

**REMARKS OF
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(As prepared for delivery)

Thank you for inviting me to be with you today. I feel very close to this audience, not only because we seem to agree on numerous communications issues, but also because I spend a lot of time with our Catholic schools. My wife and I are just finishing up 25 continuous years putting five kids through St. Mary's Elementary School in Old Town; we've put two through Bishop Ireton High School; and our youngest son is currently a junior at Gonzaga High here in the District. I also put in a few years teaching at Loyola University of the South in New Orleans, although that's more years ago than I like to remember. I must add, however, that performing an educational role is, to me, very much part of being a successful Commissioner at the FCC. When you happen to be a minority of one, as I am presently, the pulpit of the Commission is a vital accompaniment to our regulatory responsibilities. It may not be a Bishop's pulpit, but it's a bully pulpit nevertheless.

I am very excited that the Catholic Conference has dedicated such substantial time, talent, and resources to communications technology issues. Communications technologies have already dramatically changed the ways we live, work, educate ourselves, play, discuss public issues, and they have importantly affected the ways in which Americans learn about religion and even the ways in which we worship. Television, radio, the Internet, cable services, and telephone networks are among the

most powerful tools in the world. When they are used right, they can enlighten minds, convey powerful ideas, educate, and lay the foundation for economic and human development.

I know that you in this room already understand this. Various parts of the Catholic Church run television and radio stations, Internet sites, and produce educational programming. You also advocate for moral values in the media, support legislation to protect children from exploitation, and fight for a greater diversity of voices on the radio dial through low-power radio. Critically, Catholic Relief is using development strategies, including technology tools, in developing countries to give people a chance at economic self-sufficiency. No doubt about it -- the Catholic Conference has asserted itself as a positive advocate in the world of communications technologies.

I'm excited about all your work because you, unlike many other organizations, have seen the importance of these technologies to your mission AND the importance of participating in the government's activities related to communications technologies. My job as FCC Commissioner is to work to create a regulatory environment where the best of communications technologies flourish. To do this I need the help of what I call the communications industry's "non-traditional stakeholders." *All* Americans have a stake in the communications network. But most of the time, we at the FCC hear primarily from the corporations who own the networks and the other business players. While the participation of these businesses is essential, it is no more essential than the input of consumers, educational and religious organizations and representatives of under-served

ethnic groups. How can the FCC develop vision without knowing what all these groups, and others, are seeing, working for, hoping and dreaming? This is why I have put so much emphasis in these first months of my service on outreach to non-traditional stakeholders who have traditionally lacked a voice at the FCC.

Let me use the time we have together this morning to talk about four areas that relate to your activities. First, making technology work for *all* Americans here at home. Second, using technology to assist in international human development abroad. Third, controlling the torrid pace of communications industry consolidation that America is experiencing. And t fourth, protecting against indecency in the media. If we can work together on these goals, we can, I believe, make real progress.

I must begin with a short digression, because in order to talk about these goals, I have to talk first about the “public interest.” You will hear me speak a lot about the public interest while I am at the FCC. Congress made protecting the public interest the foundation of the FCC’s responsibility. The concept permeates the communications statutes. Indeed, a quick review of the Communications Act shows that the term “public interest” appears 112 times. To me, 112 times translates into “mandate.”

There are some, however -- and their number may be growing -- who downplay or even ignore their public interest responsibility, or brush it aside as something “unquantifiable,” “undefinable,” or, horror of horrors, “inefficient.”

Even if the public interest test was that elusive -- which I believe it is not -- Congress did not say that we should follow our public interest mandate only if we are satisfied that we can quantify it exactly for each and every possible situation. Nor did Congress say that just because some people struggle with what they believe the public interest contains, we could reduce or suspend our adherence to the mandate. On the contrary, Congress told us to meet our public interest responsibility. If the Commission stops making decisions based on the public interest because it has trouble pinpointing the exact parameters of the public interest, it will be breaking the law. Just as importantly, it will be abandoning its responsibility to the public on the four goals that I want to discuss this today. Each of these four goals is justified, even required, by our duty to promote the public interest.

Making Technology Work For ALL Americans Here At Home

My objective is to help bring the most advanced communications technologies to as wide a group of Americans as possible – whether those people are urban or rural; living in affluent suburb, struggling inner city or impoverished tribal lands; whether they are economically privileged or economically challenged; healthy or experiencing disabilities. Congress has been clear about this, too – it has told us to make comparable technologies available all across the Nation. Each and every citizen of this great country should have access to the wonders of communications. I really don't think it exaggerates much to characterize access to communications in this modern age as a civil right.

Today, having access to advanced communications – broadband – is every bit as important as access to basic telephone services was in the past. I know there are some analysts out there -- in fact a pack mentality seems to be running just now -- who are bemoaning the future of broadband because the market didn't bring us to Broadband Utopia during the irrational exuberance of a couple of years ago. I disagree. I believe broadband will be America's defining infrastructure in this next phase of our nation's development, just as the transcontinental railroads were in the last century, or basic telecommunications was during much of the past 100 years. The marvels of telecom and communications have been impressive and dramatic, but you know what? I don't believe we've seen anything yet. I believe that the communications transformations of the next 100 years will make the great changes of the past century pale by comparison.

One important and successful program that is already helping to bring advanced technologies to the heart of communities across the country is the E-Rate. The E-Rate was created, as you well know, in the 1996 Telecom Act. It provides discounts to K-12 schools and libraries for Internet connections and telecom services. Catholic schools have now received almost \$60 million in discounts from this program. That's impressive. But we can't rest on our laurels. The FCC is getting ready to discuss changes to the E-Rate program. We need your participation in this proceeding to make sure that the end result is to improve the program so that it works better for our communities and our schools. Your job and mine is to defeat any backdoor attempt to gut the program. We need to take this very basic program and make it even better.

The E-Rate shows that the digital tools of the Information Age are the keys to unlocking the doors of education. But they are also the keys to community and economic development. Advanced infrastructure is a prerequisite for stable economies and jobs. And because your churches and schools are both cornerstone and safety net in thousands of communities across the country, you understand what the cost of economic destruction is for our people. The Catholic Conference is fighting to raise awareness of poverty in America this month – which is Poverty Awareness Month. Extending communications infrastructures is one powerful way to work combat poverty by opening the doors to economic self-sufficiency – and keeping them open – for all Americans, and ensuring that they are not locked shut for some because they happen to live in technological backwaters.

You can make broadband work for you in many ways – in fact, you are already well on the way to doing so through the Instructional Television Fixed Service, or ITFS, the wireless broadband service allocated to educational uses. Catholic schools are some of the more efficient users of this service, distributing television programs and enhancing classroom experiences in parochial schools. Last year, ITFS was threatened as other users sought to access this spectrum for commercial uses. I voted to protect this spectrum for educational uses. But one-way television service is just the beginning of what you can do with broadband, either through ITFS or over cable lines, telephone lines, or other media. Broadband is a tool that you can use to connect communities, educate our children and improve economic development. The sky's the limit.

I want to add that the concept of bringing technology to all Americans includes, for me, more than just telecommunications. I am also talking about such things as the preservation of free, over-the-air broadcast services that serve the needs of all Americans. One of the newer components of free over-the-air broadcast service is the noncommercial low power FM radio service that was established by the Commission last year. Even with the provision included in appropriations legislation that drastically reduced the number of low power radio stations the FCC could authorize at this time, the Commission has already granted 170 construction permits to schools, churches and community organizations.

Using Technology To Assist In International Human Development Abroad

The struggle to extend communications infrastructures to build American communities is daunting. But the struggle to build infrastructures in developing nations as part of the fight against poverty and for human development is even more challenging. Here, too, the rewards could be great.

Worldwide, I am told that only one person in five has ever used a telephone. The industrialized countries have 15% of the population, and 85% of Internet users. South Asia has 20% of the population, and only 1% of Internet users. Incredibly, Africa has 739 million people and only 14 million phone lines. That's less than Manhattan. There are only 1 million Internet users in all of Africa.

Catholic Relief, the relief and development agency of the Catholic Church, publishes a powerful list of beliefs that drives it to do the good work that it does around the world. I'm struck by the following two principles on that list:

- (1) “We understand ourselves to be a part of a wider global family and believe that our responsibilities to one another cross national, cultural, and religious boundaries. Our work worldwide is a concrete expression of the interdependence of all people in community with each other as we seek to fulfill our responsibilities to our brothers and sisters worldwide.”

- (2) “We believe that the development of economic, social, political, material, spiritual, and cultural conditions are necessary for all people to flourish and reach their full human potential and we accept our responsibility to promote the common good of the larger society.”

The countries where Catholic Relief works cry out for communications infrastructures in order to build the capacity for their people to “flourish and reach their full human potential.” In order for this to happen, people in those countries need technical help, legal help and international investment.

I believe that the FCC has a responsibility to offer this help in the developing world. We already host government officials who come to the US to learn, and we send experts around the globe. We encourage transparency in regulation, and the rule of law.

We work to make international investment possible, and to interconnect developing countries to the world network. But we have only scratched the service. We need to do more. We can do more. And I intend to work to ensure that we do more. I would welcome your input in designing strategies for the realization of this important objective. For example, in March I'll be addressing a conference focusing on investments in Latin America. Catholic Relief works with the people in the trenches in Latin America who really understand what is needed. I think you and I working together on this makes eminent good sense.

Industry Consolidation

The third area I want to mention is industry consolidation. I know you will be discussing this later this morning with some other speakers, but I do want to share with you a bit of my perspective on an issue that will be front-and-center in the deliberations of the Commission this year – and beyond.

The Nineties brought new rules allowing increased consolidation in the radio and television industries. These rules paved the way for tremendous, and I think in large part an unanticipated, level consolidation. Many broadcast stations are now affiliated with ownership groups comprising hundreds of media outlets. This consolidation has no doubt created efficiencies that allow stations to operate more profitably and on a scale unimaginable only a few years ago. But they also raise profound questions of public policy. How far should such combinations be allowed to go? Surely we all realize that

the world has changed; that bigness is not necessarily badness; that we live in a globalized economy where the pressures of competition are extreme, and that we cannot turn the clock back to a simpler past which was never, in reality, quite so simple or ideal as some would have it. That being said, however, the American people have always harbored a deep and healthy distrust of excessive industrial consolidation, and they have always posted sentinels at the gate to guard against it. I did not go to the FCC to wave the green flag on the speedway to further consolidation. Each proposed combination needs to be looked at on its merits -- some are good, some are not -- but the public interest test must be rigorously applied to every proposed consolidation, and that is what I have attempted to do in my first months at the Commission. One of our big jobs at the FCC must always be the preservation in this country of a bustling marketplace of ideas, a diversity in sources of content in each community, and a multiplicity of voices to stir discussion and debate throughout the land. I would add that these are especially critical times for this particular issue because an economy in recession usually gives an extra push to those whose goal is combination. The current deregulatory climate that is increasingly obvious to most of us in Washington adds fuel to the fire.

I consider myself pro-business. I have spent most of my years in this city working with business, the last eight years at the Department of Commerce building private sector-public sector partnerships to enhance America's role in global trade, based on the conviction that increased global commerce was in the interests of all the world's citizens. I want to develop these kinds of partnership activities during my tenure at the FCC. Our private sector is unmatched in what it produces, provides, develops, invents

and motivates and it remains the world's most powerful locomotive of economic development. But we must be vigilant to keep it competitive, to maintain its balance, and to preserve it as the force for good that it needs to be to help this planet meet its staggering developmental challenges.

Protecting Against Indecency in the Media

The fourth and final area I'd like to talk about is protecting against indecency in the media. Every day I hear from Americans who are fed up with the patently offensive programming coming their way. I hear from parents frustrated with the lack of choices available to their children. I even hear from broadcast station owners that something needs to be done. We as a society have a responsibility to protect children from content that is inappropriate for them. When it comes to the broadcast media, the FCC has a statutory obligation to protect children from obscene, indecent or profane programming. I take this responsibility with the utmost seriousness.

As a parent, I am concerned about what seems to be an increasing amount of sexually explicit and profane programming on the airwaves and the potentially detrimental effects of this programming on our children. Our nation has enacted laws – Constitutionally sanctioned laws – to protect young people from these excesses. The process by which the FCC has enforced these laws places an inordinate responsibility on the complaining citizen. It seems to me that when enforcing the indecency laws of the United States, it is the Commission's responsibility to investigate complaints that the law

has been violated, not the citizen's responsibility to prove the violations. Lack of information about what was said and when it was broadcast should not be allowed to derail our enforcement of the laws. If something is said on the public airwaves, a strong argument can be made that it should be part of the public record. Many broadcasters already retain recordings of their broadcasts, but I believe that all broadcasters should do so. Michael Eisner, Chairman and CEO of the Walt Disney Company, has assured me that Disney for one is now going to retain recordings of its radio stations' programming for sixty days. That strikes me as good management and, more importantly, good citizenship. I want to ensure that the Commission investigates rigorously the complaints filed by citizens, and I hope that broadcasters will not impede those investigations by failing to retain recordings. Americans have a right to expect their government to enforce the indecency laws of the United States.

By taking responsibility for what they broadcast, particularly when children are likely to be watching, broadcast and cable companies make a huge positive contribution to our children and our society. Rather than going the usual Washington route of legislation, regulation and adjudication, with the years of suits, counter-suits and appeals that this inevitably generates, broadcasters and cable programmers could adopt a voluntary Code of Conduct. Such a code was in place until 1983, when it was struck down on narrow antitrust grounds. Through enlightened self-regulation, the industry clamped effective restrictions on the presentations of sexual material, violence, liquor, drug addiction, even on excessive advertising. The Code also affirmed broadcaster responsibilities toward children, community issues, and public affairs. It didn't always

work perfectly, but it was a serious effort premised on the idea that we can be well entertained at levels several cuts above the lowest common denominator that now dictates so much programming.

Conclusion

So I believe that we have lots of things in common, and much to work on. You have picked up by now that I have always believed in partnership activities between government and its constituents. It is in this spirit of working together that I come here today, asking your help -- and offering mine -- as we work to bring the power of communications technology to every American and to the larger world beyond. We will often agree, we may sometimes disagree, but working together for the larger purposes that inspire all great deeds, I believe our future is bright.

I'm honored that you invited me here today, and I look forward to working with you. Thank you.