

# FCC rules would devastate free speech

By Jay April, Sanford Inouye and J Robertson

**A**s we celebrate Free Speech Week Oct. 21 through 27, there is a national threat to our right to free speech and the very existence of nonprofit, noncommercial programming like Oahu's 'Olelo Community Media, Akaku on Maui, Na Leo TV on the Big Island and Ho'ike on Kaua'i.

Recently adopted Federal Communications Commission rules allow cable companies across the nation to significantly reduce the subscriber fees they pay to use governmental resources and property, including placing their commercial cables in city streets. These fees — agreed to by the cable companies to obtain their initial franchises decades ago — support public-access community media and other nonprofit organizations that provide societal benefits.

The new rules are headed for challenge in the courts in a process that may take several years. However, that does not detract from the urgency and attention to the devastating impact these rules will have on one of our most fundamental rights: the right to free speech, protected in the First Amendment.

If the new FCC rules are allowed to stand, the hyper-local stories and media coverage created by your friends and neighbors will disappear. Non-commercial public access programming — which provides greater accessibility and transparency of our government and tells the stories that community members themselves believe is important — will vanish.

There will be no free speech as we know it today in our society because community access to media is critical to the exercising of that right to share

our opinions and the information — popular or not — that matters to each of us as members of this society.

Under the new rules, cable companies will be able to categorize a range of public-benefit franchise obligations as “in-kind” contributions and deduct them from their existing franchise subscriber-fee payments.

What does that mean? What will the impact of that be? Public benefits to the community will fall to the wayside.

These fees fund nonprofits like 'Olelo, Akaku, Na Leo TV and Ho'ike because community-access media is considered a public benefit, along with television channels that broadcast state and county government meetings, connectivity to schools and libraries, and diverse community programming by individuals like you.

(It's important to note that what is termed “franchise subscriber fees” are paid by cable subscribers in each community. Franchise subscriber fees are a pass-through for cable companies, not fees that cable companies pay from their own revenues.)

Under the new FCC rule, the 3,000 or so public, educational and government community-access media organizations across the U.S. will see significant reductions in franchise subscriber fee payments from cable operators.

In many cases, community-access media's operating budgets could be

## ISLAND VOICES



Jay April is CEO of Akaku: Maui Community Media; Sanford Inouye is CEO of 'Olelo Community Media; and J Robertson is managing director of Ho'ike: Kaua'i Community Television. SK Higa, CEO of Na Leo TV on the Big Island, also co-signed this commentary.

completely eliminated, significantly curtailing access to the community programming that provides diverse stories and important information that help provide access and transparency to our local and state government.

'Olelo, Akaku, Na Leo TV and Ho'ike provide platforms, unfettered accessibility, video and production training, youth media training and noncommercial programs to the people of Hawaii, strengthening our island voices. As public-access media, we enable thousands of island residents and organizations to share their unique stories to our local and global communities.

This exercise of the right to free speech is simply not possible via commercial providers. And this access is key to civic engagement, pure and simple.

If you consider nonprofit, noncommercial media critical to free speech, please contact your congressional representatives and the Hawaii Department of Commerce and Consumer Affairs.

Help protect the community-access media that enable us to share our voices with our communities freely.