

**REMARKS OF  
FCC COMMISSIONER MICHAEL J. COPPS  
PRACTISING LAW INSTITUTE  
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Thank you, Julius, for coming here and introducing me. It's a kind, thoughtful, and much appreciated gesture. The FCC is already a better place for you being there—and I believe the years ahead under your leadership can be some of the most stellar in all the annals of the Commission. You're off to a fine start that does credit to you and credit to the Commission. I also want to thank another Chairman, my friend Dick Wiley, the Practising Law Institute and FCBA, first for creating this forum and then for inviting me back to deliver the keynote. By the way, Dick provided lots of sage advice as I took the helm as Acting Chairman earlier this year—and he really made my day as I stepped down because he told me the protocol was “once a Chairman, always a Chairman.” That worked for me!

But I don't want to limit my thanks to only chairmen today. One reason I wanted to be here is to express my appreciation to all of you in this audience for the help and support you have given me through the years and particularly during my tenure as Acting Chairman. That was an experience that significantly broadened my appreciation of our town's communications community. Many of you are FCC alumni, others who haven't worked there have nevertheless developed some real attachment to the place, and even though you represent many and often competing interests, I discovered an almost palpable sense that you want the Commission to work and to succeed. It's one of the things I have come to most appreciate during my service there. We had a lot on our plate in January—most notably, the digital television transition—and a huge part of getting through that transition was the level of public-private partnering that developed. Folks in the private sector—you and many of the organizations you represent—rallied to the cause, worked closely with us, worked closely with one another, and were a major reason things went as well as they did. Of course we also benefited from some timely Congressional intervention, and surely we couldn't have done what we did without the absolutely amazing performance of our FCC team—and I can't say enough about the commitment and smarts they brought to the work they did not only here in Washington, but all across the country. The point is we all pulled together for the common good and you guys helped in a big, big way. I thank you for that and I thank you for your counsel and friendship through the years.

All eyes have now turned from DTV to broadband. I was pleased to be present at the creation of the broadband proceeding to start carrying out the charge given us by Congress and the President to develop a broadband plan for the country by February 17. As many of you know, I spoke up often over the last eight years, advocating—maybe begging is a better word—for a national strategy to ensure that high-speed, value-laden broadband was within the reach of all our citizens. Probably a lot of you got tired of me talking about it every time you saw me, yet it was music to my ears when Congress not only decided we needed a broadband strategy, but also that we needed the FCC to

develop it. The hard part of the broadband job fell upon Julius and, to make it happen, he has put in place an effort like we've never seen at the FCC. In terms of openness and transparency, in garnering the data and tapping the best brains, it's simply unprecedented. In terms of outreach, of encouraging all stakeholders—non-traditional as well as traditional—to participate, it's a whole new day. And I believe that going forward after the broadband plan, this is how the FCC will increasingly do its work.

The process Julius has deployed has been educational not only for us, but I think for the country, too. Folks are beginning to realize that all this talk about broadband is not just techno-speak from broadband geeks. More and more of us now understand that broadband—accessible, affordable, open broadband—is the Great Enabler of our time. It can open doors of opportunity for all Americans to pass through, no matter who they are, where they live or the particular circumstances of their individual lives. Broadband intersects with just about every great challenge confronting our nation—jobs, business growth, education, energy, climate change and the environment, international competitiveness, health care, overcoming disabilities, opening doors of equal opportunity, to name only the most obvious. Every one of these great national challenges has a broadband component as a critical part of its solution. And every one of our citizens must have access to this enabling technology to participate fully in 21<sup>st</sup> Century life. We can no longer tolerate having digital divides between haves and have-nots, between those living in big cities and those living in rural areas or tribal lands, between the able-bodied and persons with disabilities. There's a huge potential irony here: this dynamic technology that can make so many things better could, if we don't do it thoroughly and do it right, end by creating more and even wider divides in this country going forward than we have had in the past. That's not progress. That's not where we want to go. And with vigilance, the right plan will close these digital divides.

The genius of the Internet is its openness, its dynamism, its availability to one and all. That's why I was so pleased to support Chairman Genachowski's decision to launch a proceeding to codify and add to our Internet Freedom principles. Anyone looking to create new opportunities, to build digital inclusiveness, and to make the availability of advanced telecommunications something tantamount to a civil right should be on-board with this effort. Let me put it plainly—no one will benefit more from the opportunities of an open Internet than those who have suffered lack of opportunity for generations. I've said this before but I'll say it again—it would be a lost opportunity of huge proportions for diversity champions to become doubting Thomases when it comes to preserving the bedrock of Internet openness. Truth is, we will need a truly united front of open Internet advocates to get this proceeding done right.

Broadband itself must leave no American behind. Let me start with the original Americans—Native Americans. I have seen first-hand the state of communications in Indian Country. It is nothing to be proud of. In so many places where Native Americans live, poverty endures, unemployment is at levels no society should accept, education languishes, and even basic public safety falls far short of what people have a right to expect. Up-to-date, state-of-the-art communication facilities and services are still strangers across most of Indian Country. Even plain old telephone service—which so

many of us take for granted—is at shockingly low levels of penetration—below 70 per cent of Native American households. And we don't even begin to have reliable data on the status of Internet subscribership on tribal lands, because no one has bothered to collect it. Anecdotally, we know that broadband access on tribal lands is minimal, and that's about it. That's not just unacceptable. It's a national disgrace. Until Indian Country is connected to a Twenty-first century telecommunications grid, its residents will only fall farther behind the rest of the country. On a recent visit to Pine Ridge in South Dakota, I came to understand how critical this technology is to the growth—perhaps even the survival—of these communities. A good broadband plan for Indian Country will make a huge difference. So would abiding by the spirit of the trust relationship and the consultations with Native Americans that Bill Kennard did so much to promote when he was Chairman of the FCC. And we need to find a way to give the issues of Native Americans the visibility they deserve, day-in and day-out, at the FCC. I will work with the Chairman and my colleagues to try to make this a reality.

Another important focus of a viable broadband strategy must be providing accessibility for persons with disabilities. I have had the wonderful and totally inspiring experience of working with numerous disabilities communities, beginning with my very first speech as a Commissioner to a deaf and hard-of-hearing audience over eight years ago. I've come to see and appreciate the talents and the commitment these folks have and to understand the challenges they must constantly overcome—every day, all day. Even before the economic downturn, Americans with disabilities in some areas were experiencing unemployment at rates in excess of 70 per cent! And, during the present economic downturn, 17 per cent of Americans with disabilities have *lost* their jobs! Last month, at a broadband hearing that I chaired at Gallaudet University, we saw how new technology can change lives and create opportunities for people who want to be, who need to be, fully participating, mainstream citizens. We've made some progress in recent years, no question about that, but there is so much more to do. As we move toward the 20<sup>th</sup> anniversary of the Americans with Disabilities Act next summer, let us re-energize and re-commit to ensuring digital accessibility for those with disabilities. These are individuals with so much talent, so many skills, such dedication and genuine desire to be productive members of society we just cannot countenance leaving them underserved.

It is the responsibility of all of us to find the tools to fix this problem. Just as telecommunications providers should only be designing equipment for people with disabilities by including them in their planning and development, we at the FCC must be writing and implementing a broadband plan that includes people with disabilities in its planning and development. We're doing that. Here, too, as with Native Americans, we need an encompassing broadband plan. Here, too, we need a relationship of trust and ongoing interaction. Here, too, we need to provide heightened visibility and more resources for disabilities issues within the Commission. It comes back to that old adage that “decisions made without you are often decisions against you.” Our disabilities communities have seen too many decisions made without them over too many years. It's time to fix that.

There is another dimension of broadband that I want to emphasize this morning. We've already seen that broadband will affect so many dimensions of our lives as individuals and as a country. It goes to so many of the challenges we face. This other dimension that we haven't talked enough about goes even beyond what broadband can do for our economy, our competitiveness, our energy dependence or our healthcare. Broadband connectivity is about more than that. Increasingly our national conversation, our source for news and information, our knowledge of one another, will depend upon the Internet. So this goes to the future of our civic engagement and our democratic dialogue. Universal broadband not only offers a unique opportunity to connect the lives of those chronically underserved today; it can also expand our opportunities for self-government. I, for one, believe that our National Broadband Plan would be lacking if it does not address broadband as a tool for democratic engagement. A solid democracy of the future is going to depend on broad pipes, private sector vision, and thoughtful public policy to make sure that everyone has access to the information they need to exercise their citizen rights and responsibilities. This goes to the heart of where democracy lives.

Building the infrastructure for America's democracy is an age old challenge. Thomas Jefferson and the Founders worried about it long ago. Back then, the infrastructure for news and information was the newspaper. We all remember that famous quote from Thomas Jefferson who, when talking about newspapers—the broadband of its time—said that, if given the choice, he would prefer newspapers without government over a government without newspapers. But that wasn't all he said. Our friends at Free Press, with their usual diligence, dug up the rest of the quote. It turns out Jefferson went on to say, "But I should mean that every man should receive those papers, and be capable of reading them." Isn't that something? Jefferson is talking about *deployment*—getting those newspapers out ubiquitously. And he's talking about *adoption*—people knowing how to read, recognizing the value, and making use of the information infrastructure. Our technology is new—our democratic challenge is exactly the same.

I can't tell you what the media landscape will look like in 15 years, or for that matter in five years, given the rapid speed of changes in technology. On the plus side, the innovation, collaboration and experimentation that are being put to work will surely make some exciting contributions. And the barriers to access the town square of democracy have never been lower. You no longer need a printing press to join the conversation. As a result, many voices have entered the arena via blogging and social networking—but major questions remain. What foundation of reliable information and investigative journalism are they based on? Whose job is it to separate fact from fiction? Are we strengthening the dialogue to inform and educate, or are we too often producing an indecipherable cacophony of unsubstantiated opinion?

Having good information is how we enable intelligent decision-making about our future—and it's how we hold the powerful accountable. Deprive citizens of relevant, accurate and timely information and you deprive them of the true ability to govern themselves. Indeed, if you look at the three core values of our media policy—localism, diversity and competition—they are really aimed at an overarching goal: to ensure that

the American people have access to a wide range of information on matters of public interest and concern.

I don't believe we have enough of that kind of access right now. The passage of time only deepens my belief that we have skated perilously close to depriving our fellow citizens of the depth and breadth of information they need to make informed choices about the country's future. Just look around. Newsrooms decimated. Beat reporters laid off. Investigative journalism an endangered species. Newspapers shrinking before our eyes. Infotainment. Sensationalism. Cable news mud-wrestling. Homogenized play lists. The list goes on—it's not a good list. Did you know that 27 states no longer have an accredited reporter on the Capitol Hill beat?

*The Internet has opened new opportunities, to be sure, but what we've gained there hasn't yet begun to match what we have already lost due to the bad choices that have been made regarding traditional media.* I'm talking about bad choices by the private sector through the heedless consolidation bazaar and reckless business plans of the past decade that saddled companies with debt that became unmanageable when the economy went south and that sacrificed localism and diversity to uniformity and program homogenization. And I'm talking about bad choices by government, particularly the Commission, through a massive frontal assault on the public interest protections that undergirded the country's media landscape for decades. Together, I believe, these private and public decisions exacted a costly toll on consumers, on all our citizens and, in the end, even on the companies themselves. All the consolidation and ideological deregulation over the past two decades—rather than reviving the news business—have condemned us to *less* real news, *less* serious political coverage, *less* diversity of opinion, *less* minority and female ownership, *less* investigative journalism and *fewer* jobs for journalists. This, my friends, is the legacy of most of the past 30 years.

The push to combine content and distribution continues, as we saw last week in the proposed Comcast-NBC Universal deal, and as the economy begins to turn around, I believe we'll see still more of it. Despite the predictions of some, it is clear that the era of media consolidation is far from over. For eight years I have seen how one merger keeps leading to another and another and another. It hasn't really changed. This particular transaction has all sorts of far-reaching implications for media both old and new. The Commission will look at the Comcast combination in all its many dimensions, but in the end it will come down to one question: how would approval advance the public interest?

I hold the lodestar of the public interest sacred in what we do at the Commission. And let me say right here that many broadcasters and publishers still have the flame of the public interest burning in their breasts—I know, I meet them all the time—but the unforgiving expectations of the Wall Street marketers and the need to keep them happy every quarter have made life more and more difficult for them and pulled them in directions I don't think most of them ever really wanted to go.

I am frightened—genuinely scared—by the erosion of public interest guidelines from our oversight at the FCC. And I continue to believe that in exchange for use of this country’s valuable spectrum resources, it isn’t too much to ask that broadcasters demonstrate during license renewals what they have done to provide the news and information that informed civic engagement compels. Not in a burdensome way but in a credible way. Granting slam-dunk license renewals without any semblance of public interest review is not what the statute envisions or what the public interest requires. Nor is it how we got the Ed Murrow generation of broadcast journalism. We can fix this now. The Commission can. And we should.

Presently we are launching a new Quadrennial Review at the Commission to take stock of our media ownership rules and to assess how they are impacted by a myriad of new developments since last we did this, such things as new media, the role of the Internet, private equity financing, the list goes on. I look forward to a robust, data-rich process. That said, there are also some things we should *not* leave to a Quadrennial Review that could be nearly a year in the making. For example, we can act now on programs to enhance minority and female ownership. Henry Rivera and his FCC Diversity Advisory Committee have given us some excellent recommendations for steps we can implement in the near-term even as we work on longer-range solutions. The public interest licensing I just talked about is another action we can take now. Where we have a record, where we have urgency, we need to act. We have a window of opportunity open to us now to do good things. Let’s act while the window is still open.

I don’t need to tell this audience that there is a lot of hand-wringing and head-scratching over the future of journalism as regards media both old and new. Last week, my colleagues at the Federal Trade Commission held two days of workshops and panels with industry experts focusing on emerging business models for journalism. Nowadays media moguls and Wall Street analysts and scholars in the groves of academe work to discover new models of journalism that are financially feasible. But as we try to glimpse that future, let’s also keep in mind something my hero, Franklin Roosevelt, wrote in a letter to Joseph Pulitzer: “I have always been firmly persuaded that our newspapers cannot be edited in the interests of the general public from the counting room.” There’s more to good journalism, and more to democracy, than that.

I commend Chairman Genachowski for encouraging Steve Waldman to give up his own entrepreneurial pursuits to join us at the FCC to help us tackle the thorny issues of media and journalism in the Internet age. We are lucky to have him, and my office will be working closely with him.

It may be that some mix of creative business plans, experimental journalism, philanthropic and foundation support and, yes, enhanced support for public media may be part of the answer. I hope we can avoid a knee-jerk reaction against the concept of some increased support for public media. Ponder this for a moment: many of us pay more for one cup of coffee than we do for our annual per-person share of the U.S. contribution to public media in this country. The government of the United States spends about \$1.35 per person per year on public media—we should really commend the work that our

public broadcasters do on such a shoestring. In stark contrast to that \$1.35, Japan spends more than \$58, the United Kingdom spends more than \$80, while Denmark and Finland spend more than \$100. To be clear, I'm not saying we need to duplicate what other countries are doing or that I have the answer on the right mix of public and private media—but the point is that it is not unpatriotic to talk about it..

We—and by “we” I mean my colleagues at the FCC and myself—need to get into this with both feet (or all 10 of our feet), take the measure of what's really happening out there and come up with policies to take us in a better direction. But let's keep in mind that even as we study what new media means and how we will ensure its maximum contribution to civic engagement, most of us will continue to rely on traditional media for the vast bulk of news and information we get—even if we're getting it on the Internet.

What is absolutely certain is the future of journalism begins now. And hopefully what emerges will be new models that are bold, creative and rooted in preserving the public interest. I look forward to working with Chairman Genachowski and my colleagues and all of you to work together, in partnership, to make that future worthy of our great country. Pulling together we can, we will, find a way. It's a huge priority on the Copps Agenda. “America is a powerful and prosperous nation,” my late, great friend Walter Cronkite said. “We certainly should insist upon, and can afford to sustain, a media system of which we can be proud.”

I believe our democracy depends upon it.

Thank you for your attention, and my wish for each of you is a happy holiday season followed by a great new year.