

Sun Journal

How can a federal agency regulate 'local?'

Thursday, June 28, 2007

The Federal Communications Commission's "localism" hearing today in Portland, the first after a three-year hiatus, illustrates how the agency has been a sleeping giant during an 11-year upheaval in the American media landscape.

In 1996, when Congress deregulated telecommunications, the FCC became overseers of seismic activity inside the industry, yet waves of mergers, acquisitions and innovations overwhelmed its ability to monitor, or regulate.

This is why, 11 years later, the FCC is still combing for answers to restore local ownership into communications - tacit admission that the policies it was entrusted to manage in 1996 have proven to be colossal failures.

"It is important to understand that ownership rules have always been, at best, imprecise tools for achieving policy goals like localism," FCC Chairman Michael Powell said in 2004, in announcing the localism initiative.

Imprecise? How about "off-target."

In fairness, the plodding nature of federal agencies is a feeble match to the sleek-by-comparison free market, and it would have required Olympian efforts by any government body to rein in the bullish media market after deregulation.

But the FCC's continued search, such as today's meeting in Portland, supports criticisms that Congress and the agency were unaware of their telecom Pandora's box, and were mesmerized by noble intentions or lofty promises.

In 1996, cellular telephones were a novelty, as were e-mail addresses and Internet connections faster than 28.8 kilobytes per second. Today, we have consumers camping out for iPhones, e-mail fast replacing the United States Postal Service, and Wi-Fi invisibly crisscrossing the skies.

It's redefined the media, and created a world of opportunity.

There was money to be made by companies ambitious enough to enter this communications Gold Rush, and Congress, in 1996, gave them a head start. It's little wonder, then, the FCC is wondering where the local ownership of communications and media has gone - it was trampled in the stampede.

Sen. Olympia Snowe deserves credit for working to bring this hearing to Maine, and allowing our people a chance to broadcast their concerns. Snowe and Sen. Susan Collins are also opposing a proposed cap on a FCC subsidy, the Universal Service Fund, for building rural communications infrastructure.

Capping the Universal Service Fund, proponents argue, would provide funds for expanding broadband connectivity instead. Maine senators argue, rightly so, that victimizing wireless communication for other purposes, however well-intentioned, will do more harm than good.

The FCC should listen. It's exactly what happened with the Telecommunications Act of 1996.

Which leads to today, in Portland, as media professionals, activists and others gather to debate how the federal agency can reinvigorate "localism" in media and telecommunications, outside the "imprecise tool" of ownership rules.

FCC shortcomings over the past decade, however, hint it probably cannot.