

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
A National Broadband Plan for Our Future) GN Docket Nos. 09-47, 09-51, 09-137
Comments – NBP Public Notice #20)

COMMENTS OF THE CENTER FOR DEMOCRACY & TECHNOLOGY

The Center for Democracy & Technology (“CDT”) respectfully submits these comments in response to the Commission’s NBP Public Notice #20, regarding the relationship between a national broadband plan for the United States and the creation of digital democracy. CDT is a nonprofit, public interest organization dedicated to preserving and promoting openness, innovation and freedom on the decentralized Internet.

I. Introduction

The Internet is a powerful tool for civic engagement in government. Broadband Internet service can further enable an informed public - an essential element of a democracy. One way that broadband can change how a citizen engages in a digital democracy is by making it easier to put government hearings and meetings online.

The notice asked for comments on the election process and on public hearings and meetings; in these comments we focus on government hearings and meetings.

II. Online meetings enable public and civic engagement on all levels

Making government meetings and other interactions available online greatly benefits the public and enables civic participation at all levels. When public meetings were made mandatory decades ago, in statutes such as the Federal Advisory Committee Act (Pub. L. 92-463) and the Government in the Sunshine Act (Pub. L. 94-409), it was with the intent of making government more accessible and accountable to the public. However, many of the mandates of those laws are outdated or incomplete in the age of easy

online webstreaming. While an open room with seats for spectators was once the model of sunshine in government, now video streaming is the example that we should be following in making meetings public.

Webstreaming content can be very bandwidth intensive, requiring that users have broadband access in order to view the video. Creating a true democratic experience therefore requires that all have access to broadband- including those in areas that are currently underserved, like rural or tribal areas. While there is not empirical data on the uptake of online, webstreamed government meetings, online town halls and other webstreamed meetings have been very well received during political campaigns and in regional and local contexts.

Public government meetings and hearings should be required to make video of their meetings available online, and to develop mechanisms whereby members of the public can participate in meetings online – asking questions, offering testimony or otherwise interacting with presiding officials online.

If properly executed, online interaction could be offer significant cost savings both to citizens and to agencies¹. Many citizens and advocates choose to watch a webstreamed proceeding in order to minimize travel time or if they need to attend to family or other responsibilities. Providing one more option for interested citizens will strengthen the democratic system and increase civic participation.

III. Technological models for citizen participation exist

Many of the technological innovations for citizen participation have come from the private sector, the public interest sector and state and local governments. The federal government has not been a leader in using technology to further citizen participation, (One exception is the FCC, which is setting an example for other agencies by webcasting the National Broadband Plan proceedings, allowing many to watch or

¹ Experiences with Video Streaming of Norwegian Local Government Meetings
Lasse Berntzen, <<http://www.ejeg.com/volume-4/vol4-iss2/Berntzen.pdf>>

participate in meetings regardless of physical or geographic limitations.) However, many local governmental entities are streaming video online, and there are many case studies available to show how public access and transparency can be improved by online streaming of and participation in government meetings².

The technology to make meetings available online, or to stream them live, already exists. New technologies like automatic closed captioning make these solutions even more usable by federal agencies, which must make their content accessible under the Americans with Disabilities Act.

Archiving the video is also important, to facilitate continued interactivity and communication between the government and the public as well as to provide a historical record. With digital storage cheaply available, it makes sense to provide these materials to the public.

IV. Barriers to adoption are surmountable

There are some barriers to adoption of streaming video. Many agencies do not consider it possible to pay the cost of renting equipment or renting appropriate venues for webcast meetings. Creating a centralized, shared area with good equipment that is used by and paid for by multiple agencies may be one cost effective way to conduct meetings.

Creating digital videos has become drastically easier and cheaper with the introduction of inexpensive consumer video cameras. These can easily be used to film and share meetings or presentations - many low budget conferences use them to film sessions for future online posting.

In addition, those agencies - like the FCC – that have successfully webcast meetings should share their experiences with other agencies.

² A list of webcasting examples in government (and other sectors) is maintained at http://dowire.org/wiki/Webcast_Examples.

V. Conclusion: Technological advances to digital democracy require broadband

Making video and meeting materials available online has been a longstanding goal for transparency advocates. However, few empirical studies

The FCC should conduct a study based on their own webstreamed meetings to determine the impact and participation of these technologies. In addition, the FCC should consider convening an advisory committee with state and local government members, service providers, and public interest advocates with expertise in webcasting government hearings and meetings.

The FCC should also recommend that the Open Government Act and other laws requiring public meetings be amended to encourage the webstreaming of meetings whenever possible.

It is now feasible to make all public meetings and hearings available online with annotations, allowing the public to view and participate in the proceedings – if there is sufficient broadband available to all. Using the online tools that the public has come to expect from other information sources is one way that the government can leverage deployment of broadband in order to increase citizen participation and enable a digital democracy. Making government meetings and hearings available online will drive demand for broadband in areas that don't have it and enable civic participation across the nation.

Respectfully submitted,

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