

STATEMENT OF CONGRESSMAN RICK BOUCHER

Subcommittee on Communications, Technology and the Internet Hearing HR 1084 Commercial Advertisement Loudness Mitigation Act (CALM), HR 1147 Local Community Radio Act of 2009 and HR 1133 the Family Telephone Connection Protection Act of 2009

June 11, 2009

Good morning.

Before addressing the matters pending before the Subcommittee today, I would note that after years of planning, the digital TV transition will take place tomorrow.

I want to take a moment to thank the members and staff of the FCC, the personnel at NTIA, and stakeholders ranging from broadcasters and cable to satellite companies, retailers and manufacturers of converter boxes for all of their effective work that will help ensure a smooth transition.

While some TV viewers remain unprepared, Nielsen reported this week that 97.5% of the nation is now fully ready for tomorrow's termination of analogue broadcasts.

The FCC's call centers are staffed and ready to provide assistance to viewers who experience difficulties.

I have every confidence that the transition will be uneventful for the vast majority of Americans.

Today the Subcommittee considers three standalone measures. H.R. 1084, the Commercial Advertisement Loudness Mitigation (CALM) Act was introduced by our colleague Ms. Eshoo to address a leading consumer complaint—the volume of advertisements on television. All of us have had the experience of enjoying a favorite program only to find ourselves scrambling to locate the remote control when at the commercial break the volume of the television seemingly doubles.

I have cosponsored the CALM Act. I suspect that if enacted, this measure will become as popular as the legislation that created the do-not-call list. I look forward to learning why the phenomenon of loud commercials exists and steps that can be taken to address it.

H.R. 1133, the Family Telephone Connection Protection Act, introduced by Chairman Rush, would address the serious matter of the rates paid by prison inmates for collect calling services. Inmates are literally a captive audience. They typically have no option for using the telephone to contact family and legal counsel other than making collect calls from prison payphones. The rates charged for such services are enormous and include not only a high per-minute rate for service, but also per-call connection fees of as much as \$4. The burden of such

charges often falls on those least able to afford it – the inmates, who have virtually no income, and their families, who frequently face financial hardships of their own.

Phone service for inmates is a necessity, not a luxury. It is often their only link to family and attorneys. I therefore urge the witnesses to address what may be done to ensure that prison inmates have access to this necessity at rates that are reasonably affordable.

H.R. 1147, the Local Community Radio Act, introduced by Representatives Doyle and Terry, would provide additional opportunities for low-power FM (LPFM) radio stations by allowing their operation on third adjacent channels to full-power radio stations. LPFM stations, which are community-based nonprofits that operate at 100 watts or less and have a broadcast reach of only a few miles, play a unique role in our media.

They are far more likely than their full-power counterparts to be owned by women or minorities. They are an important forum for local clergy, politicians, civil rights, and community leaders to weigh in on local issues. They are also commonly found at educational institutions. While expanding opportunities for new low power FM stations is desirable, we must be certain expanded LPFM service is implemented in a way that does not jeopardize existing broadcast services, including noncommercial full power FM stations. This morning we are interested in how LPFM stations will protect existing services, including FM radio, emerging HD radio, and radio reading services.