

ACCESS BASICS

Q. What is access?

A: Access can be subdivided into public access, educational access and government access. The term "PEG access" is called "public, educational, and government use" under the Cable Act.

Public access consists of video programming and other electronic information produced, directed, and engineered by community volunteers. (For convenience, all types of information carried on PEG channels will be referred to as "programming," although PEG channels are used to carry video information, data, video text, and voice communications.) In the case of public access, the programming is developed or acquired by nonprofit community groups, neighborhood organizations, social service agencies, and individual citizens. It focuses on many aspects of community life, ranging from the services and activities of community organizations to the opinions and beliefs of individuals in the community.

Educational access is developed or acquired by school or college employees, students, and school volunteers. It typically focuses on distance learning, school activities, and information that the school/college wants to get out to the community or share among schools.

Government access is created or acquired by local government employees, elected officials, and volunteers. It typically focuses on information about services provided by local, State, and regional governments, issues faced by local governments, and public meeting coverage. Government access is also used for other purposes, such as providing training to City employees or exchanging information between City agencies and other institutions.

The content of the material carried on PEG access is determined by the individuals, groups, or organizations that produce it. There is also "institutional" use or institutional access. Institutional use typically involved the transmission of information among public buildings, hospitals, educational institutions, and other similar institutions. The residential subscriber may not receive the transmission. This institutional use can be thought of as a subcategory of PEG access

Access program content is controlled by the group, organization, institution, or individual that produces or provides a program. PEG access is typically noncommercial in that there are no commercial advertising spots and there are typically no so-called "infomercials" run on PEG access. Access channels sometimes do carry PBS-style credit for underwriters. Programming on educational channels may include credit classes for a fee that must be paid in order to obtain academic credit

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Q: Why do communities include access requirements in cable franchises?

A: Both the Cable Acts of 1984 and 1992 permit local governments to include and enforce requirements for PEG access equipment, facilities, services, and support in a franchise. The Acts explain the purposes of access well:

"Public access channels are often the video equivalent of the speaker's soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas."

These federal laws also permit local government to require institutional networks that can be used by local community institutions

Q: Is the goal to produce programming of a certain type?

A: No. The goal is to create a sort of "electronic park" where everyone can be a provider as well as a recipient of information, and where everyone can participate in public debate electronically. Cable companies often argue that access channels do not get ratings the way an ESPN gets ratings. That misses the point of the PEG channels. In some ways, PEG channels are meant to allow an electronic dialogue and exchange of information. There may be a limited number of people interested in any particular dialogue, but the availability of the channels means that there is an opportunity for voices to be heard. As a result, a very typical pattern for a well-supported access channel is that relatively few people will be watching at any particular time, but that over a period of time, a large number of people will tune in to the channel.

For example, access channels expand the ability of community residents to be more active participants in government and educational meetings by cablecasting City Council and school board meetings. One would not be surprised if the viewership level of any one particular meeting would be low when compared to many other television channels. But the fact that the program is carried means that, as particular issues become part of the agenda, viewers with an interest in that issue can view the public debate and participate in it. Over time, many subscribers will watch. Further, the availability of the channel means that those who could not participate "live" may be able to participate by watching a rebroadcast of a particular event. It also means that programmers can target programming to reach particular segments of the community that need help. For example, one of the problems confronted by social service agencies is outreach: a shelter for battered women may wish to produce an access program about their services, and finds this to be a more efficient way to reach the public than available alternatives. From a community's standpoint, the issue is not "will this attract the same number of viewers that watch HBO," but is instead "will this allow members of the community to work together more effectively."

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Q: Is access well established in many communities?

A: Access has been in operation for over 40 years in many communities across the country. Included are major cities and very small towns, like Austin, Texas; Chicago, Illinois; Malden, Massachusetts; Bloomington, Indiana; Gresham, Oregon; Sacramento, California; Portland, Oregon; Dayton, Ohio; Grand Rapids, Michigan; Anoka, Minnesota; and Burlington, Vermont. Access has existed since the early 1970's and much has been learned about how to operate and utilize PEG access channels.

Q: What is the preferred management structure for a PEG access operation?

A: The creation of a nonprofit corporation is broadly recognized as an advantageous approach to developing and facilitating public access as well as educational and government access in a community. These nonprofit access management corporations are created specifically to manage access channels, facilities, and equipment and to provide access services. They are tax-exempt and are identified as 501(c)(3) organizations under U.S. tax law and the Internal Revenue Service Code. Such corporations exist in hundreds of communities both large and small. Examples include:

- Davis, California (P)
- Oceanside, California (PEG)
- Palo Alto, California (P)
- Sacramento, California (P)
- Denver, Colorado (P)
- Chicago, Illinois (PE)
- Salina, Kansas (PEG)
- Belmont, Massachusetts (PEG)
- Boston, Massachusetts (P)
- Cambridge, Massachusetts (P)
- Malden, Massachusetts (PEG)
- Grand Rapids, Michigan (P)
- Anoka, Minnesota (PG)
- Minneapolis, Minnesota (PEG)
- Missoula, Montana (PEG)
- Larchmont/Mamaroneck, New York (PEG)
- Manhattan, New York (P)
- Bismarck, North Dakota (PG)
- Gresham, Oregon (PEG)
- Portland, Oregon (PEG)
- Knoxville, Tennessee (PEG)
- Austin, Texas (P)
- Burlington, Vermont (PEG)
- Olympia, Washington (PEG)

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Q: What are the advantages of the nonprofit corporation model?

A: There are many advantages to the nonprofit corporation model for access management, including:

- Demonstrated track record of achievement in many communities.
- Primary purpose of nonprofit is to assure the wide use of access resources.
- Operations and programming efforts are more responsive to the community's needs.
- Provides a community-based approach to decision making.
- Board of Directors of nonprofit is broad-based and representative of the community.
- More accountability to the community.
- Provides a degree of insulation between local government and cable company in area of program content and liability for program content. This insulation has proven to be extremely valuable to both the local government and cable company in many communities.
- Allows government to have accountability function regarding public access rather than control over content of public access programs.
- Because of the nonprofit status and the combined PEG approach there are more potential sources of funding for special activities and projects.

Many of the nonprofit access corporations listed on the previous page provide access services not only for public access but also for educational and government access. The advantages of this combined approach to PEG access management are fairly obvious. Some of them include (1) a more efficient use of available equipment, facilities, and operating dollars; (2) a desire to create a truly cooperative relationship between public, educational and government access; and (3) elimination of unnecessary layers of bureaucracy associated with multiple access management entities. This approach also assures the ability for each speaker whether a citizen, a community group, a school, or City government to maintain control of their program content and at the same time have all the benefits derived from collaborations with other groups and entities.

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Q: How would a nonprofit access corporation relate to the City and the cable company?

A: The nonprofit access corporation would operate access channels and facilities and provide services as specified in contracts with the City and the cable company.

Q: What types of services would the access organization provide?

- A:
1. *Operate Public, Educational, and Government Access Channel(s).*
Operate the access cable channels for PEG access programming with the primary purpose being to administer, coordinate, and assist those requesting access on a non-discriminatory basis.
 2. *Operate a Community Access Center.*
Provide a video production facility and equipment that shall be available for public use at such hours and times as are determined by the access corporation. Access to equipment and facilities shall be open to all those who receive training or who receive a certification from the access corporation identifying the user(s) as having satisfied training requirements.
 3. *Develop Operating Rules and Procedures.*
Develop rules and procedures for use and operation of the access equipment, facilities and channel(s) and file such rules and procedures with the City.
 4. *Training.*
Teach video production techniques to City residents and, when requested, City and school employees. Provide technical advice for the productions.
 5. *Playback/Cablecast.*
Provide for the playback/cablecasting of programs on the access channel(s).
 6. *Maintenance of Equipment.*
Provide regular maintenance and repair of all video equipment.
 7. *Promotion/Outreach.*
Actively promote the use and benefits of the access channel(s) and facilities to subscribers, the public, access users, community groups, local government, educational institutions and the cable operator.
 8. *Volunteer Management.*
Develop and manage a pool of volunteers who create community-based programs and assist others wishing assistance.

While a wide range of community volunteers typically produces access programming, staff must provide the services listed above in order to assure that an infrastructure is in place to support community producers.

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Q: How would the access organization be funded?

A: The funding for access falls into two broad categories, funding for equipment and facilities and funding for access services. Typically, the funding for equipment and facilities is provided by the cable company. Under the Cable Act local franchising authorities have the ability to require and enforce a requirement of funds for this purpose in the franchise agreement.

The second type of funding required is funds for the provision of the access services listed earlier. Frequently, the two primary funding sources of funding for access services are the cable company and the City (using of a portion of cable franchise fees received by City). Under the Cable Act a local franchising authority can enforce access services offerings. Due to idiosyncrasies in the Cable Act, the funds for access services that are provided by the cable company must be transferred through a separate agreement between the access corporation and the cable company. This approach preserves the separation between access services funds and franchise fees.