

Statement of Barbara Popovic
Executive Director of Chicago Access Network Television (CAN TV)
on behalf of Alliance for Community Media and Alliance for Communications Democracy
before the United States House of Representatives Appropriations Committee
Subcommittee on Financial Services and General Government
Hearing on Public, Educational, and Governmental (PEG) Access for Cable Television
September 17, 2008

Chairman Serrano, Rep. Kirk and members of the Subcommittee, thank you for the invitation to speak with you today. I'm Barbara Popovic, Executive Director of CAN TV in Chicago, Illinois and I'm testifying on behalf of Alliance for Community Media and Alliance for Communications Democracy, organizations devoted to public, educational and government (PEG) access.

I've been privileged to work through the years with public officials with the vision to recognize the importance of giving voice to the local community. I'm particularly honored to accept this invitation from Chairman Serrano, who upheld that vision in the Bronx through the creation of BronxNet.

PEG access exists because of regulations that stem from the 1984 Cable Act. But the FCC's Video Franchising Orders green light a major regulatory shift while failing to safeguard PEG, ignoring localism and diversity goals mandated by Congress. We're addressing this issue today because as Appropriators, the FCC's role in this is your business.

The FCC's Video Franchising proceeding contributed to passage of regressive state laws around the nation. Those laws strip away local authority, weaken consumer protections, limit build-out, and undermine PEG access. As cable operators opt into these new state laws, we're seeing a reduction in pre-existing PEG obligations of incumbents, like studio closures in Michigan, Indiana and other states.

After eight years of doing local programming, Sheriff David Lain of Porter County, Indiana had his program unceremoniously shut down because Comcast closed all of its northern Indiana studios soon after passage of Indiana state law. Sheriff Lain said, "I've always thought

that the organizations with whom we partnered – the nonprofits that are out there every day trying to improve the quality of life in Northern Indiana - lost the most when we lost our program.”

The need for local channels hasn't changed, if anything, the need is stronger than ever. The FCC knows that. It has held hearings all over the country about the lack of localism on broadcast television.

But take a walk down mainstreet America. In many towns you'll find that the only local television channel is a PEG channel. It's the go to place for emergency alerts, community festivals, health education, school closing information and local election debates.

Public programming is marginalized on AT&T's U-Verse system. Congressional Research Service's September 5th report on PEG access states that AT&T “has chosen not to make PEG programming available to subscribers in the same fashion that it makes commercial programming available. Instead, AT&T “treats PEG content the same way it treats Internet traffic.”

The CRS report details the deficiencies of AT&T's PEG product. Suffice it to say, AT&T consigns PEG channels to a format that is inferior to commercial channels in virtually every way that matters to a viewer.

AT&T representatives have repeatedly acknowledged these deficiencies, but claim the PEG product is a “work in progress.” But why the wait? My written testimony includes an independent engineering study that shows PEG channels can be treated equally on systems like AT&T's with readily available technology. Where the laws exist to prevent unequal treatment of PEG, the only reason it continues is government's failure to say three simple words, “Just do it.”

Here's a guide being distributed to AT&T customers in the Chicago area showing 400+ channels. You can find 10 different Showtime channels on this guide. But in defiance of Illinois law, you won't find a single listing for a PEG channel or program here or in the

electronic program guide. Rep. Kirk, unless this company starts following the law, AT&T subscribers in your district won't be able to find a PEG program detailing your hurricane relief efforts.

Bottom line, AT&T, the company that promotes "choice" in cable franchising, is giving viewers no choice when it comes to PEG.

This is the 21st Century, an era of great technological advancements with the potential to serve the public good. No one can convince me that the only way we can see technological advancement in this country is to leave the people behind.

Chairman Serrano and members of the committee, I speak to you as appropriators. You fuel the engine that drives our government. And when it comes to PEG access, we are headed in the wrong direction.

We urge this Subcommittee to:

- (1) Prohibit funds from being used to implement or enforce the FCC's *Video Franchising* Orders.
- (2) Compel the FCC to reconsider these Orders in light of the adverse affect on PEG; and
- (3) Ask the GAO to conduct a study to get to the bottom of the harm that has come to PEG from recent regulatory changes.

My written testimony includes steps we urge Congress to take to keep PEG access healthy in the future. Thank you for the opportunity to testify. I look forward to your questions.