

Communications Opportunity, Promotion and Enhancement Act of 2006

The Communications Opportunity, Promotion and Enhancement (COPE) Act is a major piece of telecommunications reform legislation currently being considered in the House of Representatives. Common Cause opposes this bill.

SPONSORS

Joe Barton (R, TX-06), Chairman of the House Commerce Committee
Dennis Hastert (R, IL-14), Speaker of the House
Bobby Rush (D, IL-01)

STATUS

The bill has not been officially introduced, but the “committee print” has been widely circulated.

The House Subcommittee on Telecommunications and the Internet passed the bill on April 5 in a 27-4 vote. Members voting against the bill were: Reps. Ed Markey (D, MA-07), Mike Doyle (D, PA-14), Anna Eshoo (D, CA-14) and John Dingell (D, MI-15).

The House Commerce Committee is expected to vote on the bill at the end of this month (likely April 26). If approved by the full committee, the bill would then move to the House floor.

The Senate Commerce Committee is still drafting its telecom reform bill, which could be significantly different than the House version.

PROVISIONS

The bill primarily aims to create a national franchise for video providers, but also addresses network neutrality, e911 and municipal broadband.

NATIONAL FRANCHISING

What It's About: Currently, cable companies negotiate local franchise agreements with local governments to offer video (television) service to communities. Telephone companies would like to begin offering video services to compete with cable TV. However, they say the local franchising process is too burdensome – that it would take decades to negotiate thousands of local franchises. This bill would create a national franchise that would set a single standard for every community in America.

What Common Cause Thinks: Any national franchising bill must contain certain protections for local governments and consumers, including:

BUILD-OUT REQUIREMENTS: These requirements for video providers to “build out” their systems to all parts of their media markets ensure that competition between phone and cable companies will benefit more than just those families in well-to-do neighborhoods. Without this critical protection, the telecom companies could engage in “redlining” – refusing to offer service to rural, low-income or minority neighborhoods, and instead focusing only on “high value” customers who are likely to buy their most expensive services. Rep. Dingell proposed a build-out amendment, but the subcommittee defeated it by a vote of 22-11.

CONSUMER PROTECTIONS: The bill strips state and local governments of their authority to enforce strong consumer protections (despite their excellent track record in this area) and gives those powers to the Federal Communications Commission (FCC) instead. The FCC doesn't have the resources to handle complaints about billing, service disruptions, etc., nor does it have the authority to issue refunds or rebates to consumers who have had problems (the FCC can only fine the companies, and that money would go into the public treasury—not to wronged consumers). Local problems deserve local solutions.

PEG ACCESS: Public, educational and governmental (PEG) channels are important community resources. The bill requires new video providers to provide the same channel capacity for PEG as pre-existing cable operators in the market provided, and allows cities and towns to require one additional PEG channel every 10 years. We support efforts to preserve and strengthen PEG access.

NETWORK NEUTRALITY

What It's About: Net neutrality is the principle that you should be able to access whatever web content or services you choose, without any interference from your Internet service provider. Right now, no law or rule protects citizens facing obstacles to getting access to the information on the Internet. The COPE bill would make it impossible for those protections to be written into law or rule, making all of us vulnerable to big companies who would like to "own" the Internet and mine it for profit. Some companies like Verizon and Comcast have already announced plans to create a two-tiered Internet, where some websites and services would travel in the "fast lane" – for a fee, of course – and the rest would be relegated to a "slow lane."

What Common Cause Thinks: The Internet must be free and open to all. It has changed the way we communicate with each other, fueled economic growth, and become a vehicle for democratic discourse. Organizations such as Common Cause use the Internet to communicate our message and to engage activists, as do political parties and candidates. The Internet is an effective tool for promoting democracy because all of us can access the information we care about. Any plans to charge those who have websites or search engines, or to offer some types information or services at higher speeds than others, endangers the Internet as we know it. Failure to preserve net neutrality would put small businesses, nonprofits and entrepreneurs at a significant disadvantage and stifle innovation on the Internet. No company should have the power to block, impede or discriminate against any lawful Internet traffic. Rep. Markey proposed a net neutrality amendment, but the subcommittee defeated it by a vote of 23-8

e911 & VoIP (VOICE OVER INTERNET PROTOCOL)

What It's About: The bill ensures that VoIP providers (companies that allow you to make telephone calls using your broadband Internet connection) provide access to emergency services like 911.

What Common Cause Thinks: Consumers who use VoIP for their telephone calls should have the same access to 911 services as consumers who have traditional land line telephones. Some public safety leaders, including the National Emergency Number Association, have noted that several key technical provisions that are in other e911 bills are missing from this legislation.

Side Note: During the subcommittee markup, a constructive amendment offered by Rep. Rick Boucher (R, VA-09) was added to this section of the bill, ensuring that consumers

can purchase stand-alone DSL or cable Internet service, without being required to subscribe to other services offered by the broadband provider (video, telephone, etc.).

MUNICIPAL BROADBAND

What It's About: Local governments throughout the country are setting up high-speed Internet service in the same way they provide electricity, gas and water. But in an effort to stifle competition and protect their profits, corporate telecom interests are pushing bills in state legislatures that would prohibit communities from setting up these high-speed networks, even in rural and low-income areas not currently served by large providers. This bill would protect the rights of local governments to offer broadband Internet service.

What Common Cause Thinks: The Internet is a gateway to information that educates the public and a forum that Americans need to participate in our democracy. The Internet should be accessible to everyone, and delivered at the highest efficiency and lowest cost possible. This provision will protect the rights of communities to establish their own broadband Internet services.

WHAT'S NOT IN THE BILL

MEDIA OWNERSHIP: The bill does not make any changes to the number of media outlets a single company can own.

UNIVERSAL SERVICE: Universal service is a program that ensures that all consumers – including those in low-income, rural or high-cost areas – have access to telephone service. It also provides affordable Internet access to schools and libraries. Many reforms to universal service have been put forward, including changing the funding structure and expanding it to broadband access, but the COPE bill proposes no changes to the program.

SPECTRUM MANAGEMENT: More efficient management of our publicly-owned airwaves, also known as spectrum, can promote low-cost, high-speed wireless Internet access. The COPE bill does not address this issue.

COMMON CAUSE POSITION: CONGRESS GOT IT WRONG ON THE COPE BILL

A few provisions of the bill, such as the provision permitting communities to set up their own high-speed Internet networks, benefit citizens and consumers, but overall the bill is a net loss for democracy. The bill fails to protect low-income and rural consumers through reasonable build-out requirements, jeopardizes the free and open nature of the Internet, and unfairly strips states and localities of their consumer protection enforcement powers. Therefore we are urging members of the House Commerce Committee to vote against this bill.