will we finally have good, competitive choices in video services providers?
- Will first responders across the nation get additional spectrum to unify emergency communications and avoid mishaps such as those with hurricane Katrina and 9/11?
- Will consumers be able to purchase individual, unbundled services and at fair prices?

All of these questions are currently in play. Those of us interested in retaining part of the telecommunications landscape as electronic greenspace for the public benefit need to understand what's happening in Washington, in Indiana, in Indianapolis, and in the board rooms of the telecommunication giants, and we need to become active NOW. In the following section, and in upcoming issues of *The Right-of-Way*, we will examine these important issues starting with high-speed internet access.

### High-Speed Internet Access

Ten years ago, we heard the promise that the U.S. would lead the world in high-speed knowledge transfer with commercial and residential internet access faster and better than anything we could imagine. Today, some countries, notably South Korea and Japan, where consumers pay 10 to 25 times less per megabit than in the U.S., appear to be on the way to realizing this dream in terms of speed, cost, and universality of access. The U.S., where cable and telephone providers control almost 98 percent of the residential and small-business broadband internet market, is lagging significantly behind, with giant corporations trying and sometimes succeeding in holding back the spread of technology to rural and less affluent urban areas in the self-interest of improving already impressive profit margins.

The big telephone and cable companies have been working hard on legislation to stave off competition from other market entrants, such as electric utilities offering broadband over power lines (BPL), nonprofit wireless community networks, and municipalities building their own high-speed low- or no-cost networks. The cable industry scored a big win against competition with the June Supreme Court ruling that they have a right to restrict competitive internet service providers (ISPs) from their cable modem networks -- networks that were largely built as part of protected monopolies using the public right-of-ways. The big telephone companies, regulated differently as common carriers and long required to share their monopoly-built telephone networks, cried foul. The FCC released them, starting in 2006, from the obligation of sharing their telephone-based Digital Subscriber Line (DSL) high-speed internet service with competitive ISPs such as Earthlink in order to create a level playing field with cable.

Furthermore, the official classification of cable modem service and DSL as information services, like Google or Yahoo, instead of telecommunications services provides the foundation for the provision of internet access as a private, limited use toll road versus the open information superhighway that we are accustomed to in the U.S. Cable companies have criticized telephone companies about their plans to roll out their advanced, higher speed networks primarily in wealthier areas. Both cable and telephone companies are on record with their desires to control what users can access or do on their networks, and to provide a higher "Quality of Service (QoS)" for their own or for preferred content. Many large internet-dependent companies have expressed their concerns, but, thus far, the FCC has issued only a non-enforceable policy statement supporting "network neutrality," unfettered access to lawful content and services on the internet.

In early October, some financial companies that use the internet to conduct their businesses experienced a painful loss of communications to critical parts of the internet. The loss of communications occurred because of a price dispute between internet providers who had previously been cooperating to keep information flowing to customers, some of whom had not been notified that the flow would no longer be available.

See *Media Reform*, page 5

# Video Production Workshop

Upbeat people, relaxed atmosphere, straightforward sharing of information -- that's a thumbnail sketch of Public Access of Indianapolis's (PAI) free Video Production Workshop at North United Methodist Church on Saturday, October 15. Led by Nick Hess, professional television cameraman, the workshop provided fascinating details about video camera operation and strategies from the perspective of the professional videographer. The accompanying printed materials touched on important facets of video production, particularly capturing unscripted or fast-moving events.

The half-dozen participants—some with their own equipment and some using cameras furnished by PAI for the workshop—had various motives for being there. Most were seeking skills that could enable them to create documentary-type videos and go on to help others learn how to make good use of the video medium. Paulette Fair heads the Kheprw Institute, an Indianapolis organization engaged in positive development of African-American young men. Paulette envisioned her students, including one present at the workshop, learning to create videos as

avenues for outreach and social activism while remaining engaged in their own learning and acquiring marketable skills for themselves at the same time.

Conversations between participants and the workshop leader provided additional information about how to choose the best camera for their individual needs, how much to pay for a suitable camera and for other equipment such as tripods and lights, where to find the best bargains—all invaluable tips from experienced persons with no products to sell or conflicts of interest! The workshop ended with consideration of a follow-on session focusing on a specific video project to apply the principles discussed here. (In fact, just such a session was held for members of the Kheprw Institute soon after.)

*Jean Coughlin is a retired IT worker.*



*Nick Hess demonstrates audio techniques to Paulette Fair during the video production workshop.*

## Media Reform, continued

These facts lend credence to the recent disagreements, fueled by censorship concerns, between the U.S. and numerous countries over who should control the root domain names on the internet (U.S. controlled heretofore). Other concerns include privacy, adequate network addresses, security, surveillance, competition, and intellectual property. The European Union (EU) has gone so far as to threaten to create a separate internet, thereby increasing concerns about ongoing international cooperation and maintenance of the internet as an open channel of communication around the world.

Broadband regulatory changes are needed in the U.S. Given the importance of the internet, reform legislation should establish a fair playing field and protect the public interest by 1) preventing redlining, the denial of services to a group of subscribers because of income or race; 2) assuring unfettered access to legal content on the internet; 3) protecting the establishment of community and municipal networks; 4) requiring availability of unbundled broadband internet services; and 5) providing wholesale network pricing to competitive ISPs.

In the next issue of *The Right-of-Way*, we will continue our examination of what's at stake with the current push for telecommunication reform legislation. Please visit our website at [www.indyaccess.org](http://www.indyaccess.org) for current information on legislation.

*Jean Coughlin is a retired Indianapolis IT worker, and Andrea Price is Board President of Public Access of Indianapolis, Inc.*

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## Volunteers Needed!

PAI needs volunteers to help plan and implement our 2006 Alternative Media Festival. The kick-off meeting will be held on Monday, December 5, at 5:30 PM, at the Brightwood Public Library, 2435 N. Sherman Drive. To get involved call 317-335-5272 or send an email to [festival@indyaccess.org](mailto:festival@indyaccess.org).

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## Wireless for the Masses?

Communities around the world believe that affordable, high-speed internet access for everyone is a utility — as necessary as electricity — to compete in the high-tech, global marketplace and to erase the "digital divide." Municipalities as diverse as Philadelphia and Muncie are taking the lead in providing those services.

The solutions are varied: free wireless broadband in heavily populated areas, partnerships with network companies to provide a seamless, low cost wireless "mesh" throughout the city, or contracts with phone companies to extend high capacity fiber optic lines to all homes.

Industry is fighting back with huge ad campaigns against local referenda and state and federal legislation to prevent or curtail municipal and community broadband. Such a bill in the Indiana House died in committee earlier this year. However, at the recent Indiana Technology Summit which showed Indiana ranking 34th in broadband infrastructure in the country, Governor Mitch Daniels, was quoted in the *Indianapolis Star* as saying that Indiana will not compete with private business in providing broadband.

## Keeping Up with the Cable Franchise Board

Because the Cable Franchise Board (CFB) oversees cable franchise agreements and because those same agreements are instrumental in helping Public Access of Indianapolis (PAI) meet its goal of restoring public access TV to Indianapolis viewers, members of PAI try to attend and report on the CFB's actions each month.

### September

The Indianapolis Cable Franchise Board plans to hire Action Audit to look into whether cable customers are being overcharged for limited basic service (under FCC forms 1240 and 1205). The Educational Television Cooperative (ETC) has agreed, at the board's urging, to report in detail how their money is spent. Indiana Reading and Information Services (IRIS) and ETC recently had their grant funding approved by the City-County Council. Bright House Networks reported a drop of 594 basic cable subscribers but an increase of 96 limited basic subscribers. Comcast representatives said they had lost 429 basic subscribers in August. Comcast was questioned extensively by board members about a surge in customer service calls and the trouble they are having with getting enough trained service representatives to answer the phones. Comcast said new customer service representatives are being trained.

During public comment, PAI President Andrea Price, Jim Smashey, and Carl Kakasuleff spoke to the board.

—Reported by Carl Kakasuleff

### October

Rick Maultra reported receipt of Bright House pricing for basic cable and a contract with Action Audits to review rates for both Comcast and Bright House Networks at the same time, to minimize the audit costs. Comcast's pricing time period is August 2005 to August 2006 and Bright House Networks' is January 1, 2006 to December 31, 2006.

Comcast was out of compliance for the third month in a row for customer service call responses, and the Cable Franchise Board sent a formal letter citing Comcast for this. A spokesman responded that they have 18 new hires who began work on October 1, that extra hours are currently being worked, and that customer service responses are in compliance thus far in October.

Government access Channel 16 reported 90 hours of coverage for the month of September including, by invitation of the Mayor, a Washington Township Board meeting. The ETC report on educational access channels was given by Charlie Wiles, its new volunteer Development Coordinator, who announced the November 1 addition of the "Derwin Smiley Show" for young people.

The most lively discussion of the meeting centered around the long simmering question of how to handle a third cable provider, First Mile. First Mile is offering cable service to the new Brookfield Place subdivision, a small community of 43 homes, but were found to be using a public easement thus operating improperly without a franchise agreement. After much discussion, the board agreed to investigate the status of the subdivision's private easements, to determine whether Comcast (or Bright House Networks) could also offer cable service as the City no longer gives exclusive franchises. If so, the board will support a new cost-based application process pursuant to a franchise agreement.

During the public comment period, Andrea Price and Jim Smashey spoke to the board.

—Reported by Jean Coughlin

## Looking for a Few Good Men?

Apparently our local cable providers have been having problems with customer service. When this was pointed out once again at a recent Cable Franchise Board meeting, Comcast stated that they are looking to find qualified people to fill customer service positions. This I found surprising with their recent appearances at job fairs like Black Expo in which more than a thousand people participated.

I decided to apply for a position myself at both Comcast and Bright House Networks. I am certainly qualified to be a customer service representative for either company. I have ten years of office management experience and I have worked in a call center setting for at least three years. I should have the expertise necessary to fill a customer service representative position.

I started my job hunt online. Bright House Networks (<http://indiana.mybrighthouse.com/indybhn/careers.asp>) and Comcast (<http://careers.comcast.com/>) both claim to be fantastic places to be employed. According to Comcast, "Whether developing and supporting our technology, marketing our products, or providing unparalleled customer service, we are continuously seeking talent to help us reach our goals." Bright House does a much better job of stating why someone would want to work for them, "In addition to a challenging and rewarding work experience, complete with an excellent compensation plan, employees enjoy an extensive benefits program. Plans include medical, dental and vision coverage, disability benefits, life insurance, along with paid holidays, vacations and personal days."

I was disappointed to find that neither company stated the rate of pay for their customer service representatives. Bright House did not have the customer service representative position listed as open on their website, but when I went to their well-known eastside location, I found the position was listed. I took an application and mailed it in. Since the customer service position was not listed on the website I cannot comment on their online job application. My experience with the Comcast website was a little better. They had the position listed and had a good description of the job. I filled out the online application which I found extremely easy to use. Comcast gives you a candidate reference number, but I don't think you check on the status of an application online -- at least I was not successful in doing so. One thing that bothered me is that it did not list the work location.

I performed both of these actions on August 17, 2005. It has been three months since then and I have not heard back from either company. Recently at a Cable Franchise Board meeting Comcast reported that they had trained 18 new people to handle customer service. While Bright House has not recently reported adding people, a report of their hiring practices is located at [http://indiana.mybrighthouse.com/indybhn/hr/public\\_file\\_report\\_2005.pdf](http://indiana.mybrighthouse.com/indybhn/hr/public_file_report_2005.pdf).

*Tracy Carson is a local activist and Board Member of Public Access of Indianapolis.*

### Membership Application

**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](http://www.indyaccess.org).

Select Membership Category and  
annual dues:

- Individual Member, \$20
- Not-for-profit organization, \$50
- Business membership, \$100

\_\_\_\_\_  
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? \_\_\_\_\_

# Events

**November 2005**

**—January 2006**

Nov. 21, 2:30 PM: **Cable Franchise Board meeting**, City-County Building, 200 E. Washington St., Room 260

Dec. 5, 5:30 PM: 2006 **Alternative Media Festival planning meeting**, Brightwood Public Library, 2435 N. Sherman Drive

Dec. 17, 11:30 AM: **PAI Holiday Gathering** (all welcome) and free film screening of **The Overspent American**, Room 206 (Library), North United Methodist Church, 38th & Meridian Sts.

Dec. 19, 2:30 PM: **Cable Franchise Board meeting**, City-County Building, 200 E. Washington St., Room 260

Jan. 21, 11:30 AM: **PAI General Meeting**, North United Methodist Church, 38th & Meridian Sts.

Jan. 21: Next issue of "**The Right-of-Way**"

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