Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of	)	
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Further Inquiry Regarding Two Under-developed Issues in the Open Internet Proceeding	)	GN Docket No. 09-191
	)	WC Docket No. 07-52
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COMMENTS OF THE CENTER FOR SOCIAL MEDIA

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Executive Summary:

This comment addresses the impact that the Commission's rulemaking on matters related to the open internet will have on the ability of citizens to obtain news, information and educational resources that are vital to informed self-governance. Open access to noncommercial, government and educational content that supports public learning and civic engagement has long been a pillar of U.S. telecommunications policy. However, current efforts by commercial broadband providers to establish new rate structures for transmitting digital content could limit or degrade such access. What's more, public content providers will require new infrastructure support in order to reach citizens who are increasingly seeking news and information via mobile and digital devices.

We recommend that the Commission:

1) Adopt clear, enforceable rules to preserve the openness of the Internet on both wired and wireless broadband networks;

2) Consider proposals designed to support broadband delivery of content and services by public media, educational and government providers consistent with nondiscrimination principles.

The Flourishing Digital Public Sphere

NPR, PBS, the Smithsonian, NASA, NSF, the New York Public Library, MIT, the City of San Francisco, the local public radio or TV station, and hundreds of other governmental, educational, and non-profit institutions are prepared to deliver cutting edge educational and informational broadband content to the public. Access to this content via mobile devices—including phones, tablets, netbooks and mobile Internet radios—is a particularly important area for emergent public media. Already public broadcasting organizations such as ITVS, NBPC, and PRX, which are charged with commissioning innovative and independent content designed to engage underserved audiences, have an urgent need for access and have broadband content to deliver. Cutting-edge civic engagement and government transparency projects such as See, Click, Fix and Twitter Vote Report are harnessing users' access to mobile technology to foster communication about crucial public issues. Public access stations such as Cambridge Community Television are reinventing themselves by training citizen journalists to file digital video reports about local communities. All of these entities are ready to deliver apps, video, games, services, cultural and educational materials, and are developing ever more advanced and innovative options.

They want to deliver these materials and services to schools and community centers, to public housing projects and Indian reservations, clinics and homes, and to individuals wherever and whenever they access media. And they want to curate content that flows back the other way to support the formation of public networks around content and issues that affect how communities function, organize, and grow.

Public media outlets and producers are now clearly a node in a larger web of public interest

organizations that support the ability of citizens to participate actively in society. As the

comments submitted on January 14, 2010 by the Association for Research Libraries,

EDUCAUSE, Internet 2, NYSERNet, and ACTUA observe, "Research libraries and higher

education serve the public interest. They are especially concerned that a 'closed' Internet would

also 'close' public discourse and inhibit other core democratic values. The intellectual freedom

that libraries, colleges and universities have long championed would be threatened if network

operators act as gatekeepers, bar access to original, competing, or nonprofit voices, or relegate

unpopular or noncommercial expression to Internet 'slow lanes.' This would undermine a central

priority for a democratic society, an ideal made real for the first time by the open Internet:

enabling educators, librarians, and, members of the public to inform themselves and each other

on equal footing with major commercial and media interests."[1]

The Commission recently announced its intention to upgrade the E-Rate program by improving

broadband access for students, teachers, and librarians, in addition to the surrounding

communities that the schools and libraries serve.[2] It would be a mistake to undercut this progress

by failing to adopt clear, enforceable rules to preserve the openness of the Internet, thereby

slamming shut a door to public media, educational and government providers that has just been

opened for many underserved communities. These providers offer content and services that

commercial markets do not provide and that are important to the democratic, social, and

economic flourishing of all populations, especially the underserved. As the Center for Social

Media's white paper, *Public Media 2.0: Dynamic, Engaged Publics* notes, the possibilities for

[1] Comments of the Association of Research Libraries, EDUCAUSE, Internet2, NYSERNet, and ACUTA, GN
Docket No. 09-191, WC Docket No. 07-52, at 4 (Jan. 14, 2010),
http://fjallfoss.fcc.gov/ecfs/document/view?id=7020375276.
[2] *See* Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan for Our Future,
Sixth Report and Order, CC Docket No. 02-6, GN Docket No. 09-51 (Sept. 28, 2010),
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-175A1.pdf.

users to find, share, curate and deliberate about such content online forms the basis for a powerful and open public sphere.[3] The Knight Commission report, *Informing Communities*: *Sustaining Democracy in the Digital Age[4]* affirmed this analysis, citing both a national commitment to open networks and the role of public media, education, and government information as vital components of a system that could best inform and engage citizens to participate in their communities.

Securing the Public Interest in the Broadband Age

It has long been federal policy to support the provision of noncommercial educational and information services in two ways:

1. via commercial infrastructure and/or
2. via dedicated public service media infrastructure.

Maintaining Open Access

With respect to commercial infrastructure, federal legislation and regulation requires that satellite radio and terrestrial broadcast television set aside noncommercial educational channels, and there have frequently been local requirements that cable operators carry public broadcasting and PEG channels.

Of course, the Internet was originally governed by common carrier rules that gave noncommercial entities the same access to universally available connectivity that commercial

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[3] *See*, Jessica Clark & Pat Aufderheide. *Public Media 2.0: Dynamic, Engaged Publics* (Center for Social Media 2009), http://www.centerforsocialmedia.org/sites/default/files/whitepaper.pdf

[4] *See*, The Knight Commission, *Informing Communities: Sustaining Democracy in the Digital Age* (2009), http://www.knightcomm.org/wp-content/uploads/2010/02/Informing_Communities_Sustaining_Democracy_in_the_Digital_Age.pdf

entities had. In the broadband future, however, public access to noncommercial educational content and services may be compromised in the absence of rules that ensure nondiscriminatory access to commercial infrastructure.

Advocates for open network rules, such as the Open Internet Coalition[5], have made a compelling case for nondiscrimination, or network neutrality, rules for Internet access. They are particularly concerned about the prospect, in light of the Google-Verizon agreement on network architecture, that broadband providers will invest in special tiers of broadband service that carry favored content and applications. These tiers may well be out of reach, either for cost or other reasons, for noncommercial service providers.

We live in a world where *Nova,* independent documentaries from ITVS, and *Sesame Street* reach households on the same terms, and with the same technical quality, as any commercial content. We may be entering a world in which the providers of 3D Nova, human rights videos from WITNESS, or mobile educational apps simply cannot afford the price of a ticket on the special networks that can carry that traffic. They will be relegated to the "public internet" which could be starved of capacity as infrastructure investment is focused elsewhere.

Nondiscrimination on wired and wireless broadband networks is therefore the first line of defense for maintaining public access to public media, given that most consumers rely on commercial broadband infrastructure to access online content.

Supporting Broadband Distribution

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[5] *See*, Comments of the Open Internet Coalition, GN Docket No.09-191, WC Docket No. 07-52 (Jan. 14, 2010), http://fjallfoss.fcc.gov/ecfs/document/view?id=7020377928.

With respect to dedicated infrastructure, the FCC reserved broadcast channels first for radio and then for TV to ensure that there would be noncommercial broadcasting in every community. Now, the FCC should now also consider the possibilities for establishing dedicated public media infrastructure to support .org, .edu, and .gov entities in reaching and engaging publics.

The cost-structure for distributing educational and public service media to the public is about to dramatically change. Some .edu, .gov, and .org entities never communicated in mass media with the public, but now can given the distribution and interaction capabilities available on the open Internet. Some—public broadcasters and PEG channels—used a technology (broadcasting) that was constant against population served. Broadband streaming imposes costs on content and services providers that increase with consumption. Such barriers discourage budding efforts by nonprofit and government entities to educate, connect and engage citizens online.

As the Commission's own National Broadband Plan notes, "[P]ublic media must continue expanding beyond its original broadcast-based mission to form the core of a broader new public media network that better serves the new multi-platform information needs of America."[6] To make this possible, we believe that, in addition to establishing clear net neutrality rules for both wired and wireless broadband services, the federal government should consider related proposals designed to ensure public access to vital noncommercial educational content and public service media.

These include proposals to develop public broadband networks that parallel and interconnect with commercial networks—especially in the "middle mile" where anchor institutions connect

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[6] Federal Communications Commission, *Connecting America: The National Broadband Plan*, at 303 (citing Ellen P. Goodman Comments in re National Broadband Plan NOI, filed Nov. 7, 2009, at 4; Ellen P. Goodman, *Public Service Media 2.0*, *in* And Communications for All: A Public Policy Agenda for a New Administration 263 (Amit M. Schejter ed., Lexington Books 2009).

with one another, a concept has been elaborated in a 2009 white paper by the National Public

Lightpath project[7] and attempted by some forward-looking communities—as well as proposals to

create a non-commercial rate structure for serving broadband content, as recommended by

American Public Media President William Kling.[8]

We realize that more research and deliberation is needed to determine how such proposals might

best support public access to noncommercial content. We welcome further engagement with the

Commission on the topic of digital and mobile public media.

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[7] Heather Chaplin, *National Public Lightpath: Documentation and Recommendations* (National Public Lightpath 2009), http://www.publiclightpath.org/?q=node/39

[8] *See* Letter from William Kling, President & CEO, American Public Media, to Julius Genachowski, Chairman, FCC, GN Docket Nos. 09-191, 10-127 (Sept. 16, 2010) http://fjallfoss.fcc.gov/ecfs/document/view?id=7020912606.