

H.R. 5353, the Internet Freedom Preservation Act of
2008

Statement of Steven Peterman

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On behalf of the Writers Guild of America, West

*Before the
Subcommittee on Telecommunications
and the Internet
Of the
Committee on Energy and Commerce*

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Thank you Chairman Markey, Ranking Member Stearns, Vice Chair Doyle, and other distinguished members of the Telecommunications and the Internet Subcommittee.

My name is Steven Peterman, and I'm an executive producer and one of the writers of the Emmy-nominated series *Hannah Montana*. I'm also a member of the Writers Guild of America, West. I'm here today to explain why ensuring an open online marketplace and forum is critical and why the Writers Guild of America supports HR 5353, the Internet Freedom and Preservation Act.

When I began my writing career twenty years ago you could watch *Roseanne*, *Cosby*, *Cheers*, *The Wonder Years*, and the series on which I was lucky enough to be one of the original writers: *Murphy Brown*. These shows were all considered smart, funny, sometimes touching and even thought provoking. And they were all made by independent production companies.

Unfortunately, over the years since, those companies have disappeared. The unraveling of the financial interest and syndication rules, a process that began in 1992, has allowed for the greatest consolidation of media we have ever seen. Instead of a rich marketplace of ideas, today we have seven conglomerates controlling nearly all of the information and content we see. Because this small group now acts as producer, studio and network, there has been an inevitable stifling of creativity, and diversity, and because they maintain a chokehold over distribution there has been nowhere else for the creative community to go. They've been the only game in town. Until the Internet.

It is now abundantly clear that the Internet is the new television. Today you can watch episodes of almost any series you want, any time you want, on your computer or phone. Tomorrow, you'll be downloading first run movies. And we in the Writers Guild are determined not to repeat the "Old Media" experience.

During our recent 100-day strike, many writers became interested in creating original content for the web. Some have already signed deals with new media

providers, while other aren't even waiting for a deal, they're posting original content for free, for the sheer joy of being able to work without notes from thirty executives with no sense of humor. Because, unlike the current studio system, the Internet makes it possible for content creators to retain both ownership and control of the quality of what they create. The Internet also provides the audience – the American public – with a virtually unlimited menu of news, information, and entertainment content from which to choose.

But all of these bold new possibilities rely on “net neutrality.” In order for writers to reintroduce diversity back into media and entertainment, we must have a level playing field on an Internet without gate keepers; a system that is not at the mercy of those who control distribution, and who seek to leverage that control to create a fee system or, worse, as we currently experience, to own and control content.

I commend the FCC and Chairman Kevin Martin for their diligent work to hold ISPs accountable to the policy principles adopted by the Commission in 2005. ISPs should not have the unilateral authority to disable program applications or to block or discriminate against access to legal web sites, especially without appropriate transparency to consumers, content providers, and the general public. I also strongly support codifying these principles into the law of the land, as HR 5353 would do. Only with a federal law will we have the legal standing to

demand that the internet remain the open and vibrant marketplace and forum of ideas it is today.

But when we talk about an open marketplace we don't mean a thieves marketplace. The Guild recognizes that piracy is a major concern. I've experienced this first hand – just look for *Hannah Montana* on You Tube; you'll find more than 110,000 results, many of which were stolen, and none of which provide any income to me, the other writers of the show, or the studio. The two bills on internet preservation that have been introduced during this session of Congress – Senate Bill 215, introduced by Senators Dorgan and Snowe, and HR 5353 introduced by Chairman Markey and Congressman Pickering, specifically reference the right of consumers to access *lawful* content. Piracy is and will remain illegal. I support the work of the Motion Picture Association of America, the networks, the Copyright Alliance and everyone else working to ensure creators and copyrights are protected.

But the solution is not establishing new rules that may prevent writers and other content creators from competing at all.

The internet, from its inception, has been about innovation, and I am confident innovative technology and innovative strategies will help us confront the problems of piracy.

I've been incredibly blessed in my career. I grew up in a working class family in Milwaukee. My parents ran a 'mom and pop' restaurant. They took out loans to send me to Harvard hoping I'd become a lawyer and I terrified them by becoming an actor and then a writer. But my dad lived long enough to see me win an Emmy and now I'm on a show that has made my sixteen year old son tell me, "Dad, you've made me a legend." I want other writers to have the opportunities I had. But even more importantly, I want my son and his children to have free and open access to the greatest repository of information in the history of the world.

In conclusion, we have seen this movie before. We content creators live everyday with the effects of the repeal of the financial and syndication rules and the resulting consolidation of the nation's media outlets. Unless content creators and consumers have the freedom to create and access lawful content and services without discrimination by the internet service providers who, like the television networks in Old Media, have a chokehold over distribution, we will be doomed to repeat our own history. We need rules that protect both creators and consumers, and ensure that the Internet is a level playing field for all; that consumers have the freedom to choose the content and services they want; and that the internet remains the diverse, independent, vibrant and competitive marketplace and forum of voices and visions that it is today.

Thank You.