

November 9, 2005

Dear Members of the House Commerce Committee:

The draft telecommunications legislation now under consideration by your committee has one strong provision that the undersigned groups strongly endorse: The legislation recognizes the right of local communities to provide community broadband services, free from the intervention of state governments.

But we are concerned that this second draft version of telecommunications legislation will fail to respond to the needs of the public in several significant ways.

Our concern is amplified because this second version of a draft telecommunications bill is less responsive overall to the needs of American consumers and citizens than the first version was.

Before reporting this legislation out of committee, we urge you to:

- **Clearly and unequivocally prohibit discriminatory treatment of content, applications and devices by broadband service providers.** The exceptions to the network neutrality provisions are so broadly worded that they threaten to swallow the rule. Whatever language is used to frame the exceptions, the burden of proof should fall on the network operator, not the unaffiliated service provider.
- **Ensure that local governments and local Public, Educational and Governmental (PEG) channels are protected from changes in the law that concern any and all video service providers.** Any legislation that establishes a national franchise for competitive video services must impose national minimum standards for all video service providers that protect communities and preserve, financially support, and allow for expansion of, PEG channel capacity.
- **Impose build-out requirements on broadband video service providers and provide for enforceable prohibitions on racial, ethnic or economic redlining.** If new video market entrants are not obligated to build out their networks to the entire franchise area, they should be required to make mandatory financial contributions to support the development of alternative broadband services for un-served areas.
- **Strengthen consumer protections by giving states the power to resolve consumer complaints,** regardless of the technological platform through which those services are provided. We have serious doubts that the Federal Communications Commission will be a strong defender and protector of consumer rights. The states have a good track record in this area, and their enforcement powers should not be pre-empted.

The decisions you make in the coming days and weeks are crucial to the telecommunications future that will affect every American family. Policies that do not respond to the public interest, but instead serve special interests, will inhibit economic development, hinder efforts to expand equality of opportunity for all citizens, and stunt economic competitiveness and innovation.

Sincerely,

Alliance for Community Media
Association of Independent Video and Filmmakers
CCTV Center for Media and Democracy
Center for Creative Voices in Media
Center for Digital Democracy
Common Cause
Consumer Project on Technology
Deep Dish TV
Fairness & Accuracy In Reporting
Free Press
Future of Music Coalition
Hawaii Consumers
Media Access Project
Media Democracy Chicago
National Hispanic Media Coalition
The Peoples Channel
U.S. PIRG