



## The Public Interest Standard in Television Broadcasting

Public interest groups are now asking regulators to more clearly spell out what broadcasters should be doing to benefit the public in return for the use of the public's airwaves. As the nation transitions to digital television, we must decide whether our newest television technologies can support our oldest and most time-honored values of democracy, diversity, localism, and education. It is time to put the remote control back into the public's hands and once again give the public greater control over the children they raise, the kind of democracy they participate in, and the security they deserve.

## The State of Television Today

Television has never played a more important role in our lives. It is our primary source of news and entertainment.<sup>1</sup> But today's television is too often out of touch with today's realities: parent's struggling to find educational programming for their children, voters struggling to find basic coverage of campaigns and elections so vital to our democracy, and minorities too often having difficulty finding programming reflective of their lives. In each case, broadcasters have too often lost touch with the needs of the people who own the airwaves.

Broadcasters have an obligation to serve the public's interests, not just their own commercial interests.<sup>2</sup> The government provides broadcasters free and exclusive access to a portion of the public airwaves – "spectrum" – for broadcasting. These profitable licenses come in exchange for broadcasters' commitment to serve the "public interest, convenience, or necessity." These basic obligations, called *public interest obligations*, are critical tools designed to ensure that television is at least partially grounded in today's reality.

Americans are absorbing more mass media than ever. By 2007 the average American will spend 3,874 hours per year, or more than 7 hours per day, with major consumer media – up 21% since 1977.<sup>3</sup>

Public interest obligations (PIOs) are about whether:

- Our children can turn on a television and find truly educational content
- We can be active and intelligent participants in our democracy with sufficient civic programming before elections
- The voices and views on our airwaves reflect the diversity of our country

- Our televisions can keep us alert and informed in national and local emergencies
- People who are sight- or hearing-impaired can access all of TV's educational, informational, and entertainment programming

In fact, existing laws and regulations affirmatively require broadcasters to serve the public in these ways. However, we are not in a golden age of television. Over many years, the public interest standard has been slowly eroded by broadcasters who do not take these obligations seriously and by policymakers who do not realize how deeply Americans care about these issues.<sup>4</sup>

- In 1981, broadcasters abandoned their voluntary code of conduct, which had established programming and advertising standards through industry self-regulation.
- In 1981, the Federal Communications Commission (FCC) created a "postcard renewal process," throwing aside a more detailed review of whether broadcasters are meeting their obligations.
- In 1984, the FCC eliminated the ascertainment requirements whereby

broadcasters had to reach out to the public, determine local community needs, address those needs through their programming, and defend those choices in their license renewal process.

- In 1987, the FCC repealed provisions of the Fairness Doctrine, which required broadcasters to provide reasonable opportunities for contrasting and dissenting views on controversial topics.

- In 1996, Congress passed a telecommunications deregulation bill that allows further consolidation in radio and television markets.
- In 2003, the FCC eliminated a wide range of media concentration protections, allowing a single company to own eight radio stations, three television stations, the only daily newspaper, the dominant cable TV provider, and the largest Internet Service Provider in a single community. It also effectively allows media conglomerates to control TV stations that serve up to 90 percent of all Americans.

This slow erosion of broadcaster public interest obligations has left Americans to ask whether broadcasters are really serving their local communities, whether they are meeting the diverse needs of all Americans who own the airwaves, and whether they are contributing to a vibrant and well informed democracy. As America's television and radio stations convert to a digital format, policymakers ought to ask the most important question of all:

## How will Congress and the FCC get serious about holding broadcasters accountable for serving the public?

In June of 2003, a decision by the FCC relaxed time-honored media safeguards on media ownership and consolidation.<sup>5</sup> It opened the door to a fundamental reshaping of the media landscape and the industries that control what we see, hear, and read.

The debate surrounding the decision sparked an unprecedented outpouring of public concern over the future of media in America.<sup>6</sup> Americans everywhere are realizing that as broadcasters get bigger, the public's benefits are getting smaller. Now, more and more Americans are coming to understand that broadcasters have legal obligations

to serve the needs of the public, in return for exclusive use of the public's airwaves.

The 2003 FCC decision on media ownership suggests that the FCC no longer cares what citizens want in return for broadcasters' use of their spectrum. The decision may have led broadcasters to believe they can focus more on their commercial interests without protecting the public interest. Therefore, the transition from analog to digital television does not just represent a technological change, but an important opportunity to reassess whether the public's airwaves are being used to meet the public's needs.

## The Transition To Digital

In the last five years, broadcasters have been given new airwaves (again for free) for digital programming. The FCC has remained silent on how broadcasters should serve the public interest with their increased digital capacity. As broadcasters transition to digital television and the sharper images that it delivers, it is time for policymakers to provide a clearer picture for how broadcasters can meet their obligations in the digital age.

And while regulators have yet to determine what the prescription will be, what's at stake in this debate is television's role in impacting the needs of our children, the health of our democracy, the diversity of our nation, and our preparedness for homeland security.

## Proposed Solutions

Over seven years ago, the Presidential Advisory Committee on Public Interest Obligations of Digital Television Broadcasters (PIAC) examined the longstanding social compact between broadcasters and the American people and made a series of landmark recommendations on what public interest responsibilities should accompany the broadcasters' receipt of digital television licenses.<sup>7</sup> However, seven years

later the FCC has yet to act on those recommendations.

Likewise in September 2004, a bipartisan majority of the Senate Commerce Committee directed the FCC to adopt minimum quantitative guidelines for local public affairs and electoral programs, locally produced programs, and independently produced programs.<sup>8</sup> But, the FCC has yet to take meaningful action in response.

Although the FCC recently decided on how digital broadcasters' obligations to children should be met on digital channels,<sup>9</sup> it also needs to address how the transition to digital television will benefit citizens' local, civic, and electoral needs. A powerful alliance of public policy groups, media activists, and grassroots organizers – the Public Interest, Public Airwaves Coalition – has presented the FCC a proposal to help ensure broadcasters:

- Air a minimum of three hours per week of local, civic, or electoral affairs programming on the most-watched channel they operate.
- Promote the FCC's often-stated goal of diverse viewpoints and voices on television by ensuring that independent producers provide a minimum of 25 percent of their most-watched channel's prime-time schedule.
- Tell the public how they are serving the interests of their audiences by making this information available in a standardized format, not only at the station, but posted on the station's own web site.

To achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote control. Change the tune coming from policymakers in Washington. Demand reality-based public interest obligations that can help make a difference in your life.

## Examples of Existing Public Interest Obligations:<sup>10</sup>

In the current analog television world, the list of major public interest obligations includes:

- an unspecified amount of local programming
- three hours per week of educational/informational shows for children
- participation in the V-chip ratings system
- restrictions on indecent programming while children are likely to be watching
- limits on all tobacco advertising and the amounts of ads during children's shows
- special access and rates for appearances by political candidates
- the right of citizens and groups to defend themselves if they have been attacked on air
- accessibility for the sight- and hearing-impaired.

Organizations representing millions of Americans have put forward the Bill of Citizens' Media Rights ([www.citizensmedia rights.com](http://www.citizensmedia rights.com)) to foster a free and vibrant media, full of diverse and competing voices. The full text of the Bill is presented in the back of this report.