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Media's Positive Impact: A Conversation with FCC Commissioner Tate

BY ELIZABETH HAMMOND

Deborah Taylor Tate was nominated as FCC commissioner by President George W. Bush, unanimously confirmed by the U.S. Senate and sworn in on January 3, 2006. Her term expires June 30, 2007. An attorney and Rule 31 Mediator, Tate was serving a six-year term as a director of the Tennessee Regulatory Authority at the time of her FCC appointment. Among her many accomplishments, Tate is the founder and former president of Renewal House, a recovery residence for women addicted to crack cocaine and their children.

I recently had the opportunity to talk with Tate about her first months with the FCC and her goals as commissioner.

The FCC has just undertaken a comprehensive review of the media ownership rules. Do you think it is incumbent upon the Commission to adopt rules that will foster greater diversity of ownership, particularly by creating opportunities for women?

Helping to create opportunities for women and minorities has always been a priority for me in any position, so of course I would like to see media ownership become more diverse. I have talked personally with many of the outstanding women in the industry who helped create, implement and launch many popular channels. As I travel across the country, I meet women in leadership roles from local broadcast stations to media conglomerates. I look forward to hearing from women and others regarding the review of our rules. At the same time, I am a strong proponent of a philosophy of "regulatory humility" – using a hands-off approach to give an industry the flexibility to develop in a free market. Our goal with media ownership – and really any regulation – should be to create an environment that gives businesses freedom to develop and innovate while encouraging them to recognize and respond to the changing demographics of our country.



FCC Commissioner Deborah Taylor Tate

In adapting to your role as commissioner, what has presented the most significant challenge to you?

In addition to the vast amounts of sheer filings and reading materials, becoming familiar with the process of a federal agency has been the most significant challenge. It is a real change from a state regulatory commission, which is more a quasi-judicial body where we ruled on motions, held evidentiary hearings and were still in the business of "rate-making." Typically, we acted on matters in finite time periods and held open hearings twice monthly to dispose of filings by parties. In many ways, the notice and comment period at the FCC provides more and better information, even the opportunity to meet with and discuss issues directly with parties rather than through witnesses in court. The agenda is set by the chairman, though, and sometimes you may have a very short period in which to prepare for an item. In other cases, you may wish to address something more quickly. Therefore, while I, personally, might want to spend a great deal of time on family and children's programming, the next meeting agenda is our first priority and so often dominates our time and energy. This chairman has been very open to some of my suggestions, and I am still able to work on issues of importance to me, such as encouraging more

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HOT BUTTONS, FROM PAGE 3

positive, healthful and even inspiring programming on our airwaves.

You have stated that indecency is a major priority for you. What actions would you like to see the Commission take in this area?

The Commission must respond to indecency complaints quickly and consistently, as we are required to do by law. The more complaints we act on, the clearer our indecency policy becomes and the easier it is for broadcasters to comply. I believe it is also important to use our expertise in this area to promote the production and broadcast of quality family-friendly programming. In fact, I would suggest that rather than "indecency," the priority is actually more choices and more quality family-friendly programming. One of my goals is to move the discussion from the negative to the positive impact that media can have in our lives. That goal is likely to be reached not through increased regulation but through open dialogue, outreach and education. I see the FCC as a partner in encouraging and helping educate parents and consumers about their options to ensure that their children are not exposed to offensive programming. It takes an entire society to reach this goal. From writers, producers, TV and cable CEOs to parents, together we all have a responsibility to protect our nation's most valuable resource: the minds of our children.

What do you see as the Commission's biggest challenges for the next few years?

- Ensuring that our regulatory responsibilities keep up with the vast array of technological changes in the communications world.
- Championing the deployment of broadband to all Americans.
- Providing an environment that encourages innovation and investment.

- Assisting in the coordination and improvement at all levels and types of communications for any type of situation our citizens face – whether natural disaster, terrorist attack or a pandemic flu.

What aspect of being a commissioner provides you with the greatest satisfaction?

At the July Open Meeting, I voted on a medical device item that opens the door to the development of wireless cardiac defibrillators for heart patients, real-time blood sugar monitoring devices for diabetics, and brain, muscle and nerve stimulation techniques for treating an array of conditions. In fact, my first vote as an FCC commissioner was regarding a waiver for a diabetes monitor. Science fiction is quickly becoming science fact. When I read a letter from a mother of several children with juvenile diabetes, thanking me for allowing this new device that spares her having to "stick" her children throughout the day, it really made me thankful to be here at this exciting time of innovation. The hopes and dreams of broadband, wireless and many other new technologies affect us in so many ways far beyond the communications sector. From providing educational opportunities through funding schools and libraries to the access of necessary electronic medical records of patients in a crisis, I hope to be a champion for continued innovation. It is a privilege to be able to actually see these real-world applications: from telepsychiatry in Alaska's remote villages to telesurgery in the mountains of Appalachia, improving the access and quality of all types of services for real people in real places across this great nation has been an incredible opportunity. ♣

Elizabeth Hammond is a lawyer with Drinker, Biddle & Reath in Washington, D.C., and a member of the AWRT Board of Directors. The above article is for informational purposes. It is not intended to constitute legal advice and should not be relied upon as such.



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