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WASHINGTON, DC

Center for Social Media

May 6, 2010

TO: FCC Commissioners

FROM:

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RE: GN Docket No. 10-25, FCC Launches Examination of the Future of Media and Information Needs of Communities in a Digital Age

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Executive Summary:

This docket submission regards the future of public media, which we define as media for public knowledge and engagement. We address questions 21-30 of the Future of Media docket in general, with an emphasis on policy strategies for transitioning from a fragmented, broadcast-oriented approach to a networked, multiplatform public media system. This analysis also addresses questions 1, 3, 4, 5, 11, 19, 32, 34, and 38.   We argue that this moment of profound paradigm shift in media practice, economics and culture creates an opportunity to innovate a strong, flexible and accountable public media, whose core mission is to provision members of our democracy with the information, tools and platforms needed to jointly address complex issues. Innovative public policies will be needed to nurture civic life in this way; a continuation of today's public media policies and practices would be counterproductive.

We recommend that:

- public media be treated by policymakers in the future as a distributed, open and constantly evolving phenomenon, identified as such by *common standards and metrics*;

- media entities, both commercial and noncommercial, be required to file information with the FCC on total amount and kind of news, public affairs and documentary production; staff composition and functions; budget information; and related online and offline engagement activities.

- federal cultural and knowledge-building agencies including the CPB/CPM, National Endowments for the Arts and Humanities, the National Science Foundation and the Institute for Museum and Library Services receive a *federal mandate* and incentives to

support public media content and engagement projects and collaborations to accomplish them;

- public media activities draw upon *resources* located in all federal agencies but also upon dedicated resources for core services;

- funds currently allocated to the Broadcasting Board of Governors be designated at least in part to public media in order to support international news production that is also collaborative and participatory;

- a nationally networked structure of *local media centers* be funded by and held to a standard of public engagement with locally relevant content by a Corporation for Public Broadcasting (CPB) with a changed mandate and a new name of *Corporation for Public Media* (CPM). Such centers could be based at local public broadcasting stations, perhaps in partnership with existing local media arts and public access centers, but these stations would need a new mandate and additional funds.

Public media and public culture

A healthy democracy includes spaces and tools for members of the public to have informed conversations about issues of public significance and what to do about them. Public culture is the part of daily life that supports the capacity of people to find one another in order to discuss common issues related to some kind of private or governmental action, whether it is health care policy, climate change or community development; crime, school curriculum or tree replanting. Such exchanges occasionally take place in town halls, or good-government forums. More often public culture occurs in casual spaces—coffee shops, conversations at work, discussions at a church reception. These conversations can catalyze a range of actions. When they are fed with

well-grounded narratives and data about the issues, these conversations can result in the best kind of democratic engagement, feeding both citizen action and relationships with elected representatives and regulators. Fueled by rancorous partisan and private-interest argument, they can result—as we have seen—in anguished, outraged, divisive and fruitless polarization. We discuss this more fully in our Public Media FAQ, attached.[1]

In a nation that has minimized the creation of cultural policy, even acknowledging the existence or validity of public culture is difficult. Nonetheless as American philosophers such as John Dewey, political scientists such as Benjamin Barber and Richard Sennett, and legal theorists such as Yochai Benkler among many others have noted, "strong" democracy depends upon the ability of people to meet and work with others as members of a public—not merely as "informed citizens," demographic blocs, or activists for a cause. A public is always a social group—formed dynamically by often heterogeneous stakeholders bound together by shared concern about an issue—not a list of individuals added up by a pollster or a political party. The expectation that such behavior is possible is the basis of public culture, and public media is a central location where such work can take place. Media inform, enrich or impoverish such culture by providing not only information but the contextualizing narratives and links that provide meaning. Increasingly, participatory media platforms also provide publics with tools and spaces for engagement, deliberation and civic action.

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[1] Pat Aufderheide and Jessica Clark. April 2008. *Public Media FAQ.* Washington, DC: Center for Social Media.

http://www.centerforsocialmedia.org/resources/publications/public_media_faq/.

Public media policy in the mass-media era

This is, sometimes inchoately, the awareness that has driven policymakers again and again to create dedicated resources for public media in an otherwise vigorous, creative, and highly productive commercial media environment. Policymaking for public media has been a recognition that the production and circulation of media inform understanding of the common condition, the nature of engagement with others on shared issues, and ultimately the quality of democracy, and that commercial media do not and cannot make nurturing of democratic culture their priority.

Public broadcasting, public access cable, DBS set-aside channels, low-power radio (LPFM) and were all, in different moments, examples of this impulse in mass media. Public interest obligations imposed upon commercial broadcasters—built into broadcasting legislation in 1934 as described by Robert McChesney in *Telecommunications, Mass Media and Democracy*, quite robust in the 1960s and 1970s as discussed by Robert Horwitz in *The Irony of Regulatory Reform*, and all but nonexistent after 1981, as discussed in Aufderheide's *Telecommunications and the Public Interest—*also indicated such awareness. With the shriveling of public interest mandates in practice for commercial broadcasters and with no such obligations for cablecasters, an ever heavier burden has fallen on the relatively weak noncommercial media services.

Access to media is another crucial element of policymaking designed to foster public culture. The early nation's decision to offer postal subsidies to newspapers in the interest of fostering awareness of national identity, and telecommunications regulation promoting universal service have also been indicators of this awareness. The fact that rising and soon-to-be essential telecommunications services such as broadband and mobile have no such requirements, that

universal service has been drastically weakened and in many cases substituted with far weaker measures such as the e-rate demonstrates the fragility of public media policy today, since this lack of requirements affects access at the level of infrastructure.

Indeed, it has been possible for public policy to vacillate so dramatically because the mission or purpose of such legacy public media has never been made clear. Policy-supported public media today are united only by their non-commerciality—a term that has a plethora of definitions. Neither legislative language nor regulatory interpretation has sufficiently clarified mission. Current public media outlets and services are balkanized internally and have poor relationships with each other. This is not a failure of the services themselves. In a way, they are all small miracles of survival. The weaknesses of these services were built into the policy decisions that created them.

Among the range of noncommercial outlets and set-asides, public broadcasting has had the greatest success—prestige, consumer trust, enduring products, and penetration into schools. This is hardly surprising. Public broadcasting obtained the greatest amount of policy support originally and has consistently been better supported than cable access, DBS channels, or LPFM. However, funding for public broadcasting lags well behind that of other leading democracies[2], and its successes are both under constant political threat of being defunded and hamstrung by the system's balkanized structure. Even now, public broadcasting's ability to respond to the vast shift in media practice today is hampered by the 1967 legislative decision to create no national body for planning and directing the service. We have described this problem in greater depth in the essay, "Public broadcasting and public affairs: Opportunities and challenges for public

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[2] "Global Spending on Public Media," Washington, DC: The New Press, http://www.newpublicmedia.org/resources

broadcasting's role in provisioning the public with news and public affairs," available online[3] and also attached.

Within the legacy model of mass media, some lessons can be learned from the intermittent and partial policy support for public media:

You can't just reserve space; good policy needs funding for staff, content and national-level capacity-building as well.

Policymakers have routinely acknowledged the need for public culture in media by allocating space to it, abandoning it, and then being surprised by its lack of usefulness. Public radio barely existed from 1938 to 1967, after receiving reserved space on the then-unused FM part of the spectrum. Public television existed, but barely, from 1952 on, with the majority of the slots dark, mostly on low-rent space in UHF. (In 1952, televisions didn't even have dials that went to UHF.) Only with the passage of the Public Broadcasting Act of 1967— which created the Corporation for Public Broadcasting with ongoing federal funds and out of which stations formed NPR and PBS—did public broadcasting come to have a national presence. Public broadcasting's ability to execute depends, as the 1967 law envisioned, on a large-majority match from the private sector; this has come with its own drawbacks. Public access cable is successful most in the areas where the local government has won not only channel space but physical space and funds for staff to manage the space. DBS set-aside channels, which are required to be noncommercial but have no funding for staff or content, have marginal audiences, depending either on the organizations that

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[3] Pat Aufderheide and Jessica Clark. 2008. *Public Broadcasting and Public Affairs: Opportunities and Challenges for Public Broadcasting's Role in Provisioning the Public with News and Public Affairs.* Berkman Publication Series: Media Re:public. Boston: Berkman Center for Internet and Society. http://cyber.law.harvard.edu/pubrelease/mediarepublic/downloads.html.

back them or on the kindness of strangers who donate in response to on-air pleas, to let them limp from year to year. For fuller history and discussion, see Aufderheide's book chapters[4], "Public television and the public sphere," "Access cable TV," and "The Missing space on satellite TV," attached. Low-power radio similarly has struggled with an allocation of space but no real way to fund the use of it.

Now, public access and broadcasting stations are struggling to generate online content and services with no dedicated funding for equipment, development, content production or community engagement staff, while promising online public media experiments lack the physical plant, human resources capacities, and operations budget of the stations. Wikipedia is a lovely exception to the general rule that public media experiments do not usually take off without subsidy and even Wikipedia built itself upon the full text of the 1911 Encyclopedia Britannica and has foundation backing.

Public media need good, durable political heat shields.

Services that depend on taxpayer dollars, directly or indirectly, are subject to political winds as well. As many scholars and commentators have noted, including James Ledbetter, James Day and James Hoynes, public broadcasting's three-year authorization process politicizes all programming decisions, and critics have often charged public broadcasting—especially television—with routinely erring on the side of caution. The "heat shield" of the Corporation for Public Broadcasting has sometimes failed, as when CPB board head Kenneth Tomlinson aggressively meddled in content provision.[5] Public access cable centers exist only to the extent

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[4] Patricia Aufderheide, 1999. *The Daily Planet*, Minneapolis: University of Minnesota Press
[5] Paul Farhi, November 5, 2005. "Kenneth Tomlinson Quits Public Broadcasting Board," *The Washington Post.*
http://www.washingtonpost.com/wp-dyn/content/article/2005/11/03/AR2005110302235.html.

that their programming does not alienate city council members or their constituents, since city council members execute the contracts with the cable companies—which in their turn would generally prefer not to have the obligation even to set aside that channel space.

Public media need definitions and accountability for their public functions.

The lack of definition around public media's responsibility to inform and engage the public around civic matters has all too often resulted in substituting the preferences of members for mission, and the availability of programming for engagement. Without a definition of public or civic engagement, mass-media-based public media providers have often counted their job done once programming decisions are made, neglecting the responsibility to connect with users on a national or local level. In the scramble for resources to keep unfunded or underfunded public spaces open and to placate political forces, public broadcasting programmers sometimes make deals that drive the content decisions away from supporting public culture and towards entertainment targeted at the small minority of viewers who are members. Cable access center managers often respond more to demands of entrenched users than to ascertaining, much less meeting needs of communities viewing the service, and by the structure of their operations must focus on providing access while often being unable to affect program quality.

Public media in the digital era

Even if public media providers had been well-funded and sheltered from political winds for well-defined media work, they still would have faced (as some have and do) enormous challenges in the structure of mass media. Mass media are poorly designed for public engagement. They are push media that, in the one-to-many model, blast out information to audiences. Suddenly, with the proliferation of cheap production and editing tools, participatory platforms, globally

accessible digital networks, and an explosion of screens ranging from pocket-sized to wall-sized,

we find ourselves with the technological possibilities to produce public media that is:

- created in concert with members of the public;

- produced collaboratively and dynamically, by assembling organizations and experts
  appropriate to emergent issues;

- constructed to engage users directly with stories and information they need when they
  need it, and to help them connect with others.

Public media projects can now be loosed from traditional broadcast zones, reaching publics

through digital, mobile, and gaming platforms. They can make use of a wealth of nonprofit

spaces—including but not limited to libraries, museums, schools, and media arts centers—as

well as spaces for public culture within for-profit enterprises. They can rely on a range of new

user practices, including choice, content creation, collaboration, curation, and conversation. Such

a vision of public media depends more upon standards than upon set channels, stations or brands.

It is defined not by being, but by doing. It is defined by behaviors articulated by shared

standards.

We have documented and analyzed a range of emerging public media projects over the past few

years, beginning with the 2008 *Public Media 2.0: Dynamic, Engaged Publics,* attached[6]. In it we

examine a wide variety of public media experiments, including citizen journalism sites and

practitioners, collaborative knowledge-sharing platforms, data-intensive visual reporting tools,

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[6] Jessica Clark and Pat Aufderheide. February 2009. *Public Media 2.0: Dynamic, Engaged Publics.* Washington, DC: Center for Social Media.
http://www.centerforsocialmedia.org/resources/publications/public_media_2_0_dynamic_engaged_publics.

issue-focused online communities, and more. We continue to track these participatory public media experiments, including the September 2009 report, *Scan and Analysis of Best Practices in Digital Journalism In and Outside U.S. Public Broadcasting*[7],; and our ongoing Public Media 2.0 Showcase.[8] In each case, our analysis relies on an analytical reframing of the term "public media," which asserts that the core mission of public media projects is to support the formation of publics around contested issues.

Public media in the digital era escapes the traditional zones of mass-media, and therefore public media is now defined by what it does, not where it is. Public media will be public depending on the degree to which it is useful in promoting public life—engagement with the fundamental issues of the society and its choices for the shared terms of life together. Public media does not necessarily need taxpayer funding to perform this role, but without taxpayer funding, it will be occasional and unreliable. New standards that define the range of behaviors that can be considered public media work will need to be defined, as well as evaluation standards for finished projects. This spring, the Center for Social Media hosted a series of seven "Impact Summits" around the country, designed to ascertain current tools for assessing the impact of public and independent media efforts—we queried attendees on their approaches to measuring reach, inclusion, engagement, influence and relevance of their outlets and projects. Time and again, both media funders and public media leaders expressed a need for better coordination, more information sharing, and a sector-wide effort to redefine impact in the digital, participatory media environment.

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[7] Pat Aufderheide, Jessica Clark, Matthew C. Nesbitt, Carin Dessauer. September 2009. *Scan and Analysis of Best Practices in Digital Journalism In and Outside U.S. Public Broadcasting.* Washington, DC: Center for Social Media. http://www.centerforsocialmedia.org/resources/publications/CPB_journalism_scan.
[8] Public Media 2.0 Showcase, Washington, DC: Center for Social Media. http://www.centerforsocialmedia.org/blogs/showcase.
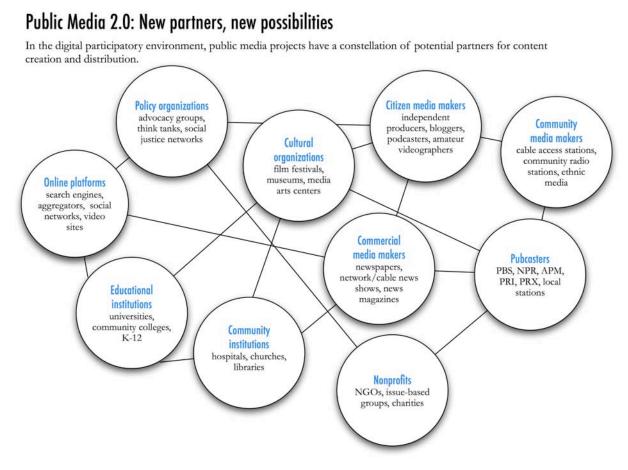
For a participatory, public media focused upon enhancing the quality of community networks to address public issues to move beyond experiments, supportive policy is needed. Policymakers of course need to avoid their favorite mistakes of the past, but they are also free to design new structures that can withstand experiment and change as the new field of media emerges.

Public media policy for an era of distributed media needs to consider the layers or levels, as discussed by many analysts of Internet-based media note, that are involved in its creation and dissemination. Rutgers law professor and Center for Social Media fellow Ellen Goodman, with University of Pennsylvania Law School fellow Anne Chen, draws upon this analysis in "Modeling Policy for New Public Media Networks"[9] Goodman and Chen identify four layers relevant to public media: physical infrastructure, creation, curation and connection. We commend their meticulously detailed exposition, and endorse it, as well as its recommendations. We draw upon both for our own recommendations.

None of our recommendations or, we believe, any policy for a participatory, networked public media will succeed if a solid and well-regulated broadband infrastructure is not provided, in addition to and eventually superseding most current uses of broadcast spectrum. Goodman and Chen provided constructive comments in the Commission's broadband docket, which we endorse and will not duplicate here. For this docket, we presume a viable, universally accessible infrastructure, with the kind of universal service provisions that existed in the past for telephony. The layered functions that Goodman and Chen also call attention to—content, curation and engagement—can all be performed by a multiplicity of agents in a participatory, networked public media era. It will be important for policymakers to ensure access to resources to a broad,

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[9] Ellen P. Goodman and Anne Chen. April 27, 2010. "Modeling Policy for New Public Media Networks". *Harvard Journal Law & Technology,* Vol. 24, Forthcoming 2010. Available at SSRN: http://ssrn.com/abstract=1569667.

evolving network of actors, encouraging a proliferation of public media entities and creating incentives to reward such behavior in the service of civic life. It will be equally important to support nodes on that network, to provide stability, credibility, and standards and practices.

Public Media 2.0: New partners, new possibilities

In the digital participatory environment, public media projects have a constellation of potential partners for content creation and distribution.

Conceptualizing public media as a network rather than a set of isolated, broadcast-based institutions also gives policymakers the opportunity to examine where else federal funds are being dedicated to public media functions, and build innovative collaborations. We also see a rising opportunity for sharing the best practices in engagement and public deliberation being developed via government transparency initiatives with public media projects.

Before providing recommendations, we also offer a general caveat: Policymakers need much better data than they have, than exists in any public database or that they are requiring any media

to provide to them, about how the current media environment actually functions; what gaps in news, information and public engagement exist on both the local and national levels; how much money is being spent on news and information; and how the shifting demographics of the country might affect the ways that citizens interact with public media. Currently, there are huge gaps in the data collection efforts of the Corporation for Public Broadcasting and related public media entities—it's very difficult to ascertain what activities are taking place at the station level, how widely public broadcasting content is being consumed, or how users are engaging with public media content and platforms.

Policy recommendations

Common standards and metrics

We recommend that the FCC initiate an inquiry into the definition of public media, grounding its queries in the standards for and measurement of public engagement, and develop standards that can apply to any federal agency engaging in public media work or collaboration with others doing such work. Each agency may develop appropriate metrics, building upon the Commission's findings. For example, the NEA might develop standards related to the role that arts production plays in engaging publics via media platforms. But the Corporation for Public Media—a redesigned and remandated Corporation for Public Broadcasting—should be required to initiate the process and share its metrics with others.

In order to develop and implement such common standards, the FCC and all agencies involved in creating public media will need information that is currently lacking. The process of developing public engagement standards will therefore be iterative. Policymakers will need to draw upon information about news, public affairs and documentary production available in the media

ecology, at a local, regional, interest-community, national and international level. Such reporting should be entered into a standardized and publicly available database. They will need to know the information resources available in any geographic community, and what locations constitute information hubs They will need to know the community connections made via public media, a mapping possible through the work of, among others, Prof. Lewis Friedland and Prof. Carmen Siriani.

We believe that such standards, involving both definitions and rubrics for implementation that involve metrics, will mitigate the need to require non-commerciality in public media production. Making media projects noncommercial has not led to clear public benefits. Often private media entities have a non-economic reason to produce public media, such as prestige, awards, or public recognition; meanwhile not all noncommercial media projects serve a clear public function. Collaborative media models are emerging that combine commercial, noncommercial and open source organizations. What matters is whether publics are being engaged around issues.

Funding

Federal funding for public media is crucial at the levels of content, curation and engagement; it also needs to be available to emergent participants, not only incumbents. The experience of public media in the mass-media era clearly demonstrates that opportunity and space are not enough. We believe that federal funding can be decentralized, while also having a focus and shared standards.

We believe that the federal government should rewrite the mandate for the Corporation for Public Broadcasting to create a remandated Corporation for Public Media, and fund it under terms that can facilitate decentralized, participatory and evolutionary public media. Funding

needs to be accountable according to criteria established by the FCC, which can use the metrics developed by CPM or develop its own. The CPM's achievements, whichever agency creates the metrics, need to be measured against the fundamental goal of creating, curating or developing engagement strategies for media that motivates people to engage with each other on the issues that influence and shape their shared experience.

We also believe that the federal government can leverage existing institutional capacity in the cultural sector to promote civic culture and public life, by providing incentives for the National Endowments for the Arts and Humanities, the National Science Foundation and the Institute for Museum and Library Services and a range of other government agencies with a clear mandate to promote media for public knowledge on issues that affect us all. This would involve amending their mandates. These agencies have a potentially powerful role in providing resources to non-CPM fundees that may be important sites of public media work—museums, universities, arts centers, think tanks, science training programs. These entities might also become valued collaborators with CPM. Former National Endowment for the Arts Chairman Bill Ivey in *Arts,Inc.*[10], demonstrates the cost of cultural balkanization.

We believe that the federal government can also provide incentives for every governmental agency to collaborate with organizations in public media networks, so that Americans can understand, discuss, debate and decide on the nature and value of their government services. For instance, requiring an allocation of 10 percent of the public communication budget of any agency be devoted to collaborating with designated public media entities would refocus public communication dollars and effort toward the vitality of civic culture.

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[10] Bill Ivey. 2008. *Arts, Inc: How Greed and Neglect Have Destroyed Our Cultural Rights.* Berkeley: University of California Press.

Finally, we believe that federal allocations directed to the Broadcasting Board of Governors should be reassessed entirely, as Lee Bollinger suggests in *Uninhibited, Robust and Wide Open.*[11] Some of these funds should be reallocated to the CPM, with the mandate to help Americans better engage with each other on geopolitical issues, and to create international public media.

We understand that some reallocation of spectrum is necessary in order to build capacity for wireless broadband access and could be a valuable contribution to public media, if the profit from sale/lease were to be returned to public media work. It should be invested as an endowment to benefit public media work done by any institutional actors who wish to work in this defined space, not reserved for public broadcasters alone.

Local media centers

Public broadcasting has created the only set of interlinked local public media centers in the nation, and that set of stations has unique public presence in virtually every American community. At the same time, those stations currently act primarily as traditional mass media providers, very often of product distributed nationally, either by one of the large public broadcasting brands or by other syndicators. Those stations could become local hubs of public media work, as producers and co-producers of local programming, as curators, and in public engagement, in collaboration with local institutions, with other stations, and with national institutions. They could become a national network of vital public media, the spine of public media 2.0. They could facilitate the public media work of collaborators that may not have the expertise, strategic perspective or resources to do public media work on their own. For them to

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[11] Lee Bollinger. 2010. *Uninhibited, Robust and Wide Open: A Free Press for a New Century.* New York: Oxford University Press.

play that role, strong policy incentives and disincentives will be needed. If they do not play such a role, they will become either irrelevant or counter-productive to the goals of a participatory, decentralized public media.

CPM could provide the leadership and the incentive structure for this transformation by using the FCC's definition of public media in its station grants. They could provide incentives—more matching funds—for content creation, especially for local news, public affairs and documentaries; for curation or participation in curating projects at regional or national level; and for public engagement. Each of these can include a bonus for collaboration with other institutions. Part of the measure of CPM's effectiveness will be its ability to execute a transformation of the nature and mission of local stations, into local media centers whose central job is using media for civic and community connectedness.

Conclusion

We recognize that the overwhelming majority of the changes we recommend are not now within the purview of the Commission, nor are they within the current mandates of the different organizations and agencies, in any way that can ensure success. At the same time, we believe that a reasonable answer to the important questions posed by the Commission needs to go beyond current structures. We welcome further engagement with the Commission on the topic of the future of public media.