

TESTIMONY OF GREG COLERIDGE ON SENATE BILL 117
Ohio Senate Energy and Public Utilities Committee
Tuesday, April 24, 2007

My name is Greg Coleridge. I'm the Director of the Economic Justice & Empowerment program of the Northeast Ohio American Friends Service Committee, a Quaker social action organization; author of *Citizens over Corporations: A Brief History of Democracy in Ohio*; and am also on the board of the Program on Corporations, Law & Democracy, a national group which instigates democratic conversations and actions that contest the authority of corporations to govern.

I approach Senate Bill 117 not from the standpoint of a consumer but from the standpoint of a citizen. A consumer is principally concerned about price and services – which are important. A citizen is principally concerned about self-governance, self-determination and democracy – which are more important.

As a citizen, the only relevant criteria in gauging this proposal – or any legislative proposal before any legislative body – is whether or not it increases my right to decide, that is, my ability to have a real voice in the formation, implementation and evaluation of public policies affecting my life, my community and our natural world.

Applying this criteria to this proposal, as a citizen, a few relevant questions are:

- Will shifting video franchise agreements from the community to the state level, where I have to travel a hundred miles, make it easier for me to have my voice heard?
- Will my power be increased to shape provisions in any state franchise agreement regarding community access, video services, intrusion of equipment on my property, local franchise fees, etc?
- If I'm interested in having a local educational or political event covered by public access, is this more likely under this proposal?
- Finally, if I'm interested in being not just a consumer, but also a producer of information, will be easier for me to produce a public access program that will actually be aired?

As a citizen, as I look at this proposal, the answer to all these questions is absolutely not.

As a citizen, questions about what for the telecommunication corporations may be more convenient, more practical or more profitable are completely irrelevant. Telecommunications corporations, like all business corporations, are creations of the state – and by extension, creations of us, *We the People*. Through corporate licenses, or charters, we have the power to set the terms for what they can and cannot do. Our forebears in Ohio provided no “rights” to corporations, only “privileges.” Rights were reserved for human beings, not for creations of the state. It was unthinkable by Ohio's founders for corporations to be involved in the public policy arena – in drafting legislation (such as this bill), in lobbying (which on this proposal has been intense) and in making political campaign contributions or investments (which I suspect has been taking place or will be by the telecoms to supportive legislators).

Telecommunications corporations should be more subordinate than other types of corporations to the power and authority of the public. After all, to do their business, telecommunication corporations must use the public right of way, what some call the public “commons” – the airwaves or public land to lay wires and cables. This gives us, the public, and those we elect to represent us tremendous leverage, but also tremendous responsibility to serve the common good.

Senate Bill 117 is a very predictable response by telecommunication corporations and their

legislative enablers to the public and most elected officials who take their democratic responsibilities seriously. Of course, these corporations detest having to negotiate with several hundred separate municipalities who have used their home rule powers. Obviously, they don't like having to abide by restrictive provisions that in some cases call for having to provide for public access to the airwaves, equipment, training, community access channels and other public services.

Their predictable response, like those of corporations over the last century and a half, is always the same – shift decision-making away from public arenas:

- To the courts,
- To regulatory agencies,
- Or from the local to the state level, from the state to the federal level, or from the federal to the international level.

And of course couch it all in terms of “changes that will benefit consumers.” After all, it's much more convenient, practical and profitable for corporations to influence a handful of judges, regulators and higher level legislators than hundreds of them – not to mention having to face citizens in their home communities.

Senate Bill 117 is not at root a consumer issue. It's a democracy issue. It's about who has the right to decide the terms and conditions for corporations who seek permission to use the public airwaves or public commons at a local level in exchange for their private advantage. Is it the right of local communities and local citizens? Or should it be the right of a state faceless regulatory agency, like the Ohio Department of Commerce, and the telecommunication lobbyists who will be nearby?

Amending, reforming, tweaking, watering down, or eliminating its most odious provisions will not change this bill's basic feature – to strip power and authority from people and local communities.

I believe the only responsible position for any citizen concerned about self-governance, self-determination and democracy is to oppose this bill in any form. I hope each and every State Senator on this committee will look at this bill through a citizens lens and come to the same conclusion.