

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Preserving the Open Internet)	GN Docket No. 09-191
Broadband Industry Practices)	WC Docket No. 07-52

**REPLY COMMENTS OF
THE NATIONAL HISPANIC MEDIA COALITION (“NHMC”)**

The National Hispanic Media Coalition (“NHMC”)¹ respectfully submits this reply to comments on the Federal Communications Commission’s (“FCC” or “Commission”) draft rules designed to promote and preserve an open Internet. NHMC remains steadfast in its belief that the proposed rules are necessary to ensure that all people – especially people of color, who have been traditionally under and misrepresented on mainstream media – enjoy opportunities to share their stories fairly and accurately and pursue online business and educational opportunities. NHMC rejects the contention that open Internet rules will somehow affect the availability and affordability of broadband for the poor and communities of color,² and has therefore signed onto the comments of the Media Justice Commenters to rebut that claim in detail.³ NHMC files this brief reply, however, to supplement its initial comment with specific stories about how members of the Latino community have benefitted from an open Internet.

¹ NHMC is a twenty-three year old non-profit organization that aims to (1) improve the image of American Latinos as portrayed by the media; (2) increase Latino employment in all facets of the media industry; and (3) advocate for media and telecommunication policies that benefit the Latino community.

² See Comments of the National Hispanic Media Coalition at 9-11, GN Dkt. No. 09-191, WC Dkt. No. 07-52 (Jan. 14, 2010) (illustrating that network neutrality regulations could only help those on the wrong side of the digital divide).

³ See generally, Reply Comments of Media Justice Commenters, GN Dkt. No. 09-191, WC Dkt. No. 07-52 (Apr. 26, 2010).

NHMC's initial comments demonstrated that the open Internet is a tool for small business owners to effectively reach customers with only a computer and an Internet connection, and a forum in which content creators can showcase their work without seeking permission from the customary content gatekeepers, such as movie studios, cable and television networks and music labels. Since then, NHMC has been communicating with these content producers and small business owners to learn more about how the open Internet has changed their lives. Contrary to the claims of some – that network neutrality is a regime that will only help white, elite, “bandwidth hogs” and video-gamers – the testimonials below exemplify that the regulations are crucial to the advancement of Latino content creators and business owners.

I. The Open Internet Has Empowered Independent Content Producers To Sell And Distribute Their Work

Along with advocating for media and telecommunications policies that benefit the Latino community, NHMC's mission also includes increasing Latino employment in the media, telecommunications and entertainment industries. In particular, NHMC has long valued the placement of diverse writers on television programs, as it is the writers who tell our stories to the masses and can ensure that the Latino community is represented fairly and accurately. Every year NHMC hosts ten up-and-coming writers in an intensive workshop that trains them on the finer points of script-writing, exposes them to network executives and helps them find jobs on network television series.⁴ All current and former program participants are invited to regular meetings at NHMC to report on their progress, network and get feedback from industry insiders. At the last meeting, NHMC staff learned from several past participants how the open Internet has been crucial to their success.

⁴ For more information on NHMC's Writers Program, please go to <http://www.nhmc.org/writersprogram>.

Manny Nieto, a 2009 Writers Program participant, explained how the open Internet has helped him, a young Latino with no industry ties, succeed in the entertainment industry:

My name is Manuel Jesse Nieto Jr. and I began my journey into television screenwriting over six years ago. Even as a young child, I always knew I wanted to work in entertainment. Living an hour and a half from Los Angeles, writing seemed to be the most logical way in. But not knowing a single person in Hollywood and without any ties to the industry, getting my foot in the door proved to be very challenging.

After three years of networking, writing and rewriting, I finally completed the script to a 30-minute comedy pilot called “My Crazy Life.” Along with my co-creator and friend, Robert Enriquez, I eagerly began e-mailing queries to production companies all over Hollywood (a “query” is a brief, enticing description of a project that we send out in hopes that the producer receiving it will request a copy of the script).

Unfortunately, our excitement quickly faded as we discovered the sitcom was “dead” in Hollywood. This was greatly due to the high demand of less-expensive reality shows. We received very few responses to “My Crazy Life” and unfortunately had to shelve it.

Within this last six months, comedies have been back in demand, largely due to the success of ABC’s “Modern Family.” Robert and I jumped on the bandwagon and revitalized “My Crazy Life.” We knew that this time around we had to do something unique to sell the show since we had already experienced how difficult it was to get someone interested enough to read a script.

Robert and I filmed two scenes from the pilot and posted them on YouTube. This was a convenient, instant way to share the “vision” of the project. Both scenes were shot in two days. My family members were cast as the extras (thankfully they worked for coffee and Mexican bread). Everyone in my hometown of Corona was excited for us. We even got the local American Legion donated to us for free!

As soon as the editing was complete, we immediately submitted the clips to YouTube. We created a list of production companies and began pitching the show. We sent e-mails with the YouTube links attached along with a brief synopsis of the show.

Before placing the footage on YouTube, we were lucky if 1 out of 15 companies requested the script. But now, with the clips easily accessible on the internet, 10 out of 20 companies expressed immediate interest in “My Crazy Life!”

I can honestly say that YouTube has made it much easier to pitch my pilot. The Internet has literally changed the way Hollywood accepts ideas for new projects. It’s also vital in discovering fresh talent. How grateful I am to be living in a day and age where broadband can assist in making my lifelong dream come true!⁵

Silvia Olivas, another 2009 Writers Program participant, corroborated Manny’s reflections on the importance of an open Internet to independent creators:

I had been writing professionally for over ten years before I decided to take some time off to get married and have a baby. Now, three years later, I’m ready to get back into the primetime world, but the entire media landscape has changed. It’s no longer enough for me to just write a good spec script and give it to my agent. Nowadays writers have their own web-sites and Facebook pages. They’re creating webisodes and shooting scenes from their pilots and putting them up on You Tube. They’re even attending seminars about how to create shows for cell phones.

Bottom line: The only way for a writer to compete and be noticed in this day and age... they MUST take advantage of the Internet.

Manny and Silvia’s testimonials demonstrate the ever-growing importance of open Internet for independent writers. With the open Internet, Manny and Silvia can use web applications like Facebook and YouTube to shop their scripts around to production companies. With the open Internet, Silvia can market her scripts online from home, allowing her to take care of her child while rebuilding her career. With the open Internet, Manny transformed from a kid

⁵ "My Crazy Life" is a 30 minute, single-camera comedy about a teenage girl who initially disagrees with her traditional Latino parents but ultimately learns from them. The three-minute teaser can be viewed at <http://www.youtube.com/watch?v=YcMqzGsop10>, and the additional four-minute scene is available at <http://www.youtube.com/watch?v=mWGhbt5unu4>.

with a dream to a budding writer. However, if Internet service providers (ISPs) are allowed to prevent users from sending or receiving lawful content or running lawful applications or services, Silvia and Manny's ability to compete in the industry would be significantly diminished. Their efforts would also be stifled if ISPs are permitted to discriminate against, or in favor of, any content, application or service, as Manny and Silvia use their web-sites to attract attention to their work.

II. The Open Internet Has Allowed Latino Small-Business Owners To Flourish

Aside from opening doors for Latinos in media, the open Internet has also aided in the development of many Latino small business owners. One such example is Eduardo "Omar" Lomeli, NHMC's IT Consultant and owner of Local Business Marketing Strategies:

I was 10 years old when my parents moved my family from Mexico and I started my life here in the United States. Little did I know that I would have to struggle more than the average person to get ahead. Unable to obtain legal residency status, and with my parents working multiple jobs just to maintain the finances, I wasn't able to attend a four-year university because it was too expensive. As a "foreign student" universities would triple the tuition which made it even more impossible for me to attend. Due to my legal status I was unable to receive financial aid or any type of government assistance, therefore I had to take matters into my own hands and get creative.

Having taken a couple of computer classes in high school, I had enough Internet knowledge to be able to find information and knowledge about a career in Information Technology (IT). I started looking into computer repair, networking, graphic design, web-site design, programming, as well as other computer and technology related topics. Not only was I able to learn about a career in IT online through web-sites such as lynda.com, but I also learned about business management, current events, law, finance, history, and almost anything a student learns in college.

Having all that information online allowed me to be competitive in the IT workforce. I started teaching computer repair and web-site design at a small vocational school in Los Angeles. At the same

time I was freelancing as a repair and network specialist as well as creating web-sites. After seven years of teaching I decided to start my own company and focus on providing IT services to my community at a lower cost than my more popular competitors.

Broadband has made it so easy for me to communicate with people around the world that my business has now gone international with clients in Spain, Germany, United Kingdom, and Mexico. VOIP services such as Skype, Google Talk and magicJack allow me to see and meet with my clients without taking an expensive trip to Europe. With remote support services such as GoToAssist I am able to help my clients with their computer problems as if I was sitting right next to them. Without the power of broadband Internet, none of this would be possible. I would not be able to assist my long-distance clients if my ISP blocked or degraded access to these bandwidth-intensive applications and services, or if I was charged extra to use them. Network neutrality is essential to the success of my business.

In a nutshell, if not for the open Internet, I would not be the successful business owner that I am today. Not only did it allow me to pursue a career in technology, but it has now become a necessity in my business and in my everyday life.⁶

Omar, who is now a U.S. citizen, has used the open Internet to achieve the American dream, and his story affirms the FCC's hunch that open Internet connections may be particularly important for people of color.⁷

III. Codification Of The Principles Could Only Help Those On The Wrong Side Of The Digital Divide

Without doubt, Manny, Silvia and Omar are the lucky ones. Many Latinos and other people of color still lack access to affordable broadband. Some organizations have requested that the Commission move cautiously in this proceeding to ensure that the proposed principles do

⁶ Omar's Local Business Marketing Solutions is on the web at <http://www.mylbms.com/>.

⁷ *Preserving the Open Internet*, GN Dkt. No. 09-191; *Broadband Industry Practices*, WC Dkt. No. 07-52, Notice of Proposed Rulemaking at ¶82 (rel. Oct. 22, 2009).

not unintentionally stifle broadband deployment in the neediest of communities.⁸ As an organization focused primarily on expanding media access for Latinos and other people of color, NHMC wholeheartedly agrees that universal broadband is of the utmost importance. We have already rebutted the arguments that network neutrality regulations would stifle broadband deployment to the poor and people of color in our initial comments in this proceeding⁹ and in joint reply comments filed today with Media Justice Commenters.¹⁰ Since then, we have published a blog posting¹¹ and an op-ed¹² to further rebut that argument.

CONCLUSION

For the foregoing reasons, NHMC urges the Commission to affirm its tentative conclusion to codify the six proposed open Internet principles and apply the principles across all broadband platforms.

Respectfully Submitted,
/s/
Jessica J. Gonzalez, Esq.
Policy Counsel
National Hispanic Media Coalition
55 South Grand Avenue
Pasadena, CA 91105
(310) 809-2577

April 26, 2010

⁸ See, e.g., John Eggerton, *BBOC Has Questions About Impact of Network Neutrality*, BROADCASTING & CABLE, Oct. 13, 2009, available at http://www.broadcastingcable.com/article/357936-BBOC_Has_Questions_About_Impact_of_Net_Neutrality.php?rssid=20065.

⁹ See, Comments of the National Hispanic Media Coalition at 9-11, GN Dkt. No. 09-191, WC Dkt. No. 07-52 (Jan. 14, 2010).

¹⁰ Media Justice Commenters Reply Comment, GN Dkt. No. 09-191, WC Dkt. No. 07-52 (Apr. 26, 2010).

¹¹ Posting of Jessica J. Gonzalez and Parul P. Desai to Latinovations' La Plaza Blog, <http://blog.latinovations.com/2010/01/22/new-guest-blogger-series-punto-contrapuntobroadband/> (Jan. 22, 2010).

¹² Alex Nogales, Editorial, *Net Neutrality Is A Must*, HISPANIC LINK, Feb. 10, 2010, available at <http://www.pontealdia.com/columnists/net-neutrality-is-a-must.html>.