



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

fff@fff.org www.fff.org

Public-Access TV: Fascism in Action

by Scott McPherson

Imagine a public-access aisle at your local grocery store. The store would provide the goods it can profit from on other aisles, but there would be a special aisle where certain merchandise would be offered because the local government required it to be offered.

Local residents would go to city council meetings and produce petitions signed by their neighbors saying they want product X on the shelves of the public-access aisle. They might even agree to pay a little extra for X.

Local governments could make the store's operating license conditional on the provision of X, even if no one really buys X. The trade-off could be that only one grocery store gets to operate in the city, making the deal considerably attractive to the store's owner.

Why not? We've been doing this to cable-television companies for years.

In virtually every city in the country a cable company negotiates with the local government — in exchange for monopoly status — to offer its service to the people in that community.

There's so much wrong with this relationship that it's hard to know where to begin.

First of all, why should any business have to get permission just to offer a service? If people are willing to pay, then that's all the approval any supplier should need.

Then government uses the excuse that it owns the streets — which must be ripped up to lay cable lines — to restrict the market to just one cable provider. Only government complains about having too many customers.

But rather than find some means of accommodating newcomers, local governments forbid competition altogether and instead focus their attention on squeezing concessions from the favored cable company.

A much loved give-away demanded by local officials is "public-access" channels, which is just a fancy way of saying that the cable company is compelled to let "the public" literally dictate its programming schedule on channels provided by the cable company itself.

Worse, when the company's contract comes up for renewal, it's a green light for more of City Hall's presumption.

(A slight digression: issue must be taken here with the very idea of using the words "negotiate" and "contract" in this context. "Negotiation" suggests give-and-take from willing participants. When businesses "negotiate" with government, it's more like a hostage-captor relationship.)

This is exactly what is happening in my adopted city of Portsmouth, New Hampshire. Comcast Cable's "contract" is up for renewal in December 2007, but already this past December city officials were salivating at the opportunity of extorting more from the company.

The *Portsmouth Times* reported on November 30, "The City Council gave its *blessing* ... to the concept of adding two new cable channels for educational and public access." The city gave its blessing? As if Comcast came begging for the opportunity, and our leaders at City Hall in their infinite benevolence happily agreed to their request.

Actually the Cable Commission (couldn't we insert Grocery Commission here?) did a telephone survey and found that "about 81 percent of 470 residents surveyed ... supported a public-access channel" and "about 53 percent said they supported another channel devoted to educational programming." "Almost half of cable subscribers surveyed said they would be willing to pay 75 cents more in their monthly cable bill to receive a public-access channel," the story continues.

Aren't important determinations such as what services to offer and the price associated with them best settled by the market?

Not in the cable industry. Apparently TV producers aren't smart enough to figure out what viewers "really" want, so local government has to "help" those businessmen to make the "right" decision.

And little comfort should be taken in a recent Federal Communications Commission ruling. By a 3-2 vote of the commissioners, the FCC voted for "new measures meant to ensure that local governments do not block new competitors from entering the cable television market," reported the *New Hampshire Union-Leader*.

Remember that the FCC is the granddaddy of all this broadcast micro-management. The regulatory pendulum's slight swing toward less local government control over cable television really does little to advance freedom, free markets, and private property in the cable-television arena. Instead, the entire regime — both national and local — continues to be predicated on the notion that government edicts and monopoly seekers, rather than producers and their customers, should ultimately determine the content, quality, and quantity of television transmissions.

Scott McPherson is a policy advisor at The Future of Freedom Foundation.

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