FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 22, 2007

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National Chair
National Congress of Black Women

Manny Mirabal
Founder and Co-Chair
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Thank you for your letter and the opportunity to communicate directly to you my views on the consumer benefits of a la carte.

Some consumers, and I am one of them, enjoy a large number of channels. But not everyone does. An a la carte regime would enable viewers to buy their television channels individually, in smaller packages, or in the large packages currently offered. I believe that these forms of channel choice could provide all consumers the ability to lower their cable bills and to have greater control over the programming that comes into their homes. It is worth noting that I am not alone in this opinion. Groups such as Consumers Union, Consumer Federation of America, Free Press and Communications Workers of America have all endorsed offering cable programming in a more a la carte manner.

Channel choice is increasingly significant to consumers as the number of channels included in expanded basic, and the corresponding price to consumers, has continued to skyrocket. Indeed, cable rates have more than doubled in the last 10 years. Cable companies often point to the increased number of channels being offered as an explanation for the increase in prices. This explanation however, ignores the fact that most of these channels are not actually being watched. According to a Nielsen Media Research report, the average cable subscriber is paying for more than 85 channels that she doesn't watch in order to obtain the approximately 16 channels that she does.

While I believe all consumers would benefit from channels being sold in a more a la carte manner, minority consumers, particularly those living in Spanish speaking homes, might benefit most of all. Currently cable and satellite providers often require subscribers to purchase dozens if not hundreds of channels in order to get Spanish language programming for which they must pay an additional cost. Under a la carte however, Spanish speaking homes could purchase only Spanish language channels.

Additionally, I believe offering channels in a more a la carte manner could actually benefit programming diversity. Independent and niche networks would be able to demonstrate support for their programming to advertisers by pointing to the actual a la carte sales of their networks. Oftentimes it is difficult for these networks to get carried by cable and satellite providers. For example, yesterday's *Washington Post* reported that Maryland's first public all-Spanish-language channel [V-Me] is not being offered to more than 2/3 of the state's Latino population because Comcast has refused to carry it. [Attachment A].

Similarly, earlier this month, the Black Family Channel announced it was becoming an on line only channel and would no longer be shown on Television. A *Wall Street Journal* article about the move from cable to the Internet read, "Despite some inroads -- it eventually reached 16 million homes -- the Atlanta-based company had struggled to get cable providers to offer the channel in enough homes to attract advertisers. . . . In 2003, Black Family Channel managers launched a campaign to convince satellite operators to carry their channel. In one instance, a manager presented a leather-bound book with 4,000 signatures from interested viewers to an operator. But the operator didn't budge." The Wall Street Journal article included a quote from Rick Newberger, chief executive of the Black Family Channel saying, "Today, if you want to start a cable network, it might be easier to schedule a ride to the moon."[Attachment B]

Perhaps a recent letter to the U.S. Congress from Consumers Union, Consumer Federation of America, Free Press and Communications Workers of America said it the best: "Cable companies act as gatekeepers over the programming allowed into the expanded basic package, preventing independent content producers from reaching viewers. By allowing consumers to vote with their wallets rather than forcing them to buy channels they never watch, the marketplace will responding by providing more diverse and higher quality programming that consumers demand."[Attachment C]

Finally, I would like to express that I have the utmost respect and appreciation for the work and views expressed by your organizations. I apologize if my recent comments led some to believe otherwise. In response to a question, I referenced a study by the Center for Public Integrity. That study concluded, “the "grass roots" opposition to a la carte is actually a highly sophisticated lobbying campaign where seemingly disinterested third parties—like nonprofits and legislators—are spreading the anti-a la carte message using minority programming as the key issue. In fact, rather than being disinterested, these third parties have much to gain. The Center has identified hundreds of thousands of dollars in donations and other benefits showered by cable companies on some of these nonprofits.” [Attachment D]

I will continue to advocate for the interests of all consumers, including minority consumers, and the belief that that they should be able to lower their cable bills by buying the programming they want without having to pay for the programming they don't want. I look forward to working with your organizations on this issue of importance to all consumers.

Sincerely,

Kevin J. Martin

ATTACHMENT A

The Washington Post
washingtonpost.com
The Washington Post

August 21, 2007 Tuesday
Met 2 Edition

SECTION: METRO; Pg. B06

DISTRIBUTION: Virginia

LENGTH: 789 words

HEADLINE: Station's Cable Debut Delayed in 2 Counties

BYLINE: John Wagner; Washington Post Staff Writer

BODY:

With great fanfare, Maryland Public Television yesterday launched the state's first public all-Spanish-language channel, featuring an array of educational and entertainment programming. But it could be a while before most Comcast subscribers in Montgomery and Prince George's counties are able to tune in.

As the digital station made its debut in the Baltimore region, officials from Comcast, the Washington area's dominant cable provider, hadn't committed to a starting date in the two Maryland jurisdictions with by far the largest Hispanic populations.

The debut in Prince George's and Montgomery, where more than two-thirds of the state's Latino population lives, could occur as late as 2009, MPT officials said.

That prompted a chorus of calls from Latino advocates and elected officials, including Lt. Gov. Anthony G. Brown (D), to apply public pressure on the cable provider.

"People ought to be calling Comcast and expressing their wishes and desires," said Brown, a Prince George's resident, who took part in the station's morning launch at MPT headquarters in Owings Mills. When Brown took the microphone, he relayed his desire to watch the station, called V-Me, with his family, saying it could help his two young children learn Spanish.

Jaye Linnen, a Comcast spokeswoman, said yesterday that the cable provider had "no imminent plans" to offer V-Me, part of a national network, in Montgomery and Prince George's. She declined to discuss the rationale for the decision.

"What I can tell you is that Comcast currently offers a wide variety of programming and network options specifically geared to supporting the viewing needs of our Hispanic customers," Linnen said.

She cited the company's CableLatino package, which includes channels such as CNN en Espa?ol, Toon Disney en Espa?ol, Gol TV, Cine Latino, Telemundo and Univision, as well as many on-demand offerings.

"Comcast is committed to delivering quality programming to our customers, and we are continually reviewing our channel lineup with an eye toward being able to provide additional diverse programming," Linnen said.

In 2006, Montgomery had 128,365 Hispanic residents, nearly 14 percent of its population, according to Census Bureau estimates. Prince George's had an estimated 98,579 Hispanic residents, nearly 12 percent of its population. The third-largest Hispanic population was in Baltimore County; the 21,004 Hispanic residents represented less than 3 percent of the total population.

MPT officials said V-Me will be available to Prince George's and Montgomery residents who have digital televisions and receive the signal through the air. Information about how many Comcast customers in those counties have digital televisions was not immediately available.

MPT said its signal is strong enough that it should reach the District and Northern Virginia.

The Federal Communications Commission has required since March that all new televisions sold have digital tuners. The rule is part of a national transition from analog to all-digital broadcasting scheduled for completion in early 2009.

V-Me is already on the air in 23 other markets nationally, according to the station. It has not arrived in the District or Virginia.

Carmen DiRienzo, president of V-Me, said the station's daily programming starts with a yoga show and ends with a movie. In between are educational shows aimed at children, public affairs programming and Latino-focused features about food, travel, parenting and other lifestyle issues.

MPT is airing the programming on one of three digital channels it is allotted, a decision that Brown said reflected "a renewed commitment to the diversity that has shaped the American landscape for generations."

Others, including several conservative lawmakers and former governor Robert L. Ehrlich Jr. (R), who now co-hosts a radio show, have offered less favorable assessments.

In May, Del. Patrick L. McDonough (R-Baltimore County) called the decision "reckless" and "arrogant" and asked why Maryland would turn over one of its three digital stations to a Spanish-language channel, given that Hispanics are still a small, albeit growing, minority of the statewide population. Census Bureau estimates from last year put that figure at about 6 percent.

Robert Shurman, president and chief executive of MPT, said Comcast had offered assurances that V-Me would be available in the two counties by February 2009, when the nation is scheduled to complete the transition to all-digital television broadcasting.

But Shurman said MPT was hopeful that V-Me would arrive on Comcast "closer to today than 2009."

"We have met with them numerous times," Shurman said of Comcast officials. "They have not given us a date yet."

Staff researcher Meg Smith contributed to this report.

LOAD-DATE: August 21, 2007

ATTACHMENT B

Associated Press Financial Wire

August 10, 2007 Friday 6:22 PM GMT

SECTION: BUSINESS NEWS

LENGTH: 1229 words

HEADLINE: TV channels move to Web, think outside cable box

BYLINE: By BOBBY WHITE, The Wall Street Journal

BODY:

When the Black Family Channel launched on cable television in 1999, its executives and celebrity investors including boxer Evander Holyfield and the Jackson Five's Marlon Jackson had big plans to bring socially responsible TV shows to African-Americans.

But in May, the Black Family Channel said it was abandoning TV, and instead would become an online-only channel. Despite some inroads it eventually reached 16 million homes the Atlanta-based company had struggled to get cable providers to offer the channel in enough homes to attract advertisers. The Internet, which offers tools like social networking and blogs, provided a fresh opportunity.

"Today, if you want to start a cable network, it might be easier to schedule a ride to the moon," says Rick Newberger, chief executive of the Black Family Channel. "But in the world of broadband, you can do so much more than just run programming."

Across the cable TV industry, other independent channels are also turning away from TV to the Internet. The Lime Channel, which focuses on healthy living, pulled out of cable last year and now offers its programming online and as video on demand. The Employment and Career Channel, which began streaming online in 2002, has junked its attempts to be a cable TV channel to be an online-only outlet. Others, like the Horror Channel and HorseTV (which revolves around equestrian events), have also opted to go online.

The shift illustrates how the Internet is offering a second chance to certain segments of old media. Web-based TV is now becoming a more viable business route, and Internet video is exploding. Running an online-only video channel, which doesn't require expensive cameras and broadcasting gear, is cheaper than operating a cable TV channel. While starting a new cable channel today takes an initial investment of $100 million to $200 million, a broadband channel needs just $5 million to $10 million to get going, says Boston-based research firm Broadband Directions.

The Internet is offering a new outlet for voices including those of ethnic minorities that weren't heard from as much under old media. The Black Family Channel was repeatedly denied carriage by cable and satellite operators, who cited a lack of community interest in its programming. On the Web, Mr. Newberger says he expects to more easily tap into the African-American community.

All of this could turn Web-based TV into a more competitive medium. Overall, the worldwide market for online content is expected to grow to more than 131 million households by 2010 from about 16 million households last year, according to research firm In-Stat.

But the cable channels' move to the Internet is a gamble. Transforming into an online channel often requires a wholesale change, including hiring new employees with Web and software expertise. Finding an audience online is also daunting. And the business model for online video remains unclear. The Horror Channel initially planned to rely on Internet advertising as a source of revenue, but the site didn't generate enough traffic to attract enough advertisers.

Tom Adams, president of Adams Media Research, a Carmel, Calif.-based media and entertainment research consulting firm, says the Black Family Channel is facing a major challenge by moving to the Web and will have to create eye-catching content to attract viewers. "Without a big brand behind you, you have to do a lot to make it work," he said.

Indeed, the track record of many online-only channels is mixed. Many of the Web sites don't get enough visitor traffic to make the radar screens of Web trackers. The Employment and Career Channel says it hasn't turned a profit since going online in 2002. The Lime Channel registered nearly 179,000 visitors to its Web site in June, up from 175,000 in January, but still down from the eight million households it reached while on cable TV.

"We're making things up as we go along," says Nick Psaltos, founder of the online-only Horror Channel, Guttenberg, N.J. "The opportunity is there, but without the right execution, we won't be able to seize it."

The idea behind the Black Family Channel was to build an alternative to Viacom Inc.'s Black Entertainment Television Inc., which reaches 80 million homes. BET has been criticized for carrying sexually charged music videos and controversial programs like "Hot Ghetto Mess," later retitled "We Got to Do Better."

The Black Family Channel created programs aimed at parents and kids, including a spelling game show for fourth- and fifth-graders and a baby boomer talk show. From its launch, however, the Black Family Channel was a struggle to operate, say former employees. Many cable and satellite operators believed viewers had enough African-American programming from channels like BET, and another African-American channel called TV One.

In 2003, Black Family Channel managers launched a campaign to convince satellite operators to carry their channel. In one instance, a manager presented a leather-bound book with 4,000 signatures from interested viewers to an operator. But the operator didn't budge.

"Everyone hoped we could find our way," says Samara Cummins, the channel's former vice president of affiliate sales, who left last year. "Unfortunately, the financial burden took a toll." She says that while cable channels need at least $500,000 in monthly revenue to survive, the Black Family Channel took in less than $300,000 in monthly revenue, primarily from financial services and consumer products advertisers, such as Verizon Communications Inc. and auto insurer Geico Corp., a unit of Berkshire Hathaway Inc.

The Black Family Channel is now revamping its old Web site into a new online destination that will combine video, social networking, user-generated content and ecommerce, says Mr. Newberger. The site is set to launch in November.

Mr. Newberger, a 20-year cable veteran who previously headed Vanguard Media Corp., says the new Web site will make money through advertising, subscription fees for some services, and merchandise sales of things like T-shirts. He says he plans to contact prominent deejays, bloggers and community advocates in the African-American community to get the word out about the site. The goal is for the channel to break even after a year, he adds.

To prepare for the jump to the Net, the channel in May laid off most of its nearly 60 employees, many of whom specialized in TV production and advertising. Mr. Newberger has since begun contracting with an online agency to build the new site; he declines to name the agency. The channel is also about to embark on a hiring binge, with plans to initially recruit 12 new staffers including recent college grads and media professionals with experience in social networking and Web video. Overall, the Black Family Channel is putting in $2 million to $4 million to switch to the Web.

Kenneth Reaves, 47, an Atlanta-based financial adviser, says he often allowed his three children to watch the Black Family Channel unsupervised, which he rarely permitted for other channels, so he was disappointed when the channel left the air. Now he says he looks forward to the Black Family Channel re-emerging online, since he anticipates that the Web site will combine educational video programming with other Web resources.

"If they play it right, the channel will be able to take advantage of all sorts of opportunities," Mr. Reaves says.

LOAD-DATE: August 11, 2007

ATTACHMENT C

Consumers Union
Nonprofit Publisher
of Consumer Reports

CWA

freepress

CFA Consumer Federation of America

April 26, 2007

United States House of Representatives
Washington, D.C. 20515

Dear Representative:

It's time to give consumers a meaningful tool to avoid receiving or underwriting the cost of programming they may find objectionable or which, as a new Federal Communications Commission report found, may even be harmful. An article from today's *New York Times* summarizing the FCC's findings is attached.

We endorse and applaud the FCC's recommendation that Congress enact legislation that ensures cable companies give consumers greater choice over what programming they pay for and urge your support for channel choice as a market-driven, non-intrusive solution to growing concerns about inappropriate content on cable television.

Giving consumers the option of buying cable programming on a channel-by-channel basis or in smaller packages gives consumers greater control over what programming comes into their home and over the cost of their cable service by allowing them to pay for only those channels they want; prevents consumers from subsidizing programming they don't want or find objectionable; and promotes greater diversity in cable programming. By breaking the gatekeeping power of cable companies, channel choice opens the path for new producers of independent content that meets the needs of our diverse nation.

Cable companies currently offer channels in only large, costly bundles, known as the extended basic package. Consumers are not allowed to select programming on a channel-by-channel basis despite 2006 AP survey data that demonstrate **more than three-quarters of consumers want the ability to tailor their own packages** and recent Nielsen Media Research findings that **consumers watch, on average, fewer than 16 channels of the more than 100 offered**. The size of the bundle has contributed to skyrocketing cable prices, which have increased by 70 percent, nearly two and half times the rate of inflation, since Congress deregulated cable prices in 1996.

Channel choice allows consumers, not Congress, the FCC or cable companies, to decide which programming is right for their families. There is no one-size-fits-all approach to what channels or programs are appropriate; tastes, preferences and beliefs differ widely from house-to-house, block-to-block and town-to-town. In addition, channel choice corrects for the inadequacies and unfairness of existing blocking tools. Consumers should neither have to take extraordinary steps to block programming they don't watch and don't want to receive, nor pay for channels they find offensive or otherwise inappropriate. Moreover, giving consumers the ability to pick and pay for only those channels they actually want to watch provides them with greater control over the costs of their bloated cable service.

Channel choice is preferable to other regulatory approaches suggested by the Commission, such as time-channeling, which face greater constitutional hurdles, require more government intervention and do less to empower consumers. Consumers are the best arbiters of what content is appropriate for their families.

And channel choice has the added advantage of promoting more speech, not less, by limiting the gatekeeping power of the cable company in deciding what channels are made available to consumers. Right now, consumers have no ability to signal to the marketplace what type of programming they want; they are offered an all-or-nothing bundle of channels, many of which are owned by a handful of the largest media conglomerates and which often comprise merely repackaged or repurposed programming already offered on other channels. The result is a homogenized suite of channels that consumers don't want and don't watch.

In addition, cable companies act as gatekeepers over the programming allowed into the expanded basic package, preventing independent content producers from reaching viewers. By allowing consumers to vote with their wallets rather than forcing them to buy channels they never watch, the marketplace will respond by providing more diverse and higher quality programming that consumers demand.

We urge your support for cable channel choice.

Respectfully,

Gene Kimmelman
VP, Federal & Int'l Policy
Consumers Union

Mark Cooper
Research Director
Consumer Federation of America

Debbie Goldman
Policy Director
Communications Workers of America

Ben Scott
Policy Director
Free Press

Cc: Federal Communications Commission
Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Deborah Taylor Tate
Commissioner Jonathan S. Adelstein
Commissioner Robert M. McDowell

The New York Times

April 26, 2007

F.C.C. Moves to Restrict TV Violence

By STEPHEN LABATON

WASHINGTON, April 25 — Concerned about an increase in violence on television, the Federal Communications Commission on Wednesday urged lawmakers to consider regulations that would restrict violent programs to late evening, when most children would not be watching.

The commission, in a long-awaited report, concluded that the program ratings system and technology intended to help parents block offensive programs — like the V-chip — had failed to protect children from being regularly exposed to violence.

As a result, the commission recommended that Congress move to limit violence on entertainment programs by giving the agency the authority to define such content and restrict it to late evening television.

It also suggested that Congress adopt legislation that would give consumers the option to buy cable channels "à la carte" — individually or in smaller bundles — so that they would be able to reject channels they did not want.

"Clearly, steps should be taken to protect children from excessively violent programming," said Kevin J. Martin, the agency's chairman and a longtime proponent of à la carte programming. "Some might say such action is long overdue. Parents need more tools to protect children from excessively violent programming."

The commission report, which was requested by Congress three years ago, was sharply criticized by civil liberties advocates and by the cable television industry for proposing steps that both said would be too intrusive.

"These F.C.C. recommendations are political pandering," said Caroline Fredrickson, director of the Washington legislative office of the American Civil Liberties Union. "The government should not replace parents as decision makers in America's living rooms. There are some things that the government does well. But deciding what is aired and when on television is not one of them."

She added: "Government should not parent the parents."

A spokesman at the National Cable and Telecommunications Association, Brian Dietz, said consumers "are the best judge of which content is appropriate for their household."

"Simple-sounding solutions, such as à la carte regulation of cable TV packages, are misguided and would endanger cable's high-quality family-friendly programming, leaving parents and children with fewer viewing options," he said.

Executives at the major networks said that they wanted to study the report, which was released Wednesday evening, before commenting.

A spokesman for the National Association of Broadcasters, Dennis Wharton, said that broadcast television was "far more tame than programming found on pay TV in terms of both sex and violence."

Noting that the association, along with all the networks and major cable groups, is in the middle of a $300 million marketing effort to help educate parents about the V-chip and other technology to block programs, Mr. Wharton said, "Should this not be given a chance to work?"

The report and accompanying recommendations set the stage for a political battle between the commission and three powerful interest groups — the broadcasters, the cable TV industry and satellite television.

It comes on the heels of efforts by the agency to penalize radio and television stations for violating the indecency rule. Those penalties have been challenged in courts on the grounds that they violate the First Amendment.

The outcome of the cases, which could wind up in the United States Supreme Court, could determine whether the government would have the authority to impose limits on violent programs.

The report said that research on whether violent programming had caused children to act more aggressively was inconclusive. But it also cited studies, including one by the surgeon general, that say exposure to violent content has been associated with increased aggression or violent behavior in children, at least in the short term.

It said that the V-chip and other blocking technology had failed because, according to recent studies, nearly 9 out of 10 parents do not use them And the ratings system was of limited use, the study found, because less than half of parents surveyed had used it.

In addition, many also believed the ratings were inaccurate. Mr. Martin and other supporters of à la carte programming say that it would be easier to put in place than content-based regulations because it would not face the same First Amendment challenges.

"There is no First Amendment right to get paid for your channels," Mr. Martin said. "All of the versions of à la carte would keep government out of regulating content directly while enabling consumers, including parents, to receive the programming they want and believe to be appropriate for their families."

The groups supporting such an approach range from Consumers Union to the Parents Television Council, an organization that has lobbied for more stringent penalties for obscene and violent programs.

But such a proposal faces formidable obstacles in Congress because of the influence of the industries involved. The cable industry has fought hard against new regulations and has said that attempts to force à la carte programs would prompt the closing of many educational and local stations.

The broadcasters say that it would be difficult to formulate a definition of "violence" and that tougher regulations could wind up censoring otherwise legitimate programs.

But Mr. Martin rejected that argument, noting that the industry has already formulated ratings to describe the level of violence in programs, and therefore government-imposed limits on when programs could run would be constitutional.

A leading sponsor of efforts to force cable companies to offer à la carte services has been Senator John McCain, Republican of Arizona. But he is spending less time in Congress these days as he begins his campaign for president.

ATTACHMENT D

Well Connected

Anatomy of a Lobbying Blitz
Cable industry enlists diverse crowd in high-level influence campaign

Note to readers: This story has been reposted. Since the report was originally released, the Center for Public Integrity has changed the way it calculates lobbying expenditures to reflect a more stringent methodology for determining the total amounts. The change was made to correct the potential overstatement of totals. Figures or relevant text that have been changed are indicated with asterisks. (2/28/2006)

By John Dunbar

WASHINGTON, October 8, 2004 — When a conservative member of Congress floated the idea of allowing consumers to pick which channels they want to pay for rather than having to buy a "bundle" of channels they may never watch, it seemed like a pretty good idea.

Rather than pay a flat fee for dozens of channels, consumers could choose a handful of channels "a la carte," or from a menu—and possibly pay far less for their service.

Among the hundreds of initiatives tracked by the cable television industry and its army of lobbyists, a la carte is among the most feared. A re-regulation of the industry could cost cable companies control over programming and jeopardize an economic model that has helped the industry maintain huge profits over the years. The industry has argued that a la carte service would increase costs to consumers rather than lower their cable bills.

In addition to warning of higher prices, the industry's chief argument for bundling channels is that cable networks that cater to minorities will wither and die if people are allowed to choose their own programming.

The cable industry, largely unregulated since 1999, has had a problematic track record with consumers. Cable prices have risen 40 percent from 1997 to 2002 and subscribers in 98 percent of markets have only one cable provider, according to a study by the Government Accountability Office.

Surveys by J.D. Power show a low level of public satisfaction with cable service providers.

But rather than spark an uprising of consumer support, the proposal to offer channels on an a la carte basis was blasted by elected officials at every level of government. Joining the chorus were nationally known and respected civil rights organizations and a large collection of women's groups, all of whom appeared to be singing from the same page.

A Center for Public Integrity investigation of hundreds of filings with the Federal Communications Commission, lobbying reports and other documents reveals that the "grass roots" opposition to a la carte is actually a highly sophisticated lobbying campaign where seemingly disinterested third parties—like nonprofits and legislators—are spreading the anti-a la carte message using minority programming as the key issue.

In fact, rather than being disinterested, these third parties have much to gain. The Center has identified hundreds of thousands of dollars in donations and other benefits showered by cable companies on some

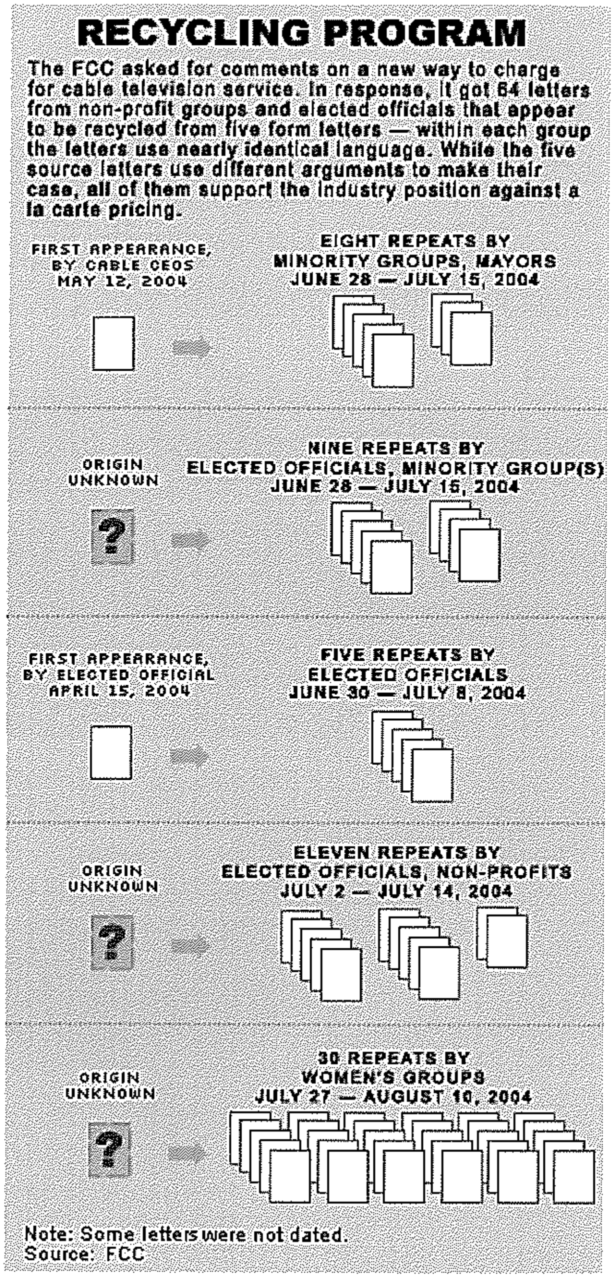
Leadership Conference on Civil Rights responds

Editor's Note and Clarification

(Jan. 4, 2004) - A civil rights group has disputed information posted in this report. The executive directors of the Leadership Conference on Civil Rights (LCCR) and the Leadership Conference on Civil Rights Education Fund (LCCREF) states in a letter (posted above) that the Center inaccurately describes contributions made to those organizations.

The report stated the LCCR received $200,000 from the AOL Time Warner Foundation over a two-year span. According to the group, the actual amount is $400,000, and the recipient was the LCCREF, a sister organization of LCCR.

A review of the the IRS Form 990s from the Time Warner Foundation shows in 2001 the LCCR was listed as the beneficiary of a $100,000 "pledge" and the LCCREF is listed as the recipient of a



of these nonprofits. The Center also found one instance in which free airtime was made available to a mayors group and identified nearly $60,000 in contributions to one key pro-cable congressman.

$200,000 pledge for a three-year grant. In the 2002 Form 990, the LCCR is listed as a recipient of a $100,000 contribution. It is not possible to discern from the documentation how much of the pledged amount in the 2001 tax return was actually paid.

This report has been revised to more accurately describe the relationship.

One measure of the campaign's effectiveness is an August 13, 2004, comment filed by the National Cable and Telecommunications Association, the key lobbying arm of the cable television industry, with the Federal Communications Commission, pointing out the overwhelming number of letters that had been filed in opposition to a la carte. Among those letters pointed out by the NCTA, some 64 were from nonprofits and politicians whose comments were derived from one of five basic form letters, one of which was written by four cable executives, another circulated by an industry lobbyist.

It is not unusual for a special interest group to orchestrate mass-mailing campaigns, on either side of the political spectrum. But what's not so common is for nationally recognized civil rights leaders, members of Congress, city council members and state legislators to sign their names to an industry-generated letter.

Among the signers of one of the five letters were two members of Congress, six mayors, seven members of the New York City Council, six members of the New York state legislature, one Florida state legislator, one Arizona state legislator, one Illinois state legislator and the comptroller of the state of Connecticut.

"The difference with this campaign, the ethnic community is at the vanguard," said Brian Woolfolk, who is working pro bono for small cable networks that are in favor of a la carte pricing. "Strategically, it completely disarms the Democratic caucus. The Democratic caucus is going to be sensitive to civil rights organizations and civil rights issues."

Among the minority nonprofits who signed form letters in opposition to a la carte pricing were the National Urban League, the Rainbow/PUSH Coalition and the National Congress of Black Women Inc.

Odd bedfellows

The cable a la carte issue actually dates back to the 1980s, when cable companies offered it as a pricing option. Though a la carte service never caught on, demand for the option resurfaces periodically depending on the level of public dissatisfaction with service and cost. By March 31, 1999, provisions of the Telecommunications Act of 1996 had phased out cable price regulation and prices began to spiral upward. But the a la carte issue got red hot exposure when conservative groups started pushing the issue.

The Janet Jackson Super Bowl stunt emboldened social conservatives like Rep. Nathan Deal, a Republican from Georgia, to push for a la carte as a means to keep risqué programming out of households that don't want it. Joining the cable a la carte debate was Consumers Union and its senior director of policy Gene Kimmelman, albeit grudgingly.

"A la carte emerged in the consumer agenda only after efforts to prevent concentration of ownership and price gouging all failed," he said. "It was kind of a fall-back position. It was never viewed as the totally optimal approach."

Consumers Union is the respected nonprofit publisher of *Consumer Reports* magazine. The organization accepts no corporate contributions.

Kimmelman and others expected resistance from the industry. But they were certainly caught off guard by the allies that cable mustered to its side.

The Congressional Black Caucus, which was founded in 1969, is a group of 39 lawmakers who list among their legislative priorities the creation of a living wage, guaranteed health insurance for all Americans, and strengthening and better enforcing civil rights laws. The caucus has long been concerned with the lack of diversity in cable programming, ownership and in the senior ranks of system operators. Early last year, the caucus, led by Rep. Bobby Scott, D-Va., wrote a letter to the cable industry threatening severe regulatory consequences if cable's prospects for minorities did not improve.

"Since we have not seen ample progress in the diversification of content and ownership to assuage our apprehensions, we may no longer be able to justify our current hands-off approach to regulating the cable industry," the letter reads in part.

A portion of the letter was published in a trade magazine, but it was never actually mailed, according to Woolfolk, its author. A series of meetings between cable television representatives and the caucus followed, and the diversity issue appeared to fade away.

Not long after the meetings, the a la carte movement began to get some traction thanks to the Janet Jackson scandal and general public outrage regarding indecent broadcasting. Deal authored an amendment to a bill that would require cable and satellite companies to give customers the option of buying channels one at a time, rather than as a package.

INDUSTRY SUPPORT

Congressional Black Caucus Foundation support from the cable TV industry

DONOR	AMOUNT	YEAR
Time Warner Inc.	$100,000 - $249,999	2003
Comcast Corp.	$50,000 - $99,999	2003
Viacom	$5,000 - $14,999	2003
National Cable TV Assoc.	$5,000 - $14,999	2003
Time Warner Inc.	$50,000 - $99,999	2002
Comcast Corp.	$30,000 - $49,999	2002
MTV (Viacom)	$15,000 - $29,999	2002
National Cable TV Assoc.	$5,000 - $14,999	2002
Viacom	$5,000 - $14,999	2002

In a two-year span, the Congressional Black Caucus Foundation received between $265,000 and $589,991 in financial support from the cable television industry.

Source: CBCF's annual reports

Alfred Liggins, chairman of TV One, a new African-American-themed cable television network co-owned by broadcaster Radio One and cable giant Comcast Corp., wrote an April 12 op-ed piece in the *Washington Times* arguing against the idea. Liggins, whose network benefits from being bundled with other channels, argued that minority networks would be squeezed out if consumers were allowed to choose their own channels.

On May 12, the Congressional Black Caucus went from being a key cable industry threat to an ally.

The caucus sent a letter to Reps. Joe Barton and John Dingell, the chairman and ranking member of the House Committee on Energy and Commerce respectively, arguing against the a la carte idea. The letter, which quotes the Liggins piece in the *Washington Times*, shifted the focus of the a la carte debate from lowering consumer costs to preserving minority programming.

Over the past few years, the nonprofit Congressional Black Caucus Foundation—a separate and distinct entity from the caucus that nevertheless boasts 11 caucus members on its board of directors and two caucus members among its top officers—has drawn considerable support from the cable industry.

In its 2002 annual report, the foundation, which ranks donors within ranges, lists Time Warner (then AOL Time Warner) as contributing between $50,000 and $99,999. In the 2003 report, the company jumped a tier, contributing between $100,000 and $249,999. Comcast also upped its contribution, from between $30,000 and $49,999 in 2002 to between $50,000 and $99,999 in 2003.

Viacom companies are listed as contributing between $20,000 and $44,998 in 2002, but in 2003 only Viacom was listed as contributing between $5,000 and $14,999. The NCTA donated between $5,000 and $14,999 in 2002 and 2003.

In addition, Comcast, the NCTA, Time Warner and Viacom are all regular sponsors of the caucus's annual legislative conference. In all, over the two years, those companies contributed as much as $589,991.

Calls to the director of communications for the Congressional Black Caucus were not returned.

Touching off the deluge

The same day the caucus sent its letter—May 12—another missive was directed at the Commerce Committee. Four cable executives—Debra Lee (BET Holdings Inc.); Jeff Valdez (Sí TV, a Hispanic-themed network whose investors include Time Warner and EchoStar); Johnathan Rodgers (TV One) and Kent Rice (International Channel, which was acquired by Comcast in July)—wrote the committee a letter objecting to the a la carte concept.

The executives' letter was posted on NCTA's Web site; the trade group has cited it in its filings with the FCC.

Portions of the letter were identical to the op-ed Liggins penned for the *Washington Times*.

It opens: "We understand that some Members of Congress have suggested requiring cable and satellite companies to sell basic cable networks on a channel-by-channel, or 'a la carte,' basis. On the surface, this idea sounds appealing, but a deeper look can only lead to the conclusion that a la carte packaging and pricing of programming would have a chilling effect on programming diversity in America."

A week later, Congress opted to bail out of the a la carte debate and let the FCC deal with it. Leadership of the House committee that regulates cable wrote a letter to FCC Chairman Michael Powell asking the FCC to study the issue. Sen. John McCain, chairman of the Senate Committee on Commerce, Science and Transportation, also wrote a letter, arguing forcefully for an la carte option. On May 25, the FCC officially opened the issue for comment, in anticipation of filing a report in the fall.

And the floodgates were opened.

On July 15, the NCTA released a study funded by the association that said a la carte would hike rates. The study, conducted by Booz Allen Hamilton Inc., determined that if cable operators had to offer all channels a la carte while still offering tiered programming, costs would rise between 7 percent and 15 percent just to outfit cable systems with the a la carte technology. Booz Allen argued that consumers would end up paying more for fewer channels, and an a la carte system would make it difficult for new networks (like minority themed channels) to get into the business.

Civil rights groups join debate

On the same day, the nation's "oldest, largest and most diverse civil and human rights coalition," the Leadership Conference on Civil Rights, also filed comments with the FCC opposing a la carte on grounds that it would hurt diversity in cable programming. The organization quoted Liggins in its filing.

The Leadership Conference counts among its victories passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. More recently, the group has worked to eliminate the so-called "digital divide" in America and worked to provide the advantages of Internet access and other technology to disadvantaged schoolchildren.

In the a la carte issue, the civil rights organization sided with the cable companies.

On June 23, the LCCR in conjunction with TV One and others sponsored a lunch briefing opposing the a la carte effort. Titled "Cable A La Carte: The Beginning of the End for Media Diversity on Cable TV?" the event was organized by its lobbyist, Leslie Harris of Leslie Harris and Associates. Among Harris's other clients is Time Warner Inc.

Leading the charge for LCCR against a la carte was the group's deputy director, Nancy Zirkin, who targeted Kimmelman and Consumers Union specifically because he was supporting an issue that was also backed by conservative groups like the Parents Television Council and Concerned Women of America.

"Every one of these groups that Consumers Union is allied with has fought us on the increase of diversity," Zirkin said.

Zirkin could not be reached for comment for this report.

The AOL Time Warner Foundation reported in its calendar 2001 tax filing with the IRS that it pledged $100,000 to the Leadership Conference on Civil Rights and another $200,000 to the Leadership Conference Education Fund. For 2002, the foundation reported a payment of $100,000 to the Leadership Conference on Civil Rights.

Among contributions to other nonprofits who signed letters opposing cable a la carte, the AOL Foundation has given $300,000 to City Year, $100,000 in 2000, 2001 and 2002; and the Comcast Foundation has contributed $50,000 to the National Urban League, $78,600 to the Women in Cable & Telecommunications, $70,000 to City Year Philadelphia and $50,000 to City Year Detroit.

Each organization signed form letters supporting the cable industry.

Then the letter campaign began. First to be heard from were the civil rights groups. The first was from the National Congress of Black Women Inc., signed by national chairwoman C. DeLores Tucker on June 28.

"We would like to voice our concerns about the potential affects of requiring cable and satellite companies to sell basic cable networks on a channel-by-channel, or 'a la carte' basis," she writes. "On the surface, this idea sounds appealing, but a deeper look can only lead to the conclusion that a la carte packaging would have a chilling effect on programming diversity in America."

Tucker's letter is nearly a word for word copy of the one written by the cable executives. She also penned an op-ed piece published in the *Boston Globe* and *Chicago Sun-Times* arguing that "If these would-be regulators succeed, the diversity in cable programming—a fruit of the civil rights movement—will die with it."

Tucker led a high profile crusade against misogynist lyrics in rap music. Ironically, Tucker's chief target was Time Warner's music division. A call to Tucker's office was not returned.

Other groups who signed the same letter to the FCC as Tucker include the National Urban League, the Rainbow/PUSH Coalition and the Brotherhood Crusade.

Also submitting the same basic letter were three members of the board of directors of the National Conference of Black Mayors—Harvey Johnson Jr., mayor of Jackson, Miss., and president of the conference; Irene Brodie, mayor of the village of Robbins, Ill. and assistant secretary for the group; and Roosevelt F. Dorn, mayor of Inglewood, Calif. who is 2nd vice president of the mayoral conference. The letters were dated July 12.

On April 27, the group hosted its annual conference in Philadelphia, the hometown of Comcast. The conference's "premium" sponsors were Comcast and TV One, employer of Alfred Liggins. TV One president and CEO Johnathan Rodgers spoke at the event, which also included an "hour-long TV interview program that will include a panel of mayors discussing issues facing major urban cities and mayors today."

Another mayoral organization chimed in on the debate—the National Conference of Democratic Mayors. The NCDM lists the NCTA as a sponsor.

Cable goes to Towns

Among cable television's best friends is Rep. Edolphus Towns, a member of the Congressional Black Caucus who signed the May 12 anti-a la carte letter.

Towns also submitted another letter, this one to the FCC, on July 8. The letter was nearly identical to five others—one by Florida state Rep. Bob Henriquez, three by members of the New York state legislature and one by a New York City Council member.

But unlike those elected representatives, Towns is in a position to do more than comment on the issue. The one portion of his letter that does appear to be original reads: "As a senior member of the House Committee on Energy and Commerce, I implore you to reject the 'a la carte' system and urge you to keep diverse programming on the air," he wrote.

Any legislation that would re-regulate the cable industry would originate from that committee. Towns submitted his comment despite the fact that Chairman Barton, ranking member Dingell and three other representatives had asked the FCC to prepare the report on the feasibility of a la carte.

Since 1998, Towns has accepted $58,897 from the employees, their immediate family members, and the political action committees of the nation's largest cable television companies, sixth-highest among House Democrats over that period.

Towns spokesman Andrew Delia submitted a statement to the Center in response to a set of detailed questions.

"Congressman Towns believed and continues to believe that on the whole, an a la carte system would hurt niche and diversity programming. While there are legitimate concerns about diversity in the media, a la carte is not the solution to such a problem," the statement reads.

Towns contends that some channels would disappear if they were located on fewer systems because they would be unable to generate advertising revenue. Programmers would have to raise rates to make up the difference and niche channels would suffer. The result would be higher costs for consumers for fewer channels.

The response from the congressman's office did not answer the question of who wrote the letter he submitted to the FCC or whether the cable industry's support of his campaigns or the Congressional Black Caucus Foundation—Towns is a member of its board of directors—played a role in his position.

Bundling support

The cable industry found support in other quarters. Rep. Raul M. Grijalva of Arizona was one of 12 elected officials to sign another version of one of the industry's form letters. Grijalva is a member of the Congressional Hispanic Caucus. Among others who submitted the same letter were Hispanic officeholders in the New York state legislature and New York City Council in addition to a number of nonprofits.

In case the FCC was still unconvinced, the cable lobby had one more "grass roots" coalition join the battle—and this would be the largest outpouring yet. In late July and early August, a truly impressive cross-section of women's groups began sending letters to the FCC, asking it not to support cable a la carte pricing.

Once again, the letters sounded familiar. In fact, 30 of them were virtually identical. Among the signers were the Sexuality Information and Education Council of the United States, the Global Fund for Women, the Feminist Majority, American Women in Radio and Television Inc. and the National Council of Women's Organizations.

In this case, it wasn't hard to find the source. The firm of Leslie Harris, the Time Warner lobbyist who also represents the Leadership Conference on Civil Rights orchestrated the campaign. Her firm advertised its role on its Web site.

After being retained by a "major media company" Leslie Harris and Associates "organized a well-attended briefing where minority and women's programmers laid out the case against the proposal and then worked with dozens of organizations to file comments at the FCC. One measure of our success: working closely with Oxygen Media, we were able to organize over 30 prominent women's organizations against the proposal."

Form Letters
"On the surface, the idea sounds appealing, ..." (Cable CEOs)
Harvey Johnson, Jr. , Mayor- Jackson, Mississippi
Irene Brodie, Mayor- Robbins, Illinois
Alvin Brown, Chairman, National Black MBA Association
Danny J. Blackwell, President and CEO, Brotherhood Crusade
Dr. C. Delores Tucker, National Chair, National Congress of Black Women, Inc.
Marc H. Morial, President and CEO, National Urban League
Roosevelt F. Dom, Mayor- Inglewood, California
Oscar Joyner, President and CEO, Reach Media
Rev. Willie Barrow, Rainbow/PUSH coalition
"Niche networks that cater to women..." (Women's groups)
Adrienne Verrilli, Director of Communications, Sexuality Information and Education Council
Amy Sokoloff, Assistant Director, New York Women in Communications
Carla Goldstein, Vice President of Public Affairs, Planned Parenthood of New York City
Caroline Ticarro-Parker, Mind on the Media
Carolyn Elman, American Business Women's Association
Donna Lopiano, Women's Sports Foundation
Eleanor Smeal, President, Feminist Majority
Elizabeth A. Meixell, Church Ladies for Choice
Elizabeth A. Meixell, New York Microbicides Working Group
Faye Wattleton, Center for Advancement of Women
Helen French, White House Project
Irene Pollin, Sister to Sister

Harris filed a lobbyist registration statement listing Time Warner as a client on July 23. Harris, through a spokeswoman, declined to comment for the record.

Oxygen Media is a 24-hour cable television network aimed at women. Founded in 1998, the network is independently owned and now available in over 52 million cable households, according to its Web site. Its chairwoman and CEO, Geraldine Laybourne, is also on the board of directors of NCTA. Time Warner is an investor in the network.

The letters argue that the a la carte proposal could have a "significant negative impact on the so-called niche networks, such as Oxygen, that cater to particular interests or demographics such as women, minorities, gays and lesbians and non-English language speakers."

In a detailed email to NCTA senior director of communications Brian Dietz, the Center asked whether it was disingenuous to point to a groundswell of opposition to a la carte when so many of the letters were industry generated.

Dietz replied that "As a matter of policy, NCTA does not comment on our lobbying or PAC activity." But the association included a generic statement.

"Many of the individuals and organizations that have voiced opposition to a la carte are concerned that such regulation would further reduce diversity in media, which directly affects the constituents they represent. NCTA welcomes this support and will continue to work with organizations that are concerned about these issues," it reads in part.

So the question is, are the commissioners aware that the anti-a la carte comments they are being inundated with are not as spontaneous as they seem? And does it really matter?

The Center sent a list of detailed questions to FCC Chairman Michael Powell through a spokesman. Powell did not respond, but the Center was provided with a written statement from FCC Media Bureau Chief Kenneth Ferree.

"In the A La Carte proceeding, as with all FCC proceedings, we value, and read, comments from any and all persons and parties on all sides of the issue. Our job is to then evaluate the pros and cons, and strengths and weaknesses, of all the arguments, positions, and studies presented to us, and then make our best public policy judgments based on the entire record," it reads.

"It is interesting to note that the practice of a party on one side of an issue soliciting letters of support is not uncommon. For example, most recently, a very high percentage of letters in the media ownership rule proceeding were form letters generated by self-interested organizations. As to the A La Carte proceeding, we are in the process of evaluating the record at the present time and do not comment on any individual filings."

Currently, the anti-a la carte comments outnumber pro a la carte comments by about six to one. Among the pro camp are Consumers Union, the Consumer Federation of America, the

Itai Dinour, City Year
Julie Moore, Step Up
Kavita Ramdas, President and CEO, Global Fund for Women
Leslie Calman, Legal Momentum
Lorena Parrish, Girls Inc. of New York City
Lyn Pentecost, Executive Director, Lower Eastside Girls Club of New York
Maria E. Brennan, Executive Director, American Women in Radio and Television, Inc.
Maria Otero, Founder and President, Women's Venture Fund
Martha Burk, Chair, National Council of Women's Organizations
Nadine Thompson, Warm Spirit
Nell Merlino, Count Me In
Nicole Wild, Women's Alliance
Ojeda Hall-Phillips, Brooklyn Enterprise Center
Sara K. Gould, President and CEO, Ms. Foundation for Women, Inc.
Simi Ahuja, South Asian Women's Leadership Forum
Terra Renee , Founder, African American Women in Cinema
Terry Lawler, Executive Director, New York Women in Film and Television
Wende Jager-Hyman, Woodhull Institute
"For far too long, minority groups had little programming..." (Elected officials, non-profits)
Louis A. Fidler, Council Member- New York City
Maria Baez, Council Member- New York City
Melinda Katz, Council Member- New York City
Tracy L. Boyland, Council Member- New York City
George L. Grace, Sr. , Mayor- St. Gabriel, Louisiana
Ruben Diaz. Jr. , Member of Assembly- New York
Steve Gallardo, Representative- Arizona
Iris Y. Martinez, Senator- Illinois
Raul M. Grijalva, US Representative- Arizona
Arturo Vargas, Executive Director, NALEO Educational Fund
Milton Rosado, President, Labor Council for Latin American Advancement
Shuan M. Belle, Mount Hope Housing Company, Inc.
"important channels that support varied voices..." (Elected officials)
Charles Barron, Council Member- New York City
Margarita Lopez, Council Member- New York City
Guillermo Linares, former New York City Council Member
Eddie A. Perez, Mayor- Hartford, Connecticut
Carl Heastie, Member of Assembly- New York
William F. Boyland, Jr. , Member of Assembly- New York
Nancy Wyman, State Comptroller of Connecticut
Adriano Espaillat, Chairman, New York State Black, Puerto Rican and Hispanic Legislative Caucus
Victor Morisete-Romero, Community Association of

New Jersey Ratepayer Advocate, the Urban Broadcasting Company and the city of Seattle. There is no indication of coordination among the comments filed supporting a la carte.

Progressive Dominicans
"The minority voice would be silenced..." (Congressman Towns, politicians)
Jose Serrano, Council Member- New York City
Darryl C. Towns, Member of Assembly- New York
Vivian E. Cook, Member of Assembly- New York
Bob Henriquez, Representative- Florida
Kevin Parker, Senator- New York
Edolphus "Ed" Towns, US Representative- New York

Wired for influence

Since 1998, the nation's cable television companies have spent $22.7 million in campaign contributions to national party organizations, members of Congress and presidential races. Leading the pack is Time Warner with $8.2 million. Second is Comcast at $3.2 million and third is the NCTA with $3.1 million.

The money came from PACs, soft money donations (before they were banned by the Bipartisan Campaign Reform Act of 2002) and individual contributions from company executives, employees and their families.

In addition to the donations, cable television companies can provide something worth more than greenbacks—airtime. No politician, no matter how skilled or principled, can turn his or her back on reaching large blocs of the voting public through public affairs programming.

Corporations can also play the sponsorship game. With millions to give away, the Time Warner Foundation funds good works all over the country, including the activities of civil rights groups.

The industry's trade group, the NCTA, is among the most deep-pocketed and influential lobbying organizations in Washington. The association has sponsored 102 trips worth $198,727 since 2000, flying members of Congress and their staff to various events around the country.

The NCTA is also a major sponsor of travel for FCC commissioners and staff, having spent $192,609 flying over an eight-year period, according to a previous Center study.

In addition to its campaign contributions and its all-expenses-paid junkets, the trade group spent more than $32 million* on lobbying since 1998. The NCTA's top lobbyist, Daniel Brenner, was senior legal adviser to former FCC Chairman Mark Fowler in the 1980s.

While campaign contributions get the most coverage in Washington politics, the real money is being spent on lobbying.

The cable television industry has been steadily increasing the amount it spends to sway opinion in Congress and the FCC. The industry spent more than $10 million* on lobbying in 1999 compared with more than $15 million* in 2003, a jump of 50 percent, according to lobbying records. The industry spent at least $88 million* total on lobbying from 1998 through mid-2004.

NCTA was first* followed closely by Time Warner at more than $27 million.*

While the dollar amount is impressive, it is the people who are doing the lobbying that are the real key.

The cable, broadcasting and telecommunications lobby in Washington is stacked with former FCC commissioners, bureau chiefs, top-level aides and former congressional staffers who have helped write communications laws.

For the cable industry alone, Center researchers were able to identify 17 former key government officials who now lobby Congress and the FCC. The "revolving door" situation at the FCC is so prevalent, it is at times difficult to keep straight whether someone is still in government or representing one communications firm or another.

Among former government officials who now work for the cable industry, the best known is Victoria Clarke, who had nothing to do with the FCC. Clark was the Pentagon spokeswoman during the Iraq war and is widely credited with creating the "embedding" system of attaching reporters to troops in the field. Clarke took a job with Comcast as senior adviser, communications and government affairs.

As to the a la carte issue specifically, the NCTA is using Brenner as well as Jill Luckett, vice president of program network policy, formerly a special adviser to former FCC Commissioner Rachelle Chong, and before that, legislative director for former Sen. Bob Packwood of Oregon.

Leslie Harris and Associates, whose clients include Time Warner and the Leadership Conference on Civil Rights, employs Jon Bernstein, who before becoming a lobbyist was an attorney adviser with the FCC. Prior to that, he was a lobbyist for the National Education Association.

Working for Viacom on the issue is Wiley Rein & Fielding. Richard E. Wiley heads the firm's 70-attorney communications practice, which it bills as the largest in the nation. Wiley was chairman of the FCC from 1970 to 1977 and was a chief advocate of deregulation of the communications industry. Lawrence W. Secrest III, a partner with the firm overseeing the media practice and Wiley's former assistant at the FCC, is also on the a la carte beat.

That's a lot of high-priced talent to be spending on what seems like a relatively small issue that is barely on the regulatory radar screen. The FCC is merely collecting comment for a report. There is no realistic expectation that the issue will make it into any legislation.

Kimmelman believes the lobbying campaign has more to do with the issue's potential than what it means right now. He believes that "there was a potential out-of-control grass-roots uprising against the way large cable and broadcast companies control programming and how it's distributed to the public," he said.

"I think they recognized this was so attractive to people from all political perspectives and so volatile in terms of spiraling cable rates and concerns about smarmy programming – they needed to deep six and absolutely wipe the debate off the ledgers before policy makers got into it."

Center researchers Mike Baxter, Daniel Lathrop and Katie Mills contributed to this report. John Dunbar is the Well Connected project manager.