

## Jennifer Holt – Response to “Media Policy, Media Reform, Media Criticism” Panel

Looking at the current landscape of converging media, it has become apparent that 20<sup>th</sup> Century regulatory philosophy is no longer sufficient for the new millennium marketplace. A variety of developments have contributed to this disconnect between industry and policy, ranging from new technologies and distribution strategies to rapidly evolving markets and their outdated definitions. It is my hope that this panel can address this fundamental issue facing the policy arena right now, and also formulate a plan to organize and command a more visible public presence in the cultural conversation about policy. Hopefully, we can take our work beyond scholarly literature to force a more nuanced discussion of these crucially important issues in popular media and even the regulatory arena.

Federal policy regarding broadcast media was designed to preserve the principles of competition, diversity and localism with the primary directive to serve the public interest. However, these terms have been in dire need of reexamination in light of the new industrial economy, as they are no longer specific enough to preserve policy goals. A new justification or relevant definition for the public interest concept should be first priority. As it stands now, the term does not have a rationale that is fundamentally rooted in contemporary industrial or market conditions. After all, the rationale for regulating in the public interest is based on the use of the publicly owned airwaves and the notion of the broadcast spectrum’s scarcity, developed when there were a finite number of channels available for licenses. The standard was basically a bargain made between the FCC and the networks. However, television is increasingly distributed over privately owned cable wires or satellite dishes in numbers that continue to rise above 85 percent. The medium is scarce insofar as the broadcast spectrum is scarce. Now that spectrum bandwidth is practically limitless, it is the scarcity of *access* (to broadband) that should be the primary focus, not the scarcity of spectrum.

The FCC’s fundamental emphasis on localism and the community-oriented nature of broadcasting is also disconnected from the present state of affairs. The Commission is a centralized, federal agency regulating a profit-driven, global industry designed to attract the largest possible audience. The concern for the national interest has long dwarfed the local in the FCC’s regulation of the broadcast networks. The entire system was essentially built by policies that favored and consolidated the power of the national networks over local affiliates. The ideal of localism still persists in the application of regulation (as far as the licensing of individual stations goes) as well as ownership caps, which are largely designed to promote or preserve some measure of localism but as the number of stations owned by a single company increases to a number that reaches over one-third of the country, this fundamental aspect of broadcasting policy disappears. The distinct spatial boundaries that have established the conceptualization of the local have been long eclipsed by distribution technologies in this global era. In reality, the local market and the public interest have become nothing more than theoretical constructs, or figments of the regulatory imagination, abandoned in all but the language of broadcast policy.

Aside from the fundamental tenets of regulation, I also hope we can address the chaos that has arisen from attempting to regulate television and telecommunications separately in a converged media universe. Now that media is delivered by internet service providers, cable providers, broadcast networks, telecommunications, and satellite delivery, which technology or distribution platform will take precedence as the regulatory paradigm? Which rationale should drive policy when one wire carries voice, video and data? When “old media” are being used in new ways, content and carriers no longer conform to their original borders or boundaries – and we are left with a regulatory crisis. Given the current political climate (and impending election), it is of critical importance that we find a way to participate in these discussions in greater numbers now than we have in the past.

This nexus of technological and institutional convergence has led us to a critical moment that implores us to make connections between regulatory discourses and the vitality of art and culture and even the framework that we construct for media histories. Now it is up to us as scholars to foreground these critical relationships for our students, the public, or anyone who might think these issues don’t have much to do with watching television or using the Internet. In that spirit, I hope this panel can begin to formulate a concrete plan to aggressively pursue new methods of disseminating our work and bring it to more public forums. I look forward to discussing these matters with everyone in Austin.