

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.

RIGHT THE WAY OF

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September, 2005

**Public Access
of Indianapolis, Inc.**

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Introducing the Indianapolis Cable Franchise Board

The Cable Franchise Board is a board of public works, which "shall exercise all authority and responsibility" established by the Cable TV Ordinance, Chapter 851 of the City Code. This ordinance "should facilitate and encourage orderly and responsible development of systems which will provide the people of the city with cable programming services which are versatile, reliable and efficient, which are responsive to the needs and interests of the community; and which provide the widest possible diversity of information sources and services to the public."

The Cable Franchise Board is responsible for overseeing its administrative arm and the designated Local Franchise Authority (LFA), the Cable Communications Agency, which is headed by Rick Maultra. The Board's authority includes regulating rates as allowed by law, monitoring cable franchise contract compliance including payment of franchise fees, negotiating franchise agreements, renewing franchise agreements, facilitating public, education and government (PEG) access TV, and establishing and enforcing cable TV customer service standards. The Board oversees a significant non-tax source of revenue to the City, as it negotiates the franchise fees cable operators pay for using public rights-of-way to lay their cable. The franchise fees are expected to reach approximately \$7.5 million in 2005.

The Board is also responsible for advising local government in the formulation and implementation of policies related to

1. Cable communications;
2. Public, education and government (PEG) access issues; and
3. Maximizing related civic participation and input

In addition, the Board is authorized to advise and assist in

1. The formulation of policies for the appropriation of funding for PEG access television, including content creation,



**Peter Blum,
Chair of the
Indianapolis Cable
Franchise Board**

"If it's not on ESPN, the Food Network or MSNBC, I probably haven't seen it," says Peter Blum, Chair of the Cable Franchise Board (CFB).

See Peter Blum Profile, Page 6

Cable Agency budget cuts for 2006 exceed the 20% reduction requested by Mayor Peterson

See Page 4

production facilities, and "education of the public;" and

2. The "creation of a nonprofit public, educational and governmental access corporation to promote and develop maximum community involvement in and use of cable television for public, educational and governmental and other nonprofit purposes and to administer use of access channels."

Whenever the Cable Franchise Board has an issue that goes beyond the authority of the Cable Communications Agency or the Board, including questions of public policy, the issue may be referred to the Rules and Public Policy Committee of the City County Council.

Board Membership

The five members of the Cable Franchise Board are appointed to staggered two-year terms. Two members of the Board are appointed by the Mayor, and three members of the Board are appointed by the City-County Council. One of the Council's appointees

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The Right-of-Way

Newsletter
of Public Access
of Indianapolis,
a non-profit
corporation

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An Opportunity We Cannot Afford to Miss

I am concerned that a community needs assessment to support cable TV franchise renewals has not been included in the 2006 Cable Agency's budget. Without a needs assessment in next year's budget, the community is starting out further behind in the 2008 cable franchise renewals than we were in the 1996 franchise renewals when a draft community needs assessment was completed two years before the end of the cable operator contracts.

While I appreciate the current budget challenges the City faces, cable TV is expected to generate at least \$7.5 million of non-tax revenue for the City in 2005. The upcoming cable franchise agreements are likely to last 10 to 15 years, and without a current needs assessment, the city is unprepared to negotiate the best terms for the community. The renewal process is heavily stacked in favor of the incumbent cable companies; properly identifying and substantiating community needs and future uses is one of the primary tools the city can use to justify changes and additions to the cable operators' public interest obligations.

In 1998, the Cable Franchise Board commissioned a survey of cable subscribers. Of the 600 subscribers polled, 84% said a "freely available" community access TV channel is valuable, and 72% said it is important. While this clearly establishes a need for public access community media in Indianapolis, it does not, for example, identify the number of channels or types of production tools and training different segments of the community will need, which is the type of detailed information that should be used to formulate the cable operators' long-term contracts. Cable companies have been known to argue that any information used to establish community needs must be current -- developed within the official 30-to-36 month renewal period. Therefore, it seems incumbent that a current and thorough community needs assessment study be budgeted and initiated in 2006.

We cannot afford to let this opportunity pass us by.

Andrea Price is Board President of Public Access of Indianapolis, Inc.

Community Comments

Public Access Channel

I believe it is extremely important in a democracy for the community to have a community media access center and community access channels available on both Comcast and Bright House networks. When the public media is controlled by a handful of corporations, we need to ensure that there is truly open media is available to the public. Also, there are many public services that have been provided through public access channels, such as college education courses, documentaries that are not available through standard media, etc.

Democracy is based on an informed popu-

lace, and public access channels have a critical role in this process.

Ken Barger

Professor of Anthropology, IUPUI

LETTERS & COMMENTS

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Email to:
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One family, father, mother, middle-school son and high-school daughter, were veterans of the TV world. The dad had been in TV production for a local station that is no longer local - it having been acquired by a media giant a few years ago.

Remembering TV at the Marion County Fair

Public Access of Indianapolis (PAI) exhibited at the Marion County Fair this year in order to spread its message about the need for a local public access TV station. In the Expo Hall, the PAI volunteers had the opportunity to see a diverse set of Indianapolis families enjoying local 4H and agricultural achievements, tasty food, the midway rides, and down-home entertainment. When PAI volunteers explained the mission of the organization to passers-by, many of them had their own fascinating stories about TV and their enjoyment of Indianapolis public access TV here before the current Cable Franchise agreements eliminated it from Indy's cable offerings almost 10 years ago.

A woman with her canine companion passed the table, paused to chat and to wonder why our town seems to have some priorities upside down—such as building a new stadium when 4-H and other worthwhile programs are being cut back.

One family, father, mother, middle-school son and high-school daughter, were veterans of the TV world. The dad had been in TV production for a local station that is no longer local - it having

been acquired by a media giant a few years ago. At that time the staff was downsized to just a few people who keep the signal—originating elsewhere and giving the city one-size-fits-all programming—flowing. The daughter was highly interested in the possibilities of a public access station where her friends and acquaintances could bring their ideas to life and create their own version of arts and entertainment TV. "There is a lot of talent here," she explained.

Another fair visitor related that he'd been part of a local TV show called "Kidding Around Indianapolis." The show used a "Tonight Show" format with kids doing the interviews and highlighting kid-worthy parts of Indy.

Still another person eyed the information on the PAI display and said he'd been around since the days of "underground TV", when "Porta-Pak"

cameras captured sight and sound on tape. In those days, local TV stations were more likely to be truly local and locally owned. In some places that did not have a local TV station, phone lines were used for distribution because telephone service was available everywhere, even in very small towns. Back then, working in Washington Square in Greenwich Village, he also produced shows for people in the New York City arts community. These days he's convinced the Internet and new technology are the ways to go for local media production—setting up web sites and offering streaming video coupled with independent production of programs on DVD.



Kathleen Dobie assists PAI at the Marion County Fair
Photo: PAI

table was across from a photography-studio display of pictures of healthy, happy children and young adults—in weddings, sports poses, graduation portraits, events that portrayed loving families and youths eager to make their mark on the future ahead. One young man stopped short at a photo of a friend, contacted him via cell phone and informed him that he was now a celebrity as his picture was on view at the fair!

Watching and talking with some of the passers-by showed me how these fairgoers shared their time and themselves with consistent patience and good nature with the family and friends that are extremely important in their lives. And it also reminded me of a simpler time when TV programs were free and hometown TV was truly local.

Jean Coughlin is a retired Indianapolis IT worker.

Workshop: Basics of Video Camera Operation

On October 15, 2005, Public Access of Indianapolis presents a free, basic video camera workshop. Participants will learn the basics of camera operation, lighting and audio recording in this hour-and-a-half long workshop and gain hands-on experience with cameras. The workshop will explore concepts such as shot composition and camera placement. Participants are encouraged to bring their own video cameras as a limited number of cameras will be provided. Please register if you are interested in attending by contacting us at 317-335-5272, or nhess@indyaccess.org.

Basics of Video Camera Operation

October 15, 2005
9:30 to 11 AM
North United Methodist
Church
3808 N. Meridian St.,
Library Room 206
Indianapolis, IN 46208

Rate Regulation vs. Effective Competition

The Telecommunications Act of 1996 eliminated almost all cable TV rate regulation as of March, 1999, with the exception of the cost of the “basic” tier or “basic service tier” of cable TV service (including equipment and installation fees). The basic tier of cable service is the least expensive (and usually unadvertised) package of cable service that typically includes local broadcast stations and public, educational and governmental (PEG) access channels, such as Indianapolis’ government access TV channels, WCTY (Channel 16) and Government Access TV2. According to Indianapolis’s franchise agreements, a public access channel is not required, but a local origination channel that provides “local community interest programming” is required. (Radio One’s Indy’s Music Channel, WDNI-TV is currently serving this purpose.)

The basic tier of service before taxes and fees is currently \$13.95 on Comcast and \$11.90 on Bright House Networks. The Cable Communications Agency, Indianapolis’ Franchise Authority, is certified by the Federal Communications Commission (FCC) to allow enforcement of basic tier rate regulation based on complex formulas set by the FCC to determine “reasonableness.” In addition to cost containment, basic tier regulation prevents:

See sidebar, Page 5

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 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.

July

At the July 18 meeting, the Board considered Bright House Network’s filing with the Federal Communication Commission (FCC) for a determination of effective competition in their subscriber area. A ruling in their favor would allow Bright House to stop providing the lowest cost tier of cable services, called the “basic service tier” or “limited basic.” (See Sidebar, “Rate Regulation vs. Effective Competition” for additional information.) Fortunately for Indianapolis-area Bright House customers, on the recommendation of Cable Communications Agency Director Rick Maultra, the CFB voted three to one to register an objection to Bright House’s request with the FCC. In filing an objection, the CFB is challenging the numbers Bright House is using to support its claim that satellite TV service is a realistic competitor to the cable company. The CFB’s action does not guarantee that the FCC will deny Bright House’s request, but it does at least slow down the process and force Bright House to prove their claim of effective competition.

August

The Cable Agency’s budget was the main topic addressed at the August 15 meeting. With the City facing a budget crunch, the Cable Agency submitted a budget that was more than 20 percent lower than in 2005. The Agency tightened its belt even more than requested, which is nice for the city’s financial managers, but not especially good news for fans of public-access TV. One item left out of the budget was funds to pay for an assessment of the area’s community media needs and requirements in preparation for renegotiating the cable franchise agreements—a process which will get started this year. A current needs assessment would help the CFB negotiate concessions from the cable companies during renewal discussions, including reestablishment of public-access TV—a goal PAI has long worked toward.

In news from the cable companies, Bright House Networks donated a portion of the amount it collected from installation, upgrade and reconnection fees from June 18 to July 5 to five area charities, for a total of about \$25,000. Comcast came under fire for not meeting targets in customer-service call response times. Comcast cited their difficulty in hiring and training personnel as the major factor in their failure to meet goals, but assured the Board that they would meet their goals in September after getting more personnel trained.

Kathleen Dobie is a local freelance editor and activist.

National Challenges to Local Access

Broadband Investment and Consumer Choice Act of 2005 (S. 1504), introduced on July 27, 2005 and sponsored by Sen. Ensign and Sen. McCain, is a significant rewrite of telecommunications law, including cable and telephone regulations that "would eliminate existing franchise agreements and preempt local control...eliminates all rate regulation.... [and] would also limit local government's ability to provide broadband internet service....," according to the Indiana Association of Cities and Towns. See p. 6 for more details.

www.alliancecsm.org

www.indyaccess.org

www.freepress.net/defendlocalaccess/

Video Choice Acts of 2005 (H.R. 3146 and S. 1349), bipartisan bills in the House and Senate, would allow the incumbent Baby Bell telephone companies to provide video services without having to negotiate local franchise agreements.

www.freepress.net/defendlocalaccess/

Preserving Innovation in Telecom Act of 2005 (H.R. 2726) prohibits municipal governments from offering telecommunications, information, or cable services except to remedy market failures to provide such services by private enterprise. Whereas, the Community Broadband Act of 2005 (S. 1294) 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) limits regulation by the Federal Communications Commission (FCC) 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 maps.indy.gov/govntprofile or by phone at 317.327.4241.
- 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 .
- Join Public Access of Indianapolis. See membership form on page 7.
- Talk to friends and neighbors about media concerns.
- Pass along this newsletter.

Continued from Page 4

- Raising basic tier rates more than once a year
- Charging some parts of the community more than others for the same services
- Forcing residents to buy tiers of programming they don't desire

However, the basic tier of service is regulated only when cable operators do not face "effective competition," currently defined as a 15% or greater market penetration by a competitor in the designated franchise area. Bright House Networks recently requested an FCC determination of "effective competition" in Indianapolis with the assertion of a 15.27% penetration by satellite TV providers such as Direct TV and DISH Network. (Satellite TV rates are not regulated, and providers do not have to provide local PEG access TV or franchise fees.)

Despite this request for relief from rate regulation, Bright House, with customers in the old Indianapolis city limits and Carmel, and Comcast, with the rest of the consolidated city, have continued not to compete with each other throughout Marion County. Although the Cable Franchise Board is challenging Bright House's filing, to date the FCC has never denied a request for a ruling of effective competition to any cable company asking for one.

Peter Blum, Profiled

"If it's not on ESPN, the Food Network or MSNBC, I probably haven't seen it," says Peter Blum, Chair of the Cable Franchise Board (CFB) when asked what his favorite TV show is.

Though his original appointment in April 2001 came from Mayor Peterson, whose campaign he volunteered on, Mr. Blum was designated chair of the CFB by the City-County Council on June 21, 2004. (By ordinance, one of the three Council appointees serves as chair. See the related article on page 1.)

Mr. Blum's extensive experience in media make him well qualified for his volunteer position on the CFB: he is e-business manager at Temple-Inland, an international manufacturer of corrugated containers, containerboard and displays; he worked as a journalist for 12 years; and he was the media department manager for a state agency for two years.

Mr. Blum is proud that the CFB has worked to ensure good and fair service to cable customers while providing an environment that makes it possible for cable operators to expand their services.

Hailing originally from Cleveland, Mr. Blum moved to Indiana 20 years ago and quickly became familiar with the Hoosier State from top to bottom, working in Gary, Evansville and now Indianapolis. For the past eight years, he's lived in Lawrence Township with his wife, Meg Felton, and their three children, two dogs and seven guinea pigs. Mr. Blum enjoys hearing live music, and is very active in his son's Boy Scout troop. He likes to spend time outdoors biking the Monon and Town Run trails and visiting Fort Benjamin Harrison State Park.

Kathleen Dobie is a local freelance editor and activist.

"If the Ensign bill were current law, thousands of Hoosier citizens and businesses would be without high speed internet service and the economic and social advantages it provides."

Andrea Johnson
Indiana Association of Cities and Towns

Opposition Mounting to Ensign Telecom Rewrite Bill

Senators John Ensign (R-NV) and John McCain (R-AZ) upped the ante on telecommunications reform with the introduction of the sweeping Broadband Investment and Consumer Choice Act of 2005 (S. 1504) in late July. We urge you to contact Senators Bayh and Lugar and ask them to oppose this legislation which guts decades of federal communications law and virtually eliminates state and local regulation of telecommunications, including cable and telephone.

All cable franchise agreements would immediately become null and void. The bill provides for payment of very limited franchise fees likely far less than the \$7.5 million per year that Indianapolis currently receives. Only four public, education and government access (PEG) TV channels would be permitted and there is no provision for funding them. Similarly, the provision of in-kind services such as complimentary fiber connectivity and cable for municipal buildings and schools can no longer be required. It gives corporations the ability to effectively veto municipal development of low-cost broadband internet services, and cellular phone companies are expected to claim that their towers are exempt from local zoning.

The Indiana Association of Cities and Towns (IACT) is one of the many organizations opposed to the bill. "IACT and Indiana municipal officials are opposed to the Ensign bill because it would eliminate existing franchise agreements and preempt local control. It would also designate the FCC [Federal Communications Commission] to arbitrate disputes, causing local governments to incur huge costs to travel for dispute resolution," explains Andrea Johnson, deputy director of the IACT. Ms. Johnson continues, "We are also concerned that the bill eliminates all rate regulation, which could result in higher rates in rural communities where there is little competition. The Ensign bill would also limit local government's ability to provide broadband internet service, a vital component of a city or town's economic development program. In Indiana, many municipalities have implemented their own broadband networks, many times after private providers have refused to offer competitive service or any service at all. If the Ensign bill were current law, thousands of Hoosier citizens and businesses would be without high speed internet service and the economic and social advantages it provides."

To stay informed about this legislation and other media issues, please join our email distribution list at <http://www.indyaccess.org/takeaction/join-mailing-list/>.

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

serves as Chair of the Board. The current members appointed by the Council are Peter Blum (Chair), Kent Burrow and Beth Harriman; Daniel Lynch and Robin Winston are the Mayor's appointees.

Chair Peter Blum is profiled in the current issue of **The Right-of-Way** and the other members will be profiled in future issues.

Meetings

The Cable Franchise Board holds a monthly public meeting during which there is an opportunity for public comment at the end of each meeting. A number of monthly reports are presented during these meetings, including programming and in-kind services reports from the government access and education access channels. The Cable Communications Agency reports on all relevant cable-related issues such as FCC rate filings, customer complaints, and franchise fee audits. Both Indianapolis cable operators, Bright House Networks and Comcast, give monthly reports that include information on the numbers and types of subscribers, customer service metrics, system outages, and complaints. These meetings are usually held on the third Monday of each month, and two meetings a year are usually held in the evening to facilitate public participation.

Andrea Price is Board President of Public Access of Indianapolis, Inc.

Introducing the Indianapolis Cable Franchise Board, continued

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 membership, \$100

Events

September- November 2005

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

Sept. 21, 6:30 PM: The ACLU's **Beyond the Patriot Act**, free screening, Irvington Library, 5625 East Washington St., co-sponsored by The Indiana Civil Liberties Union (ICLU)

Oct. 5, 6 PM: **Toxic Sludge is Good for You**, free screening, Irvington Library, 5625 East Washington St.

Oct. 15, 9:30 to 11:00 AM: **Basics of Video Camera Operation**, free class, North United Methodist Church, 38th & Meridian Sts., Library Room 206

Oct. 15, 11:30 AM: **Public Access of Indianapolis** general meeting, North United Methodist Church, 38th & Meridian Sts., Library Room 206

Oct. 17, 2:30 PM: **Cable Franchise Board** meeting, City-County Building, 200 E. Washington St., Room 260

Nov. 15, 7:30 PM: Robert Greenwald's **WAL-MART: The High Cost of Low Price**, free screening, Key Cinemas, 4044 South Keystone Ave.

Nov. 19, 11:30 AM: **Public Access of Indianapolis** general meeting, North United Methodist Church, 38th & Meridian Sts., Room 207

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

Nov. 21: Issue 3 of "**The Right-of-Way**"

THE RIGHT OF WAY

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