

ACM NY ANNUAL REPORT FOR 2010

1/21/11

by Maryann Arrien, Chair

This has been a very busy year for the NY Chapter of the Alliance for Community Media. Early in the year we updated the www.acmny.org website with our new contact information, notices of upcoming conferences and links to the national website to facilitate public participation to support the CAP Act. At that time we only had two NYS congressmen co-sponsoring that bill – Rep. Jose Serrano and Rep Maurice Hinchey. Many attempts were made during the year by our members to attract additional co-sponsorship from Reps. John Hall, Peter King, Paul Lee, Anthony Weiner and Paul Tonko. With the help of Jack McNerney and the town of Cobleskill, Rep. Paul Tonko did co-sponsor. With the help of Michael Max Knobbe, Rep. Serrano redirected attention to the plight of PEG at a subsequent budget meeting of the House Subcommittee on Financial Services. Thanks to MNN's Dan Coughlin with some additional financial help from QPTV's Dan Leone, a display ad for the CAP Act was placed in the Communications issue of *The Capitol* newspaper, which circulates to all our NY State politicians & Congresspersons. However, even with all this effort, the November elections caused the loss of co-sponsors nationwide, so the CAP Act still has an uphill battle.

Last year ACMNY responded to distress calls from PEG advocates in the City of Albany, to advise them concerning their proposed franchise agreement with Time Warner Cable. Both I and Steve Pierce of the NY Media Alliance went to testify before the Albany Common Council advising them to, among other things, use 5 paid full-time employees to run their three new fledgling channels instead of letting them be run by volunteers alone. That volunteer-only practice led to the demise of their PEG channels ten years ago, and they have had no community channels since. As a result of the testimony the Albany Common Council hired a part time independent contractor to manage the 3 channels, and it is hoped that they will offer additional employment as their viewership and franchise fees escalate. Aimee Aloud continues to keep us updated on the situation. Elsewhere in the state, I testified last year at other franchise renewal hearings in the Bronx and Tarrytown.

Early in the year the ACM National asked the Chair of every state chapter to prepare a database showing the harm done to PEG Community Media Centers around their state. This was a humongous undertaking which required tracking down both existing and defunct centers, and taking data on what types of access services were lost or harmed. The reason for this survey was to establish these harms to PEG in a quantitative way to be presented by ACM National to the FCC's Future of Media Study. Once this survey was sufficiently complete, I drafted a long-form Future of Media brief, citing the harms to PEG discovered in the study. By unanimous vote of the Board of Directors, the brief was filed on behalf of ACMNY and is a permanent part of the Future of Media public record

on the web.

As a result of the outreach work on the Harms database, I encountered a troubled situation in the Kingston Area. At that time Kingston Area Public Access Commission (KAPA) had one public access channel in operation, but they were in financial and political difficulty. I was invited by their Chair John Simek to a KAPA meeting in Kingston to understand the situation. At that time I met FOPA (Friends of Public Access) President Jean Jacobs. It seemed at the time that with the help of FOPA and some fundraising ideas that I offered that they would be able to meet their financial needs. They had a line on possible grant money to upgrade their playback rack. At the request of John Simek and Brian Barnes, we prepared a 1 day tour of 3 PEG facilities, LMC-TV, White Plains Cable Access & Putnam Valley Community TV for the benefit of KAPA. If memory serves, about two months later, we heard that their channel suddenly went dark. They were evicted from their uplink facility for non-payment of rent. The situation is very difficult there at the moment, and different affordable or free sites are being researched by John Simek to resurrect the channel. In the meantime I was invited by Brian Barnes to attend a Town Board Work Session with the Esopus Town Council. That town does not accept franchise fees from Time Warner Cable, for fear of their citizens calling it an unfair tax on them. I tried my best to defuse that misconception, but, seeing that they were not receptive, turned to support Brian's request to revive their old government channel. If this happens, it may open the door to getting the public access channel reinstated in one or more of the 7 municipalities that comprise Kingston Area Public Access.

It came to my attention from a newspaper article that the Supervisor of the Town of Crown Point, NY wanted a public access channel of their own instead of sharing one with many other towns. I consulted with Sue Buske about this matter at the ACM National Conference in Pittsburgh, but I was advised that there was too much precedent in NY State for sharing of public access channels by neighboring towns. The best that Crown Point could hope for was to get a government channel and run it how they please. At that same ACM Conference I asked the Public Policy forum about the feasibility of getting a law in NYS similar to the one in Massachusetts, requiring that roughly 2% of the 5% franchise fee must go directly to PEG purposes. I was advised by Jim Horwood that the reason that law was passed in Massachusetts was because they did not have to deal with a difficult governmental body like our NYS Public Service Commission. I didn't get a straight answer from the panel to my question if an attempt at such a law could cause backlash by the cable companies. In the time since that conference, with all that I have seen in NY State, I find that NY residents are far too uninformed about the importance of PEG, because a large part of upstate NY has no access channels at all. Most of the educational channels mentioned the Diana Agosta's 1990 NY PEG case study *The Participate Report* are gone now.

We made an effort last year to call attention to the need for PEG Advocacy Videos. I found it difficult to obtain broadcast copies of any of these type of

shows from ACM National. I made a request to the ACMNE Council to try and gather some of these by creating a PEG Advocacy Video category in the ACM NE Video Festival in November. These videos could be uploaded to the ACM NE website for download by anybody. Through a clerical error, the videos went to someone else to be judged, and it took a long time to get them to me. There were very few, and it appears that we may have to create these advocacy programs ourselves to really attack the problem of ignorance and complacency concerning the plight of PEG in New York and beyond. In the coming year we hope to create some. Jack McNerney has offered to host a NY PEG 'Pow-Wow' of sorts for us in Cobleskill at the Schopeg Access studio, wherein we may, among other things, videotape a discussion about franchise fees and the misconceptions surrounding them. I will try to set up some other taped round table discussions about PEG in other centers I already have permission from.

Compared to Massachusetts and other NE Region states, New York has lagged far behind in penetration of PEG services. Most towns in upstate NY, if they even have a public access channel, must rely on the good graces of the cable operator to air their programs. Most of them do not have studios for equipment use privileges. In fact, I have heard horror stories of refusal to air programs that should legally be shown. The general ignorance of access rights has perpetuated many failings of the PEG Access system in our state. While I believe that the PEG Advocacy Videos are a very important tool that must be developed and used, the distribution system is worst in the areas that need it the most. Other than a nationally aired documentary on PBS, those individuals we want to reach will not see our PEG advocacy programs on a PEG channel. The web is useful, yes – but many still do not own computers, and statistics have shown that internet-only productions do not reach as wide an audience.

In light of these limitations on our advocacy work, the Strategic Plan for ACM should be to still make these advocacy videos, and distribute them by whatever means possible, public access channels, the web, PSA tag-ons for independent producers, etc. The CAP Act or some other revised bill would help us if it passed, but it will benefit mainly the existing Community Media Centers that can hang on. The only thing that will help areas like Crown Point, Kingston, Tarrytown, Albany etc, is if we were able to get a law passed in the NYS Assembly and Senate. Yes, there is a risk of backlash from the cable companies, but as I see it, they can't do much more to us than they already have. Last year Cablevision's legal team petitioned the FCC to remove the 'must carry' rule for PEG. Fortunately, it was dismissed without comment. But the point is they are already trying their best to do away with PEG. If we try to get this legislation passed and we fail, we really have little to lose, other than our pride. But if we could get this legislation in NY State, it would require that every town spend a portion of those franchise fees for upkeep of their channels. Think of how many jobs that would create. And if they don't have channels, the cable companies would be forced to supply them on request. If this law passed, more NY State Community Media Centers would at least be put on par with those in

other states in the North East Region. As it is, most of our CMC's (Community Media Centers) are located downstate.

Brian Barnes has given me the names of two politicians who are already amenable to such legislation. I believe my own Assemblywoman Sandy Galef would also support it. In my opinion, I think ACM NY should try and spearhead this legislation in NY. Our coffers are in good shape, and since the ACM NE Video Festival did so well last year, we will probably be getting another infusion of cash from the NE Region in April 2011.

In 2010 we funded two scholarships and one ACM organizational membership for Community Media on Hudson. These were helpful expenditures guided to try and help 3 areas in NY. But perhaps we should look at the bigger picture this year. We should consider an updated website with more storage on the server for advocacy videos. Perhaps we should hire a webmaster, because, like I told the Albany Common Council, you sometimes need more than just volunteers to do the tedious work. I have maintained the website, but I am quite overloaded as you may have guessed. Since I also sit on the ACMNE Council, I am obligated to help run the NE Region Events. I would very much like it if more people from ACM NY could join in that Regional Effort. Many NY centers have been judging sites for the Video Festival, and that is terrific. But it would be better if we had more of a NYS presence at the Spring Conference in May, not only as attendees, but as volunteers at the event.

Respectfully submitted,

Maryann Arrien
Chair, New York Chapter ACM