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# Yolanda Barco's Impact on the Cable Television Industry

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YOLANDA BARCO'S IMPACT ON THE CABLE TELEVISION INDUSTRY

by

Piper Peteet-Kilgore

A THESIS

Presented to the Faculty of  
The Graduate College at the University of Nebraska  
In Partial Fulfillment of Requirements  
For the Degree of Master of Arts

Major: Journalism and Mass Communications

Under the Supervision of Professor Larry Walklin

Lincoln, Nebraska

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# YOLANDA BARCO'S IMPACT ON THE CABLE TELEVISION INDUSTRY

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University of Nebraska, 2013

Advisor: Larry Walklin

The purpose of this thesis was to take a detailed look into the life of cable television pioneer Yolanda Barco and demonstrate that her achievements in cable telecommunications have directly impacted the success of the cable telecommunications industry.

The daughter of cable television pioneer George Barco, Yolanda Barco worked alongside her father advocating for the rights of cable television during the early years of the industry. Following a biographical story framework, this research follows a timeline of her career discussing her family life, education, how she became involved in the cable television industry, achievements in cable television and the lasting effects her work has had on the industry. Information for this study was gathered through interviews with cable television industry leaders who worked with the pioneer, newspaper and newsletter articles, television broadcasts as well as the review of personal statements and interviews of Yolanda Barco that occurred before her death.

At a time when the efforts of women within the cable television industry were not readily recognized, Yolanda Barco became the first woman general manager of a cable television system, the first woman to be elected to the National Cable Television Association board of directors and the first woman to be elected president of a state cable

industry association. Her achievements demonstrate that as an individual and a woman, Yolanda Barco did make a significant impact on the cable television industry.

## AUTHOR ACKNOWLEDGEMENT

The majority of information for this thesis was acquired through The Barco Library at The Cable Center in Denver, CO. The Barco Library, named after both cable television pioneers George and Yolanda Barco, houses a wealth of knowledge regarding the cable television industry. The Barcos believed wholeheartedly in the importance of education, and I find it extremely fitting that the library named after them provided me with the information necessary to write this thesis.

I would also like to thank specific individuals at The Cable Center who assisted me with retrieving the valuable information needed for this project. Laura Bachman, who was my initial point of contact at the Center and Brian Kenny, who picked up where Laura left off. Between the two of them - who presented me with numerous amounts of information from the Barco archives over a several month period - I was able to have a host of personal statements, law briefs, newspaper articles, photographs, video interviews and much more available to me.

Thank you also goes to both Brian Lockman and Brad Hammer for taking the time to speak with me. Your willingness to share your personal accounts of Yolanda Barco's career and personality were extremely valuable in helping me acquire a more complete picture of this truly remarkable woman.

I also have to thank Dr. Larry Walklin, who has been on this 10-year graduate journey with me. I had multiple starts and stops and you were always ready to help me pick up where I left off. Thank you also to Dr. Laurie Lee, for teaching such an engaging Cable Telecommunications course that made such a lasting impression with me - and for suggesting what turned out to be a great thesis topic. Thank you also to Dr. Linda Shipley, for continuing to harbor my love of research with your Methods of Mass Communication Research course. I really believe I had the best advisor and committee.

And finally, to those I love dearly who helped me on this journey – my family and close friends. They say it takes a village to raise a child, and I can truthfully say that my ‘village’ still surrounds me as an adult. The non-stop encouragement from my mother, Barbara Leatherwood Peteet, who constantly reminded me to finish this journey, my husband Adam Kilgore, who supplied me with encouraging hugs when I needed them, as well as my aunts, cousins and close friends who provided non-stop encouragement, thesis tips and even babysitting. And a most heartfelt thank you, to my father, Albert Peteet who came to Denver, CO when it seemed I might not get everything done and took over watching my daughters full-time – for an entire two months. I could not have done this without you Daddy! I love and appreciate each and every one of you more than you know.

## CONTENTS

### Author Acknowledgements

Introduction	1	
Chapter 1 – George Barco’s Influence	5	
Chapter 2 – Establishing the Building Blocks	18	
Chapter 3 – A History of Cable Television	23	
The Need for Cable Television	23	
Pole Attachment	25	
Excise Tax	28	
Copyright	32	
The Need for NCTA and PCTA	35	
Chapter 4 – A Career in Law	38	
Chapter 5 - Yolanda Barco’s Introduction to Cable	50	
Chapter 6 – Cable Television Endeavors	55	
Chapter 7 – Women and Cable Television	71	
The Beginning of Women in the Cable Television Industry	72	
The ‘Glass Ceiling’	76	
New Industry, Unique Opportunities For Women	79	
Chapter 8 – A Lifetime of Dedication	83	
Last Cable Projects	83	
Views on Cable and the Direction of the Industry	90	
Achievements and Interests Outside of Cable	96	
Cable Loses a Pioneer	96	

Chapter 9 -Conclusions	100
Comprehensive List of Yolanda Barco's Achievements	111
Appendix A	114
Appendix B	122
Works Cited	136



## INTRODUCTION

Cable telecommunications has become a staple in U.S. homes. According to the Federal Communications Commission, “in December 2011, there were more than 5,300 systems serving approximately 60 million subscribers in more than 34,000 communities” across the United States, (“Evolution of Cable Television”).

Without a thought, someone flips through the hundreds of cable channels available to him or her, searching for a program, television show or movie that fits their taste at that precise moment. However it was not too long ago, that the ability to search hundreds of cable television channels without a second thought was just that – a thought. The availability and ease to which cable television exists today is the result of years of hard work and dedication to what was at first a ‘budding industry’ – and one that faced numerous roadblocks.

Consumers have many individuals, or ‘cable television pioneers’<sup>1</sup>, as they are referred to within the cable telecommunications industry, to thank for the availability of cable telecommunications in households across America. One of those individuals is George Barco, who is recognized by leaders in the cable telecommunications industry for helping to advance the cable industry to where it is currently. In addition to George Barco, there are also the achievements made by his daughter – Yolanda Barco.

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<sup>1</sup> ‘Cable TV Pioneer’ is the distinction that has been awarded to just 500 individuals who have helped influence the cable television industry. According to The Cable Center website, the Cable TV Pioneers began in 1966 by magazine publisher Stanley Searle who wanted to create an independent group separate from the National Cable Television Association to recognize the efforts of individuals who assisted in getting the cable television industry started (“Cable TV Pioneers”).

Presently, there are no books, or full-length articles that focus solely on the life of Yolanda Barco. While information can be found regarding her achievements, they are snippets at best. Some appear in larger works while others can be found in older cable television publications.

In many respects, Yolanda Barco was the right-hand counterpart in the majority of her father's cable television endeavors. At a time when the efforts of women within the cable television industry were not readily recognized, Yolanda Barco's numerous achievements are even more noteworthy. She was a practicing attorney in the 1950's, a cable television operator, a founder of the Pennsylvania Cable Network (PCN) and she assisted her father with 'representing the cable industry through some of its earliest and most significant court battles' (Tarlton and Dimmerling 4). These included helping to end the eight percent excise tax on cable television subscribers imposed by the Internal Revenue Service and pole attachment regulations. In a brief description of Yolanda Barco, which appears on The Cable Center website, some of her accomplishments are listed:

Ms. Barco was the first woman general manager of a cable system, the first woman to be elected to the NCTA<sup>2</sup> board of directors and the first woman to be elected president of a state cable industry association, where she served three terms, the only person to ever do so. She also was the first woman to receive the Vanguard Award for Leadership ("Yolanda G. Barco").

A native of Pennsylvania, Yolanda Barco began her active leadership role in the state's cable television arena in 1953. She was one of the founders of the Pennsylvania

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<sup>2</sup> The National Cable and Telecommunications Association (NCTA) is a national cable television association.

Cable and Telecommunications Association (PCTA), today known as the Broadband Cable Association of Pennsylvania (BCAP) as well as the Pennsylvania Cable Network (PCN). Additional highlights of her expansive cable television career include:

- Elected member of the Cable TV Pioneers<sup>3</sup> in 1967
- A founder of the Pennsylvania Cable Network in 1979; served on its Board of directors from 1979 as chief executive officer from 1982, and as president from 1989
- Member of the Board of Directors and Executive Committee of the National Cable Television Center and Museum<sup>4</sup> from 1995 (*Eight Who Dared*).

Through interviews of those who knew her personally and professionally, personal accounts from speeches that she presented, archived television newscasts, news articles and publications, the major theme of this work will demonstrate how invaluable her work was to the cable television industry. Yolanda Barco dedicated her entire life to promoting, improving and fighting for cable television and she is remembered by those who knew her as being determined, strong-willed, sweet and having a sense of humor. This work will provide better insight into who this remarkable woman was; taking a detailed look at her life leading up to her involvement in cable television, achievements in the cable television industry, her viewpoints regarding various cable television issues,

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<sup>3</sup> A Cable TV Pioneer is an individual who has been recognized for having a minimum of 20 years of direct involvement in the cable industry and during those years have made a meaningful contribution in building the cable television industry, (“The Cable Center”). Additionally, George Barco, Yolanda Barco’s father, is one of the original 21 members who started the Cable TV Pioneers.

<sup>4</sup> The National Cable Television Center and Museum, now known as The Cable Center, is discussed in detail in Chapter 6.

women in the cable television industry and the effects her dedication has had on the industry as a whole. Most importantly, readers will discover that as an individual and a woman, Yolanda Barco made a significant impact on the cable television industry.

## CHAPTER 1 – GEORGE BARCO’S INFLUENCE

“George was an imposing figure. Very tall, very dynamic, very strong-willed. Yolanda was in many ways, opposite of George. George looked very stern - a very commanding presence. Yolanda accomplished what she accomplished through sweetness and niceness. They were very different,” (Lenfest<sup>5</sup>).

Yolanda Barco entered the cable television industry in 1953 – and made history by becoming the first general manager of a cable system. She also was the first woman elected to the National Cable Television Association (NCTA) board of directors. She made history once again when she became president of the PCTA – making her the first woman to be elected president of a state cable television industry association.

Working alongside her father as a team, they helped to tackle some of the major legal issues that surrounded the cable television industry in the early years both at a local and national level. Much credit is given to Yolanda Barco and her father for helping the cable television industry reach goals that may have taken longer to achieve without their legal backgrounds. John P. Cole, senior founding partner of Cole, Raywid and Braverman – a prominent communications law firm – stated the following,

Pole line legislation, so called pole attachment rights, became a part of the regulatory landscape and it guaranteed access to those poles under reasonable charges and conditions. But for the effort of the Barcos there,

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<sup>5</sup> H.F. “Gerry” Lenfest is the founder of the former cable television system Lenfest Communications Inc.

that war, which ultimately may have been won, would have taken a lot longer. Without that legislation, the cable industry would not have been able to achieve what it has achieved today – literally the wiring of a nation, (Cole).

Her achievements can be linked to the direct influence of her father – whom her career shares numerous parallels to. She attended the same college as her father, went into the same profession of law and attended the same law school. For these important reasons, to understand Yolanda Barco’s personality, drive and dedication to the cable television industry, one needs to have an understanding of her father, cable television pioneer George Barco.

George Barco was born on April 11, 1907 to Italian immigrant parents. He graduated from Meadville High School in 1926 and later graduated from Allegheny College with a Bachelor of Science degree, with distinction, in 1930 (“Background Information for the George J. Barco Student Aid Fund”). George Barco married Emmaline DeLorenzo and together they raised two daughters: Yolanda who was born on March 13, 1926 and Helene who was born in 1928. The family resided in the small town of Meadville, located near the northwestern border of Pennsylvania, in the center of Crawford County. Meadville is also known as Tool City, U.S.A. because of the large number of tooling and machine shops in the area (“Thirty Years of Cablecasting”).

As a recent college graduate, George Barco decided to get his law degree and enrolled at the University of Pittsburgh, specializing in commercial and general trial practice (“Background Information for the George J. Barco Student Aid Fund”).

According to the *George Barco Cable Hall of Fame Video*, after graduating from law

school, George Barco served for 16 years as the Assistant District Attorney and Deputy Attorney General in Pennsylvania before eventually opening a private practice.

So how exactly did a practicing lawyer get involved with the cable television industry? In the *George Barco Cable Hall of Fame Video*, Yolanda Barco spoke about her father's interest in television stating, "Well, my father was a man of many, many talents and many sides. First of all, he thought the television was a wonderful thing – not only because he liked it, but because he felt it was going to be good for the country in many ways." But in their hometown of Meadville, about 40 miles south of Erie, PA and about 80 miles north of Pittsburgh, reception of television signals was weak at best due to the distance to the nearest town with a television frequency.

This interest in television, and an innocent family trip to New York City in 1951, would forever alter George Barco's career path. According to Yolanda Barco, before she was out of law school, it was not unusual for she, her father and sister Helene to spend some time in New York City. Her father would attend the Practicing Law Institute (a continuing education service for lawyers) she would attend a class she was interested in and her younger sister Helene would sometimes shop. George Barco would always save two hours at the end of each day during the trip to watch television in his room. One particular day, the television was not located in the room and on the second day, it simply was not working.

He was very irritated because he wanted to see it and he had paid to see it.

I was mildly interested and one day when I came back from my class and went to his room, he was in the room with four or five people and he had absolutely made a nuisance of himself and insisted on seeing whoever it

was who was responsible for the television in the hotel. The RCA people came to explain the master antenna system. He said, “If you can do this for a hotel, can you do it for a town?” They said, “We’re working on that.” That’s how it started (Barco, Yolanda G. Barco Oral History – Phone Interview 17).

George Barco went back to Meadville, and with the technical help from cable television pioneer, and later Pennsylvania governor Milton Shapp, of Jerrold Electronics, began purchasing the equipment necessary to bring a cable television system to his hometown through a master antenna. In 1953, Meadville Master Antenna, Inc. (MMA)<sup>6</sup> was launched – delivering three channels (yes, just three) to his customers in Meadville (Appendix A, fig. 1 and fig. 2). From the beginning, due to his love of television, George viewed his role as a cable television operator from the mindset of the subscriber – and was always looking for ways to improve service to his customers.

People did take shortcuts, but we didn’t take any shortcuts, and he had paid a lot. He always identified with the subscribers. If someone called our home – in those days of cable you’d have breakdowns – someone would say, “George, my television is off.” Dad would say, “Well, I am having the same problem you’re having, and I’m very upset about this. ...I’m going to do whatever is required.” He always had that referent. He was never an entrepreneur - he was a viewer. He always wanted more signals (Barco, Yolanda G. Barco Oral History – Phone Interview 17).

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<sup>6</sup> MMA was named after the technology used at the time, a ‘master antenna’ to transmit signals to cable amplifiers fed to each customer’s home. The term ‘master antenna’ would later be changed to Cable Antenna Television (CATV) to reference cable television. The technology is discussed further in upcoming chapters.



This drive for ‘more signals’ led to him pioneering aluminum sheath technology – which kept the interference out from the other outside cables – resulting in cleaner, clearer television (*George Barco Cable Hall of Fame Video*). This made MMA the first cable television system in the United States to utilize this technology and offer an amazing 12 channels – a feat that was completely unheard of at the time (“The Past Presidents of the PCTA Honor George J. Barco”).

And Meadville was in the foreground of the technical development – not because dad was technically minded, but because he wanted to push for more service. So he did that in his company and other companies followed, (*George Barco Cable Hall of Fame Video*).

Once more and more cable television operators like the Barcos began operating nationwide, other entities such as broadcast television, and even utility pole owners, began to feel that their livelihood was being threatened. These groups began to create barriers that would try to limit the cable television industry from growing. With cable television operators feeling restricted, George Barco and others with interest in Cable Antenna Television (CATV) - such as Yolanda Barco, Joe and Irene Gans, George Gardner, Claude Reinhard, John Rigas and Bob Tarlton - decided there was a need for both a national and state level organization to aid operators in their fight and thus worked together to help create the National Community Television Association (NCTA) now known as the National Cable and Telecommunications Association and the Pennsylvania Cable Television Association (PCTA) now known as the Broadcast Cable Association of Pennsylvania (BCAP) (“History of Cable Television”).

George Barco served as National Chairman and Vice Chairman of the NCTA and served as a member of the board of directors longer than any other person (“The Past Presidents of the PCTA Honor George J. Barco”). He also served as chairman of the original NCTA Standards and Practices Committee, NCTA Utility Relations Committee and the NCTA Copyrights Committee. In recognition of his commitment to cable television and the NCTA, he was even awarded the Larry Boggs Memorial Award in 1967, given for outstanding service in the Community Antenna Television industry. Yolanda Barco would also become directly involved in the NCTA and PCTA; holding leadership roles in both associations.

While many cable television operators were expanding their cable television systems in the 50’s and 60’s, George decided to not go that route. In addition to his NCTA positions, he also served as legal counsel to the PCTA (and did so for over 25 years) as well as legal counsel for other cable television operators. Because of this, “he wanted to avoid ever having a conflict of interest, or even the appearance of one, with a client” (“George Barco”).

This mindset is clearly why many nicknamed him ‘Mr. Integrity’ (*George Barco Cable Hall of Fame Video*). Frank Thompson, a former NCTA board member remembered something George used to say that further demonstrated the type of person he was, “Have respect for every man – meaning all mankind – and never be in awe of anyone.” Yolanda Barco would often mention this statement as being one of the important philosophies her father instilled in her. Other colleagues held the opinion “that ‘what George Barco said was law,’ – with good reason,” (*George Barco Cable Hall of Fame Video*).

While George Barco's reputation was based on his character and demeanor – it was also based on his ability to get things done. In the early 1950's, cable television was a very new service. With no other public entities that were similar to the operation of cable systems, and systems beginning to appear in small cities all over the country, problems began arising for the industry. As mentioned earlier, many found cable television to be a threat to broadcasting in general, and so began the restrictions.

In an effort to 'protect broadcasting' policy makers began issuing restrictions on the growing industry that slowed, or in some cases, stalled cable expansion.<sup>7</sup> One such issue was the cable excise tax. The cable excise tax issue is discussed in detail in Chapter 3, but briefly put, the Internal Revenue Service determined that cable television service was similar to phone service – and therefore subscriber fees were subject to a tax–forcing subscribers to pay an eight percent tax on their cable service.

The NCTA, George Barco, and many other cable television operators, disagreed with this assertion; and with George Barco's legal background, and assistance from Yolanda Barco, he participated in what would become the 'test' case against this ruling.

John Rigas, former CEO of Adelphia Communications, remembers George's dedication, "George brought a whole new dimension to our industry. Most of us didn't have a degree or any experience in the legal aspect. And George was a great advocate of the underdog..." (*George Barco Cable Hall of Fame Video*).

The final decision ruled in favor of the cable television operators – resulting in a refund of \$25,000,000 of paid taxes ("The Past Presidents of the PCTA Honor George J. Barco"). Frank Thompson, a former NCTA board member, remembered the ruling. "So

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<sup>7</sup> An in-depth look at the early days of cable, the many cable regulatory issues that occurred and the Barco's involvement, can be found in Chapter's 3, 4 and 5.

when the excise tax decision came down in our favor, it was a tremendous public relations thing for us. I refunded thousands, and thousands and thousands of dollars to my customers” (*George Barco Hall of Fame Video*).

In another attempt to limit cable, the telephone company, specifically AT&T, a monopoly during the early years of cable, began charging exorbitant amounts for cable television operators to use their utility poles – a necessity for attaching cable wires that enabled subscribers to get a signal. If the telephone company did not own the utility pole, the municipality did – and cable television operators were charged huge fees from them. George Barco, with assistance from the PCTA - that his daughter Yolanda Barco was the president of at the time - encouraged the NCTA to take action to “secure cable’s position as an independent industry” (“The Past Presidents of the PCTA Honor George J. Barco”).

With the PCTA and NCTA’s support, George Barco would lead the challenge against the Pennsylvania Public Utility Commission to limit these actions – and Yolanda Barco would assist in his efforts. At a national level, the NCTA would fight this issue for almost 30 years before receiving some relief from Congress in 1978.

And when yet another cable television roadblock occurred, copyright payment for retransmitting television, George Barco once again made his position known. The NCTA had already lost two lawsuits regarding the topic, and board members did not see the point of continuing to fight the issue. George Barco felt differently.

...A member of the board himself, he argued vehemently that cable, which received programming on its community antennas and then shared it among households, was not a transmitter of programming and therefore not legally subject to copyright fees. Barco promised to negotiate a fixed

fee with attorneys representing the NCTA in order to hold down costs for the appeal. Finally, the board voted to pursue the case (“George Barco”).

Due to George’s diligence, the NCTA proceeded with “court proceedings to the Supreme Court of the United States, which ultimately ruled in June 1968, that cable television reception is not subject to copyright payment under the present law” (“The Past Presidents of the PCTA Honor George J. Barco”). Not long after the ruling, the FCC would create new copyright laws that the cable television industry would not be exempt from.<sup>8</sup>

Defending cable television was not George Barco’s only passion – he was also interested in education, and helped to found a variety of education-based cable television opportunities. He is known for being one of the first people in the cable television industry to recognize the possibilities that could exist between cable television and education (*George Barco Hall of Fame Video*). In an interview, Yolanda Barco provided further insight into her father’s views on the topic,

“He felt that education was the way, the only way people could advance themselves. And he also believed that unless people were educated, especially literate, that they, that the country, would never be able to survive as a democracy” (*George Barco Hall of Fame Video*).

In 1964 George Barco organized the public television station in Erie, PA and he was one of the founders of the Pennsylvania Educational Communication System (PECS) – now known as PCN. The idea of PECS began with conversations about Penn State’s adult education program with Marlowe Froke; who at the time was the Director of the

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<sup>8</sup> The issue of copyright and the cable television industry is discussed in Chapter 3.

University Division of Media and Learning Resources and general manager of the university's television station WPSX. The adult education program at Penn State got George Barco thinking about additional avenues for learning, and eventually he and colleague Joe Gans came up with an idea. What if they created a four-channel microwave network that reached around the state to provide preschool, elementary, secondary and adult education?

So the two of them had worked on a very simple one-pager to the Department of Education.... The inquiry that came to me from the Department of Education: would I look at the proposal and evaluate it? From my point of view, it was a great, great idea and a great proposal, so I went back to the Department of Education with that point of view. ...In about four months we had a written evaluation of the Gans-Barco proposal, and an organizational plan for putting it in place. I sent it to the Department of Education and they liked it, as did the cable people with whom they talked (Froke 10).

A meeting was arranged with then Governor Shapp (as mentioned previously in the chapter, Milton Shapp was originally a cable pioneer himself) where the information was presented. For reasons unknown, Shapp decided against the proposal and so the project stalled. According to Froke, eventually he and Gans decided to continue with the idea on a smaller scale, and met with George Barco to see if he would still be interested in transmitting educational programs across the state. Their plan was to show a previously recorded four-hour instructional tape – a task that required them to drive new tapes to the studio every week for broadcast. The project would be called Pennarama.

George Barco stated that if they could show that Penn State could keep up this type of programming, “he would get behind putting the state network together on an ad hoc basis” (Froke 11). George Barco was true to his word, and began working, with Yolanda Barco’s assistance, to pull a group of cable television operators together to create the non-profit corporation that would be called PECS. In the end, 11 large and small cable television companies would join the project.

PECS would later connect with Penn State’s new distance education system mentioned above, Pennarama, and distribute continuing education and community service programming created by the university under that name (i.e. college courses for credit, literacy training programs and general enrichment shows). George Barco would be elected president of PECS and Yolanda Barco would serve as vice-president for administration until her father’s death. According to a webpage on Millersville University’s website, “Places: Introduction PCN” by Craig Carestia, PECS creation in 1979 made it the first statewide cable television network ever built by the cable industry.

Yolanda Barco spoke of the relationship with Penn State during an interview.

...There was a partnership between the cable television industry on one hand and institutions of higher learning on the other hand to do this. Cable was supposed to provide the distribution system, which we did. Penn State was the one to manage participation by the other institutions of higher learning (Barco, Yolanda G. Barco Oral History - Phone Interview 11-13).

After the collaboration of PECS and the Pennarama program, George Barco contacted Froke with another idea...

George called me again to inquire whether Penn State might be interested in being the home of a museum for the cable industry. I called the president of the university at that time, Bryce Jordan, and we talked probably no more than five minutes. He said yes, go ahead...(Froke 11).

With influences from an educational perspective (Penn State) and a cable television perspective, an advisory board was created in 1985 with representatives from both sides and details of the project were outlined. According to Froke, fundraising was initiated, with George Barco assisting to acquire funds from those in the cable television industry and an interim space for the museum was decided upon. In 1988, the museum opened in Penn State's 'Sparks' building - displaying and housing historical materials relating to the history of cable television. This was only the beginning of the project, and the museum would develop and grow on a much broader scale in the following years, with Yolanda Barco staying on board of her father's project. Her involvement, and the museum's progress are discussed in further detail in Chapter 6.

George Barco died in 1989, leaving behind a legacy in the cable television industry full of historical achievements that have largely influenced the cable telecommunications industry today. He also set a tone for Yolanda Barco to follow consisting of integrity, advocating for cable television, education and giving back to the community.

Yolanda Barco had great respect for her father, and worked closely with him throughout her career. Together they were "the most prominent father/daughter combination in the cable television industry" (Tarlton and Dimmerling 4). Bill Cologie, a past PCTA president who worked with her on several projects, made this observation,



She was her father's daughter. It is difficult to imagine a father and daughter who could be more dedicated to the principles of the law, the value of education, the importance of public service and the sheer decency of always doing the right thing ("PCTA Press Release").

John P. Cole, senior founding partner of Cole, Raywid and Braverman – a prominent communications law firm, once stated,

If they ever had a difference between them, they were not shared with the public. Those differences never came out. They were a solid, united front and they were very effective in getting the cable operators in Pennsylvania to follow their direction, (Cole).

Marlowe Froke stated, "It really wasn't until after George's death that Yolanda began to flower. Before that she was really in the background, very supportive of her father," (Lenfest).

While she may have remained in the 'background' as Froke stated, she still paved a historic way for her career riddled with 'firsts.' It is these endeavors, and those that would follow her father's death, that will be discussed in the upcoming chapters.

## CHAPTER 2 – ESTABLISHING THE BUILDING BLOCKS

“I’ve always had far more opportunities than I’ve ever been able to take advantage of. It’s been a bittersweet thing for me,” (Barco, Allegheny University Honorary Degree Acceptance Speech).

Yolanda Barco grew up in Meadville, Pennsylvania with her parents George and Emmaline Barco and younger sister Helene. She would follow in almost the same footsteps as her father throughout her career - attending the same high school, college and law school. In an interview, she spoke briefly of her family life as a child saying, “We had a wonderful, close family life. We had wonderful relationships to the people that we lived with, a wonderful neighborhood. On the whole, it was good,” (Barco, Yolanda Barco: Oral and Video Collection Interview).

She loved the town of Meadville, and would never leave.

I love Meadville as a town. It’s a wonderful town and it had a good sound economic base with the Talon [Corporation], with the railroad. Most of the people in my background of Italian origin came to work on the railroad and then the Talon started in the 20’s or perhaps the late 20’s. Meadville was the town they said never saw the depression because Talon was growing at the time the depression started and then the American Viscose was the other economic important entity in the county – and in the city I should say too, (Barco, Yolanda Barco: Oral and Video Collection Interview).

From the beginning she excelled in education. She attended Meadville High School where she was a member of the National Honor Society and the Six Outstanding

Seniors of her graduating class (“In the Matter of the Memorial Service of Yolanda G. Barco” 3). Yolanda Barco also enjoyed forensics, especially debate, and participated in both in high school. She would graduate Meadville High School in 1943 as valedictorian.

From childhood, Yolanda Barco knew that she wanted to be a lawyer. In fact, she would never question this ambition until her college years.

I cannot remember a time since perhaps I was 10 or 11 that I didn't seriously believe that I would be a lawyer. Part of this was encouragement and direction from my father I'm sure. So that's when I went to the college. I knew I was going to take the pre-law course, which I did, (Barco, Yolanda Barco: Oral and Video Collection Interview).

According to the speech Yolanda Barco gave to the graduates of Allegheny College in 1994, her parents had very different ideas of what she should do after high school. Her mother, for instance, firmly believed that homemaking was the ultimate calling for a woman and provided her with training as such. According to Yolanda Barco, by the time she was 14, she ‘was completely prepared to manage a household’ (Barco, Allegheny University Honorary Degree Acceptance Speech).

Her father on the other hand, urged her to pursue a career and spent time prepping her for that direction. “I learned from him about dealing with people, individually and in groups.” She stated that she also learned of the organization of the political parties of Crawford County where they lived and government leadership among many other things.

In the end, her father's ambitions for her would be the direction she chose. Yolanda Barco attended Allegheny College, her father's alma mater, where she continued to be active in forensics and debating and in her junior year she was elected to Phi Beta

Kappa. She was salutatorian and graduated *magna cum laude* with honors in economics in 1946, (“In the Matter of the Memorial Service of Yolanda G. Barco” 4).

Yolanda Barco spoke well of her alma mater Allegheny College, and while giving a speech at the institution, “Allegheny University Honorary Degree Acceptance Speech,” discussed the importance of an Allegheny degree and what it provided for her.

But surely a most important part was what I will call the prevailing institutional philosophy at Allegheny, which encouraged independent thinking and truly offered an equal opportunity for achievement for everyone. In a day when there were relatively few women lawyers, and when some of the most prestigious law schools in the country were not accepting female students, Allegheny was preparing women to become lawyers. And it was a given that more and more women would become legal practitioners in due course. I found that I was equal to competing successfully as a law student...

While she was in college however, she began to have doubts about attending law school for the first time since she was a child. Very interested in economics, both academically and personally, she started to think that maybe graduate school was the next step for her. According to Yolanda Barco, she had been offered a few fellowships, so she seriously started to think about moving in the direction of graduate school— until she had a conversation with her father.

And so I told my father, ‘I’m not sure I want to be a lawyer anymore.’  
And he said, ‘Well, why don’t you go one year to law school.’ This is what he said; ‘Every woman should go to law school for one year.’

Because, he said, “nothing is sadder than to be left a widow and not know how to handle your affairs!” Well, I agreed to go to law school for one year and then I stayed with it – and enjoyed it very much, (Barco, Yolanda Barco: Oral and Video Collection Interview).

While her parents differed in the direction they wanted her take career wise, she stated in her “Allegheny University Honorary Degree Acceptance Speech,” that she learned important lessons from both through the ‘training’ she received from them. The training she received from her mother, she believed, was really a lesson in survival, self-sufficiency and taking charge of one’s immediate environment. She believed her father was really trying to teach her how our democratic society really worked, the responsibility to get involved and how to get involved. Her father also tried to instill in her his philosophy which was shared in Chapter 1 – to ‘respect every man and to be in awe of no man.’ She always believed that both her parents’ training lessons were invaluable throughout her life.

Yolanda Barco went on to law school – as mentioned above, at a time when some schools would not admit women into their programs. She was a member of the Board of Editors of the Law Review and graduated from the University of Pittsburgh School of Law – just like her father - with a Doctor of Jurisprudence in 1949. Her graduating class consisted of 122 men and five women – the largest number of women admitted to University of Pittsburgh Law School at that time, (Barco, Allegheny University Honorary Degree Acceptance Speech).

After law school, Yolanda Barco would work at her father’s law firm, Barco and Barco as partner, and would assist him in establishing many of the important legal bases

the cable television industry would later be grounded upon. Their partnership as father and daughter would be known throughout the industry. “It was kind of extraordinary – you hardly ever saw one without the other. Father and daughter, they were a team. They were both very smart. They complimented each other in many ways,” (Cole).

Some of the cable television cases they handled, and the positions they took are discussed in Chapter 4.

## CHAPTER 3 – A HISTORY OF CABLE TELEVISION

Cable's development wasn't automatic. There were movie theater owners and broadcasters who thought cable endangered their livelihood and they fought its development every step of the way. Also there were municipal officials and utility pole owners who were reluctant to share right-of-way space with a developing industry, both with strong political and lobbying clout ("History of Cable Television").

As a new technology, the early days of cable television were filled with battles – all of which could have easily and severely altered the industry from what it is today. It seemed as if everywhere cable television operators turned, there was some entity attempting to block or hinder their business. From local bar and movie theaters, to the broadcasting industry and the government, many court battles would be fought.

To fully understand the importance of the hurdles faced by cable television in the early years and how the issues impacted the industry – and Yolanda Barco's career - one needs to understand the details of how cable television began and the public policy issues that would result. An in-depth look at the early years of cable television as well as some of the issues that Yolanda Barco helped to defend with her father will be reviewed. In Chapter 4, Yolanda Barco's direct involvement in these issues and positions taken will be discussed.

### THE NEED FOR CABLE TELEVISION

Cable television was born from a need to capture television signals. And why couldn't everyone get a television signal one may ask? The quick answer is the FCC – but in actuality, it is a bit more involved than that.

Television manufacturers began producing in mass once television technology had been established, including both VHF (very high frequency) and UHF (ultra high frequency) by the FCC. “By the end of 1948 there were 78 different models of television receivers” (Parsons and Frieden 26). Televisions were expensive, and at the time, having one was a sign of wealth. For example, during that same year, the affluent bought nearly 600,000 television sets – and it was estimated that 1,000 new sets were being installed every 24 hours (qtd. in Parsons and Frieden 27).

According to Frieden and Parsons, this rush for television sets led to an influx of station licenses; which overwhelmed the FCC. Originally stations were located 200 miles apart so that interference between stations would not be an issue. With that in mind, and an influx of station license requests flooding the FCC, they reduced the distance to 150 miles (at the time it was thought that transmission interference would not occur if stations were placed at least 100 miles apart (Parsons and Frieden 27). Unfortunately however, stations over that distance were sending out their signals and causing widespread interference (27). Due to the influx of license requests, and the interference issue, the FCC shut down the entire broadcast system on September 29, 1948 (Parsons and (27). The ‘shut down’ was only supposed to last for six months while the FCC worked out all the issues; however, six months would turn into four years.

During the ‘freeze,’ as it would eventually be called, only those stations issued licenses before the shut down were allowed to continue operating. This meant there were only 108 stations operating nationwide (Parsons and Frieden 27). Even after the freeze, there were not a lot of options for capturing a television signal if you lived in a small town just out of reach of a larger city’s signal. While the FCC assigned hundreds of new



channels to the UHF band, and attempted to insure that as many cities and towns as possible had access to at least one or more broadcast outlets, they did not take into account the expense involved in starting a broadcast station. The expense involved was often too hefty of a feat for a small town, so even though they had a UHF band assigned to them, small towns still lacked a broadcasting outlet of their own.

All of these incidents helped to create the need for cable television – both during the freeze and after. If someone were only able to pick up a faint television signal from the nearest town, they would often go above and beyond to try and enhance their signal. The answer at first was ‘boosters’ - which simply enhanced the reception of signals (Parsons and Frieden 28). Soon, tenants in apartment buildings were adding private antennas to the rooftop of their buildings. To do away with numerous antennas covering their roofs, landlords began installing a single ‘master’ antenna that reached all the apartments in the building (28). This was the system that originally inspired George Barco after visiting his hotel in New York.

#### POLE ATTACHMENT

One of the big issues faced by the cable television industry was that of pole attachment. In the early days of cable television, cable operators used a ‘master antenna’ to transmit television signals to local homes. The master antenna was positioned as high as they could get it, such as a mountain or rooftop. Homes were connected to the antenna through a system of coaxial cable lines and signal boosters to broadcast the signal. As a result, cable television operators needed to attach these wires to something, and the most convenient ‘something’ was telephone and/or utility poles.

Agreements were generally made between the two groups where cable television operators would pay a fee for the use of the utility poles they used. As the popularity of cable television increased, tensions began to arise over the pole attachment fee being assigned to cable television operators by utility pole owners. Often cable television operators were charged extremely high fees for the use of the poles - and they began to seek assistance from the Federal Communications Commission (FCC) in the hopes of getting the fees reduced. In 1970, the two groups began to really talk- and they would continue talking on and off for several years without any progress. According to *Blue Skies: A History of Cable Television* by Patrick R. Parsons, eventually the FCC would give the two groups 90 days to come to a compromise before it made its' own rule-making proceedings to implement that authority (Parsons 359). By mid-1975, both sides had given up since they were still unable to come to any type of compromise.

Amos "Bud" Hostetter, in charge of negotiation for the National Community Television Association (NCTA), would eventually send a letter to FCC Chairman Dick Wiley in September of 1975 saying, in essence, that after more than five years of discussions, a negotiated settlement seemed very unlikely (Parsons 359). A week later, AT&T sent Wiley a similar letter.

Wiley proposed a temporary rate freeze between cable television operators and AT&T until a compromise could be agreed upon, but that would end up not being successful. The cable companies had been fighting AT&T and other "non-AT&T companies or, more importantly, electric companies that provided pole space to cable, and these two groups controlled 7 million of the 10 million available poles in the country" (Parsons 359-360). Electric companies were also not included in the rate freeze

– and they were a big threat to increased pole fees for cable television – all of which contributed to the refusal of Wiley’s rate freeze by cable television operators.

Once again, the cable television operators asked the FCC for its’ assistance, but in 1976, the FCC “ruled it had no authority over power company poles and that it needed to reconsider its position on the question of even telephone poles” (Parsons 360). With the FCC’s new position regarding the issue, the only option cable television operators had to receive some type of negotiation was Congress. “In 1978, Congress passed legislation granting the FCC authority to control pole attachment rates in all cases and the Commission soon thereafter enacted a formula (subsequently modified) for determining fair attachment rates” (Parsons 360).

This legislation, Section 224 that was added to the Communications Act of 1934, states that the cable industry has “the right to pole attachments at just and reasonable rates, terms, and conditions” (“Implementation of Section 224”). The Telecommunications Act of 1996, which can be found on the FCC’s webpage, would later revisit this issue and grant both cable television systems and telecommunications carriers “an affirmative right of nondiscriminatory access to any pole.” The Act of 1996 also added to the definition of what is considered a pole attachment: “Congress expanded the definition of a ‘pole attachment’ for purposes of Section 224 to include not only poles, but also ‘any attachment to a duct, conduit, or right-of-way owned or controlled by a utility” (“Implementation of Section 224”).

Even today, the ‘new kid on the block’ of technology, broadband carriers, can be added to the list of those who have battled against utility pole owners. On April 7, 2011, as part of the 2010 national broadband plan, the FCC voted unanimously for new pole

attachment rules – which included lowering telecommunications attachment rates to the same rates as those received by the cable television industry.

#### EXCISE TAX

In 1951, Bob Tarlton was the cable television operator of the Panther Valley cable system in Pennsylvania, and was approached by an IRS agent claiming that he was ‘operating a taxable, leased-wire service’ (Parsons 102). Tarlton disagreed and refused to pay the taxes requested. After fighting the issue for several months, and even visiting the IRS in Washington, D.C., the government was insistent on the tax. He finally agreed to pay the taxes if they would stop the legal action they had threatened against his cable television system. But he also realized his problem, would soon become a very real problem for all cable television operators, so he began to contact those he knew within the industry.

The IRS Code that was being connected to Tarlton’s business appeared in section 3465(a)(2)(b) and stated there was an eight percent tax “of the amount paid for any wire and equipment service” (qtd. in Parsons 102).

It also included, according to the IRS, income from community television systems. The tax was part of a more inclusive section that imposed a fee on various telephone, telegraph, and cable or radio communications. At a time when cable operators were living hand-to-mouth and using next week’s subscriber fees to pay for last week’s purchase of cable, an 8 percent revenue handicap was a serious concern. It would amount to one estimate at the time, to about \$3.5 million annually in revenues lost to taxes (qtd. in Parsons 103).

Edward Mallon, of William E. Howe & Co. was one of the NCTA's accounting firms. After reviewing the issue in depth, he addressed the NCTA with his findings and suggested future steps. The following is an excerpt from his address, "Tax Problems in Community Television Systems," on January 16, 1952:

The whole question of this tax appears to be a legal one. It involves an interpretation of the code to determine whether or not it applies to your operations. The question appears to be, are you or are you not leasing lines to your consumers.

Excise taxes of this kind have a different procedure from that followed in the case of income taxes. When the taxpayer disputes the tax and the Commissioner rules against him there is no conference or Technical Staff to which the taxpayer can address an appeal. The only redress is to either refuse to pay the tax and then wait for the Commissioner refund in the U.S. courts. It appears now that you are banded together that you must make a decision of some sort. Are you to give up the fight and just go along and collect the tax and pay it over to the Government, or will you decide to fight the case? If you decide to fight the case, suit can, as I said before, begin in either of two ways. You may wait for the Commissioner to bring an action to seize your property and then you must post bond to protect it and file a claim for abatement and sue on the claim. A much quicker method would be to have one of your companies, which has paid the tax, bring a suit for refund of the taxes paid. In either case a suit should take the pressure off your members, who are being pressed by the

Scranton Collector. By helping them, you will be helping yourselves because each one of you will eventually have to face the same situation until a definite legal decision can be handed down.

Mallon soon suggested that the NCTA seek a tax lawyer to handle the issue and tax lawyer Thomas Egan was brought on to assist the association (Parsons 103). It was not long before he began actively searching for an excise test case. In the closing of a memo sent out to cable television operators entitled “Excise Taxes on Wire and Equipment Service as Applied to Television” dated June 9, 1952, Egan states,

It is a question then, whether the taxing of such “wire and equipment service” used in the transmission of a television signal was within the contemplation of the Congress at the time those sections of the Code were enacted. Well, you ask, what can the industry do about it? The simple answer is that a test case is desirable to determine the extent to which the industry and its customers are subject to the impact of the tax on wire and equipment services. Nothing short of this will give any feeling of certainty for the future (Egan).

In 1953 the NCTA decided they needed legal representation from Washington D.C. regarding the excise tax matter and hired Welch, Mott and Morgan. Hiring Welch, Mott and Morgan also met that a former FCC attorney, E. Stratford Smith would handle their case (Parsons 104).

In a memo to the NCTA from Edward P. Morgan, the firm addressed the particulars of the issues at hand, outlining the importance of the problem:

The National Community Television Association, Inc., and the community television industry, as such, are confronted with some very practical and, if not handled properly, some very serious problems from a tax standpoint. The taxes involved are (1) Income taxes based on amount received as contributions in aid of construction and (2) Excise taxes under Section 3465(a) (2)(B) of the Internal Revenue Code...(Morgan 1).

As a result, the firm decided to separate the tax issue into two different disputes. One pertaining to the excise taxes as a whole and if it could be applied to the revenue received by cable systems; and the second focusing on the funds garnered by the installation charges or the resulting monthly fee once service was established. The firm also suggested that they label installation fees, which made up the greatest portion of a cable television system's revenue as 'contribution-in-aid of construction' making it immune from tax liability (Parsons 105). This labeling of installation fees would fail to make a difference in the outcome of their case. Both the Tax Court and the Federal Appellate Court found in favor of the government – stating that the money collected for CATV<sup>9</sup> installation constituted gross revenue and was subject to normal taxation (Parsons105).

The second trial case however, would go in a completely different direction. Through George and Yolanda Barco, who were prepared to take on the IRS regarding the excise tax issue, the NCTA found a test case with subscriber Gus Pahoulis. In West Virginia, another case involving cable owners, DeForest Lilly and Robert Jones, was also occurring. The lower courts in both states found in favor of the IRS – that the cable

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<sup>9</sup> Community Antenna Television (CATV) is the term once used in reference to cable television.

operation was a communications service. But attorney Smith had what would be a game changing idea. “Under his guidance, the cable operators chose to argue that community television was not subject to the tax because it was not, in fact, a ‘service’ within the meaning of the clause” (Parsons106). It was simply a necessary item that worked with the customer’s own receiver. Cable television operators defined themselves as only providing the equipment that aided customers in receiving television service.

Smith’s idea worked. In regard to the Lilly case, “the U.S. Court of Appeals for the Fourth Circuit concluded that stock tickers, fire alarms, and burglary alarms provide a communications service similar to those of a telephone or telegraph message, but that CATV “merely furnishes an attachment to a television receiving set”(qtd. in Parsons 107). George and Yolanda Barco used the same argument in their Pahoulis case where the Third Circuit Court came to a similar finding.

After the ruling in both cases, there were no further attempts by the IRS to collect the excise tax. In fact, cable television subscribers were given the chance to file for refunds “that the cable industry had collected for the IRS over the years – approximately \$16 million” (qtd. in Parsons 107).

## COPYRIGHT

The court’s ruling regarding the excise tax was beneficial for the cable television industry extending beyond a relief of excise tax payment; it also clearly helped to label the role of cable television in communities – an extension of their customer’s television antenna. This definition would soon help the industry in the area of copyright.

From the beginning, a cable television operator’s main objective was to supply customers with the ability to obtain the television signal of the nearest broadcast station.



This means of retransmitting, was now going to be the focus of a new debate with the Federal Communications Commission (FCC). As broadcast television channels grew, the demand for cable television began to decrease. This, combined with more federal regulations that limited cable television's ability to rebroadcast signals, cable television operators were left unable to access the business of the larger cities. The small towns that had once been big business for the industry were now limiting their expansion.

Television broadcasting and the FCC saw cable television as a threat to local broadcasting – and so a series of restrictions began. The first big one concerned microwave privileges and is discussed in *The Cable and Satellite Television Industries* by Patrick Parsons and Robert M. Frieden.

The Commission announced that cable operators would be denied microwave privileges unless they agreed not to bring in signals that duplicated existing local programming and guaranteed carriage of all local signals. Applications for microwave use would be considered on a case-by-case basis (Parsons and Frieden 42).

Next they required must carry rules for all cable television systems that used a microwave signal. “The FCC’s First Report and Order imposed the ‘must carry’ rules on all microwave fed systems, and required carriage of any broadcast station within about sixty miles of the cable system,” (Parsons and Frieden 43). Then the restriction was applied to all cable television systems regardless of if they used microwave signals or not: “The Commission determined that it would not permit the importation of distant signals into any of the top one-hundred markets unless the cable operator could

demonstrate that such importation would not threaten existing UHF broadcast stations” (Parsons and Frieden 43).

Next came the issue of copyright. Broadcasters had been continually arguing that a cable television system retransmitting their programming infringed on their copyrights. In a large case, United Artists was suing two West Virginia cable television systems claiming they had violated copyright on feature films it was leasing to UHF stations that were then being rebroadcast by the cable systems.

The defense used by the cable television operators was the same one used in reference to excise taxes – that they did not ‘perform’ any of the copyright material (Parsons and Frieden 44). They simply were an extension of a customer’s home television equipment. While the District Court and Court of Appeals disagreed, the Supreme Court sided with the cable television industry stating, “...it provides a well-located antenna with an efficient connection to the viewer’s set” (qtd. in Parsons and Frieden 44). This was an important win for cable television – without it, operators would be required pay for all the programming they retransmitted.

Cable television’s ‘win’ was short lived. The FCC made another move that was almost as limiting as losing the copyright fight. The FCC required that all cable television operators receive permission from the broadcast station they were retransmitting programming from – and later they further enhanced this requirement:

Instead of securing the permission of a station simply to retransmit its signal, a cable operator now was required to obtain permission for every program carried by that station and to obtain it from every party that had a

property interest in every program, including the station, the network, the distributor, and the producer (qtd. in Parsons and Frieden 44).

#### THE NEED FOR NCTA AND PCTA

A quote from Yolanda Barco provides an excellent visual of those early days of cable for the cable television operator.

...You cannot imagine the combination of circumstances in those early days, because cable came from extremely humble beginnings. I mean, as I have said on other occasions, nobody in their right mind would have gotten in a business that had so many problems, so many things that had to be straightened out – that had to be dealt with...(Barco, Yolanda Barco: Oral and Video Collection Interview).

Yolanda Barco was right. Cable television operators had no idea what they were up against. From public right-of-ways and the utility companies, to broadcasters and the Federal Communications Commission (FCC), operators were constantly facing an uphill battle regarding one issue or another. As discussed in Chapter 1, it was not long before opposition to CATV began appearing almost everywhere cable television operators turned. The big issue surrounding the cable television excise tax was actually the catalyst that prompted cable television operators to determine that they needed some form of organization that everyone could turn to when issues arose.

When Bob Tarlton, one of the first cable television operators faced with the IRS excise tax in 1951, realized it would not be long before other operators would be facing the same tax, he began contacting everyone he knew for a meeting. This gathering included cable television operators from eight different systems in the Pennsylvania area.

This included Tarlton, Marty Malarkey, Bill Scott, George Bright, Michael Sheirdan, Ken Chapman, Hubert Strunk and others (Parsons 103).

The group concluded that they should organize in order to represent their mutual interest in this, as well as other, somewhat less pressing issues, including relations with the local telephone companies. They agreed to form several committees, one to draw up a constitution and by-laws, one to investigate the tax problem, and a third to contact community TV operators around the country to solicit interest in the organization.

Malarkey was elected temporary chairman of the tentatively named “National Community Television Council” (Parsons 103).

The group would continue meeting while establishing by-laws, a site for headquarters, a board of directors, amount for dues and a name change. The group decided to change the name from the National Community Television Council to the National Community Television Association, Inc. (NCTA)<sup>10</sup>. The first formal meeting of the NCTA was held at the Necho Allen on January 16, 1952 and the first elected president would be Marty Malarkey (Parsons 103). As an organization, the NCTA would represent cable television operators in numerous court cases and other important issues and would become one of the strongest voices for the industry. Yolanda Barco would eventually become the first woman elected to the NCTA board of directors.

With NCTA in place, it was decided that there was also a need for a state level cable organization – which would later be called the Pennsylvania Cable Television

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<sup>10</sup> The NCTA would change its name in 1968 to the National Cable Television Association and again in 2001 to the National Cable and Telecommunications Association.

Association (PCTA)<sup>11</sup>. According to Yolanda Barco, who was one of the co-founders, the group met informally for about three to five years before officially forming the non-profit trade association recognized as the Pennsylvania Cable Television Association in 1957.

In that period before 1957, it was an unincorporated association – we met whenever we needed to. We had excellent participation. I mean, when there was a problem, everyone came together. And my father more or less was in charge as the lawyer because we met on account of legal issues - PUC<sup>12</sup> and the telephone issues, (Barco, Yolanda Barco: Oral and Video Collection Interview).

Once the PCTA was officially formed, Bob Tarlton would serve as the organization's first president. The PCTA's purpose would be to take care of industry concerns.

...the Pennsylvania Association was, during the early period, and I would say for some time, by far the strongest state association - and had tremendous influence nationwide. Many of the policies of the national group were started at the Pennsylvania Association level and went up, (Barco, Yolanda Barco: Oral and Video Collection Interview).

Later, Yolanda Barco would serve as president of the organization for three terms – the only person to do so (“Yolanda Barco”). Additionally, her role as president once

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<sup>11</sup> In 1995 the PCTA's name was changed to the Pennsylvania Cable & Telecommunications Association. Additionally, it changed its name entirely in 2004 to BCAP (Broadband Cable Association of Pennsylvania) to represent its broadband identity.

<sup>12</sup> PUC is the acronym used for Public Utility Commission

again made history – she was the first woman elected president of any state or regional cable association (Froke, Yolanda G. Barco Founders Award Presentation 2).

## CHAPTER 4 – A CAREER IN LAW

Well, my father was a help and then on the other hand, he was a person that let you you fight your own battles. ...I was the only woman [lawyer] in Northwest Pennsylvania. Now there were quite a number of them in Pittsburgh, by that I mean 10, 15 or so – maybe more – but those were the ones I knew. There was no one in Erie or in any of the Northwest for at least 15-20 years. I had the ladies room all to myself! (Barco, Yolanda Barco: Oral and Video Collection Interview).

Yolanda Barco graduated from the University of Pittsburgh Law School with a Doctor of Jurisprudence degree in 1949 and began practicing law in 1950 at her father's law practice Barco and Barco –becoming partner. Both of the Barcos were general practitioners, but according to Yolanda Barco, they concentrated on corporate and business work, trial work, administrative law and personal injury cases (Barco, Yolanda Barco: Oral and Video Collection Interview). Once they became involved in cable television, they would specialize in cable television law as well.

Being the only female practicing lawyer in Northwest Pennsylvania was not her biggest obstacle as one might think. According to Yolanda Barco, her biggest challenge when she first began practicing law was being young. But, as she stated many times later in life, “you get over being young.”

...lawyers, especially the general practitioners like I was in Crawford County, they don't think you've arrived until you've practiced at least 10-15 years. And I had a problem in the fact that I was too diffident to older people. I had been trained to be courteous to older people, and I had a

tendency to, instead of meeting all the older lawyers on an equal basis, because I was young, I tended to be subject to them – instead of being person to person. But I got over that too though (Barco, Yolanda Barco: Oral and Video Collection Interview).

Barco and Barco was not her only option in terms of practicing law either. She once stated that she had many more opportunities than she could take advantage of.

I had opportunities from the time I graduated from law school...there were two business firms in Pittsburgh. Those were the days they were just beginning to hire house counsel. You see, I liked the idea of being house counsel because you see; I like the business part of it. I like being a lawyer for business. I had two wonderful offers – but I felt that I owed my father something after that wonderful education I got and I thought I'd come here and work for about five years and leave. But I got too tied up with the town, with everything in the practice and it was hard to leave and I never did leave” (Barco, Yolanda Barco: Oral and Video Collection Interview).

Yolanda Barco noted in the same interview that her father's strength in terms of practicing law were his abilities with juries. He was able to relate to them and communicate with from the first time he started the case. She, on the other hand, was best at argument court work; discussing law either in the course of the case or on appeals that they took. As a result, they would divide the important cases between them according to their individual strengths. “I would usually do the closing to the jury. By that time, they had gotten used to me...” (Barco, Yolanda Barco: Oral and Video Collection Interview).



Yolanda Barco also served as a member of the Crawford County Bar Association and would help establish a legal services program for the under-privileged with members who volunteered their time.

So I suggested, now understand I'm down at the end of the totem pole here, and I suggested to the bar that we have such a committee. And of course a couple of them said, 'just like a woman, come here and start trying to do something like this.' They all felt they did a lot of this work and I said let's organize it so that we know everyone's taken care of. So we formed this committee and it was called the Public Committee (Barco, Yolanda Barco: Oral and Video Collection Interview).

She ran the program from 1955 until 1964. Yolanda Barco also served three terms as president of the county bar association that ended in 1966 and was a member of the Pennsylvania Board of Law Examiners.

Her personality and pride in her profession is further seen in a story told by fellow attorney Peter E. Bystone who knew Yolanda Barco. Blystone remembered an incident that occurred between he and Yolanda Barco while opposed in an appeal to the Pennsylvania Supreme Court sometime in the late 50's or early 60's.

And I was fortunate enough to be representing the appellee. So when I filed my appellee's reply brief, I referred to one of the arguments in the Barco brief as being ridiculous. I have regretted that ever since. Yolanda never got angry or hostile in my recollection. But she called me on the telephone. It was I guess I could characterize it as certain iciness in her voice. She said, 'you know, you could have said that our petition didn't

have any merit, could have said it was unsupportable. You didn't have to say it was ridiculous. And we considered that a personal affront on our intelligence.' There was a long silence. I just didn't know how to respond to that. That was one of my most memorable experiences with Yolanda, ("In the Matter of the Memorial Service of Yolanda G. Barco" 16-17).

The Honorable Gordon R. Miller, at one time the President Judge of Crawford County Courts, worked with Yolanda Barco from time to time. He described her very explicitly.

She had a certain style - she was calm, she was to the point. You knew when she spoke she meant it - she felt it. She wasn't over bearing and just by her presence and the way she spoke and talked, you just had confidence in her. Again, quiet, but when she spoke, you listened.

...Yolanda was Phi Beta Kappa. Yolanda was very bright and had great analytical and communication skills. She could say exactly what she wanted to say in two to three sentences when the rest of us might be fumbling around with longer paragraphs to get our point across, (Miller).

In 1953, when George Barco started Meadville Master Antenna (MMA), he appointed Yolanda Barco general manager of the cable television system (Appendix A, fig.3). It is important to note that from that point on, she was pulling 'double duty' – serving as both general manager of MMA (overseeing its daily operation) as well as performing her duties as partner in Barco and Barco. And with interests in cable and law, she and her father were soon involved in law cases surrounding cable television. As mentioned in the aforementioned chapters, the early days of cable were riddled with legal

battles – mainly due to it being a new technology with no legal basis yet established for the service it offered.

...You cannot imagine the combination of circumstances in those early days, because cable came from extremely humble beginnings. I mean, as I have said on other occasions, nobody in their right mind would have gotten in a business that had so many problems, so many things that had to be straightened out – that had to be dealt with...The legal base on which you were picking up signals was not established; there was even a question on if that was appropriate. Getting a place in the right-of-way, the public rights-of-way, was very, very difficult. And dealing with the utility companies was difficult. (Barco, Yolanda Barco: Oral and Video Collection Interview).

George Barco was interested in the service of cable television. He wanted it to grow and, according to his daughter, spent a lot of his time encouraging everyone he came across to help develop the technology. But when it came to where his devotion lay, it was “all about the law for him”(Barco, Yolanda Barco: Oral and Video Collection Interview) – and Yolanda Barco worked right alongside him on the law matters of cable television (Appendix A, fig.4).

Our primary efforts in the beginning years were to establish the right to be in the rights-of-way of the municipalities at all. Much of this was done by negotiation and by efforts to persuade people from time to time. At the very beginning, the question was whether you were going to be allowed to be in public rights-of-way at all and whether telephone companies and

utility companies would allow you to get on the poles (Barco, Yolanda G. Barco Oral History – Phone Interview 2).

John P. Cole, senior founding partner of Cole, Raywid and Braverman – a prominent Communications law firm – stated the following,

Pole line legislation, so called pole attachment rights, became a part of the regulatory landscape and it guaranteed access to those poles under reasonable charges and conditions. But for the effort of the Barcos there, that war, which ultimately may have been won, would have taken a lot longer. Without that legislation, the cable industry would not have been able to achieve what it has achieved today – literally the wiring of a nation, (Cole).

Gerry Lenfest, founder of former Lenfest Communications, made a similar statement in the “Gerry Lenfest Interview About the Barcos.” “Without the right to attach to utility poles within the public right-of-ways, there wouldn’t be a cable industry.”

Cole also gives both Yolanda Barco and her father recognition for being the first in the country to even suggest the government intervene in pole attachment fees.

George and Yolanda Barco, they may have been the first in the country to take a real lead in suggesting to the government that it should play a role in establishing fair and reasonable attachment costs that could be exacted by the utility pole owners. Largely, because of their efforts and the efforts of other people, but I would say they led it. They began to bring about a legislative effort in Congress, (Cole).

In regard to the roadblocks they faced in Pennsylvania by the telephone companies, George Barco, as general counsel, and Yolanda Barco assisting him, worked diligently to simply acquire better terms when it came to negotiating. They also were involved in several lawsuits with the Public Utility Commission in Pennsylvania; one in respect to the question of jurisdiction over cable television as a public utility. There were others pertaining to the regulatory rights of municipalities in terms of cable television and they had positive results in several of these cases.

...we won four or five cases, that's not a lot, but we won a lot cases on second-class townships not having regulation, which involved basically the same law. But when you went to the Supreme Court or to the Commonwealth Court, their political philosophy would come up first, rather than the law, as such. That was my reaction or my belief (Barco, Yolanda G. Barco Oral History – Phone Interview 7).

There were of course those that they lost in terms of regulation as well, specifically the case of Scottsdale vs. the National Cable Television Corporation that went to the Supreme Court of Pennsylvania.

...it was decided that the municipality had authority to regulate. My father and I always were of the opinion that municipalities did not have the right to regulate cable television, but the adversary was not only the municipalities but also the cable television industry that preferred this form against others (3).

In the early days of cable television, a cable operator's first contact with the government was getting a permit or resolution allowing them to use the public right-of-

ways. Municipalities were only involved in allowing the operator to get on the public right of way and requiring that safety measures were adhered to – they had no involvement with regulating cable or exclusivity. Later this permit turned into franchises, which provided the operator with certain legal rights. In the interview “Yolanda Barco: Oral and Video Collection Interview,” Yolanda Barco further explains why the industry felt municipalities were the right option for regulation at that time.

But then starting in the late 60’s, the more serious investors came in there, and they began approaching cities to get franchises and to get a certain bundle of rights to protect their investments. And then they began to compete for franchises. In the end they infused or gave a lot of power to municipalities and the industry generally in that period. And in the 70’s the industry was in favor of municipal regulation of the industry. My father and I were always strongly opposed to that. We didn’t think that this industry, and all of its multiple municipalities with eventual nationwide influence, should be governed by municipalities.

The question of who was going to regulate cable television would remain a hot topic in the industry until the late 70’s – and Yolanda Barco would help to influence the final outcome <sup>13</sup>.

Yolanda Barco also assisted her father in the law case surrounding excise taxes. As discussed in Chapter 3, the IRS excise tax was imposed on cable television operators beginning in 1951 in reference to section 3465(a)(2)(b). It stated there was an eight percent tax “of the amount paid for any wire and equipment service” (qtd. in Parsons

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<sup>13</sup> The details of Yolanda’s role in the FCC’s final recommendation of federal regulation of cable television are looked at in Chapter 6.

102). Cable television operators immediately began working to fight it at the local and national level.

George and Yolanda Barco were working on their own excise tax case – what would become the well-known Pahoulis case in the cable television industry. At the national level, the National Community Television Association (NCTA) had acquired legal representation to fight the excise tax issue as well. They hired the law firm Welch, Mott and Morgan where a former FCC attorney E. Stratford Smith would handle their case. Once going through all their options, the firm began looking for a ‘test’ case at the local level. They would eventually find two – Lilly in West Virginia and the case George and Yolanda Barco were preparing for, involving one of their subscribers Gus Pahoulis. The Barcos were preparing to sue the IRS to recover the \$70.40 Pahoulis had paid in excise taxes on his cable television service in 1953 and 1954 and believed that the tax itself was illegal (Parsons 105). Smith came up with an argument that the Barco’s used in their case involving Pahoulis.

“Under his guidance, the cable operators chose to argue that community television was not subject to the tax because it was not, in fact, a ‘service’ within the meaning of the clause” (qtd. in Parsons106).

It was simply a necessary item that worked with the customer’s own receiver. Cable operators defined themselves as only providing the equipment that aided customers in receiving television service.

The Lilly ruling, using Smith’s new approach, was the first of the two cases to receive a positive ruling for the cable television industry in November 1956. A decision in the Barco’s Pahoulis case was rendered in March of 1957 and stated,

“...without some reasonable limitation of the underlined phrase ‘any wire and equipment service,’ a host of other electronics devices including radios, record players and public address systems “would be swept under the levy.’ CATV<sup>14</sup>, said the Court, is “an aid in reception only.” The Court continued: “The wire and equipment have nothing to do with the origin of the electronic signal which occurs at the television station many miles away and wholly separate from the service supplied by the community television antenna company” (qtd. in Parsons 107).

After the decision in Pahoulis, the government ended their attempt to collect the eight percent excise tax. Subscribers were also able to file for a refund to collect the taxes they had already paid (Appendix A, fig. 5).

Yolanda Barco considered the law case surrounding copyright to be the most important thing they did for the industry however.

Probably the most important thing we ever did was on the copyright issue in which my father was responsible for the industry – I don’t say solely responsible, but certainly was a foremost speaker in favor of our litigating the issue of whether or not we were subject to copyright under the original act. And then we did an awful lot of work in the negotiations that followed over the years ending in the mid 1970’s when the Copyright Act was finally adopted (Barco, Yolanda G. Barco Oral History – Phone Interview 3).

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<sup>14</sup> Community Antenna Television (CATV) is the term once used in reference to cable television.



Broadcasters initiated the issue surrounding copyright. They argued that a cable system retransmitting their programming infringed on their copyrights. In 1962, after losing several cases locally, the NCTA wanted to stop fighting the issue. George Barco, on the other hand, is known for being ‘the majority of one’ regarding his views on copyright.

He argued vehemently that cable, which received programming on its community antennas and then shared it among households, was not a transmitter of programming and therefore not legally subject to copyright fees. Barco promised to negotiate a fixed fee with attorneys representing the NCTA in order to hold down costs for the appeal. Finally, the board voted to pursue the case (“George Barco”).

While the District Court and Court of Appeals disagreed with the argument that cable television was simply a transmitter of programming, the Supreme Court sided with the cable television industry stating, “...it provides a well-located antenna with an efficient connection to the viewer’s set” (qtd. in Parsons 44).

Their victory would be short-lived however. The FCC would soon make new copyright laws that the cable television industry would not be exempt from. Negotiations would be very intense, and span several years before an agreement would be made. The result would be the Compulsory Copyright License, a standard for cable television systems to follow today, that acknowledges the rights of the creative individuals involved in television programming (writers, actors, musicians, etc.) and provides compensation for them.

The strong partnership between father and daughter could be seen whenever they were working on a case or representing the cable television industry; and was often commented on by those who interacted with them. Cole discussed the Barco's partnership.

If they ever had a difference between them, they were not shared with the public. Those differences never came out. They were a solid, united front and they were very effective in getting the cable operators in Pennsylvania to follow their direction, (Cole).

Cole also recognized the Barcos for constantly keeping up with the issues that had the potential to affect the cable television industry. "The Barcos were instrumental in keeping abreast of all these 'pocket book' issues in Pennsylvania" (Cole).

While Yolanda Barco played a part in all of the legislation cases her father participated in by assisting him in the legal work, she always recognized her father as the driving force in those cases.

My father is extremely important in this period. He helped clear the way for many, many of the operators – and they were just small town business people. ...so he would help clear the way, legally speaking for solicitors and that sort of thing, in cases where it needed to be done. And also, however, the most important legal work we did was negotiating with telephone and power companies to try and get fair, workable conditions (Barco, Yolanda Barco: Oral and Video Collection Interview).

## CHAPTER 5 – YOLANDA BARCO'S INTRODUCTION TO CABLE

My father was the one who started the interest, and he is unusual among cable people, rather he was, because his interest was mainly because he was interested in having cable television come to the community so that he could see television. And the whole interest was on the part, as you might say, of a consumer, which he was in this particular instance, to get television available in his own home. That's what started us...(Barco, Yolanda G. Barco Oral History – Phone Interview 1).

Yolanda Barco once stated that in terms of her involvement in cable, she was an 'innocent bystander.' Her father was very interested in television, and as mentioned in Chapter 1, a family trip to New York in 1951 started it all. According to Yolanda Barco, before she was out of law school, it was not unusual for she, her father and sister to spend some time in New York City. Her father would attend the Practicing Law Institute (a continuing education service for lawyers) she would attend a class she was interested in and her younger sister Helene would sometimes shop. He would always save two hours at the end of each day during the trip to watch television in his room. One particular day, the television was not located in the room at all and on the second day, it simply was not working.

At a cost of \$2 a day for television service, and after two days of not being able to receive said service, George Barco was very upset. Yolanda Barco recalled returning to the hotel and stopping by her father's room where a small group of people had gathered – due to George Barco's complaints. He had made such a fuss to the hotel manager, that they had brought in the people who had put the master antenna system in the hotel to

explain what was wrong. During the explanation of how the master antenna worked, her father asked, if they could do this for a hotel, could they do it for a community? Their answer was that they were working on it – and that is when George Barco began ‘working on it’ himself for his hometown of Meadville.

The supplier of the master antenna at the hotel, RCA, eventually put him in contact with Milton Shapp of Jerrold Electronics. With technical assistance from Shapp, George eventually established Meadville’s first cable system in 1953 through master antenna – thus naming it Meadville Master Antenna (MMA). In an interview with the Pennsylvania Cable Network (PCN) in 1998, “Yolanda Barco: Oral and Video Collection Interview,” she recalls her excitement about MMA.

I was not an active pursuer of this, but I liked that it was a business. So when he became interested in it, he formed Meadville Master Antenna...I was thrilled because I became the general manager of this company. And I was general manager for a five-year period until James J. Duratz came on the scene. I enjoyed it because it was a business venture. That was my interest in it.”

As general manager, Yolanda Barco was responsible for the day-to-day operation of the system, which began with three channels. In 1957, the station grew to five channels - the first large Pennsylvania system to make this upgrade (“Thirty Years of Cablecasting”).

After leaving her role as general manager in 1959, she then began serving as executive vice president and treasurer. With Yolanda Barco serving in this role, and

James Duratz<sup>15</sup> as general manager, MMA continued to grow (Appendix A, fig. 6). In October of 1963, the old MMA plant was torn down and replaced with an entirely new system - with twelve channels. The system would be upgraded a total of four times with new technology from its initial start-up in 1953 to 1977 (Barco, Barco and Duratz). During this time period is also when MMA began aluminum sheath technology – a first in the industry – that resulted in a clearer and cleaner picture.

MMA was also one of the first to start origination broadcasting in 1967. Bill Stewart, who knew the Barcos and was once president and chief executive officer of Armstrong Cable Services that now owns MMA, stated in an interview in 2000 that MMA as a system was very progressive. “They were able to look ahead with their technology and they treated their business as a service to the community. They had a local origination studio long before most people did...” (Armstrong). Yolanda Barco also explained MMA’s interest in local origination in a 1977 cable television broadcast on MMA’s channel CTV-13.

...most cable operators are what you call ‘hardwire’ people. We’re interested in good distribution systems and in providing reception of programs that were produced elsewhere. The idea of producing our own programs meant viewing things in an entirely different way. A way we were not used to. We didn’t have any personnel to do this with, we had no association with the equipment or with the procedures you use and it was completely foreign to us. But I can remember that in the 60’s, mid-60’s perhaps 64’ or 65,’ there was this indication that there were capabilities

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<sup>15</sup> James Duratz married Yolanda Barco’s younger sister Helene. He would serve as general manager of MMA for 30 years (Appendix A, fig. 6).

for distribution that could be utilized in ways other than simply bringing in the reception of stations that were operating. So we talked about this in an informal way at our meetings,” (Barco, Barco and Duratz).

According to the broadcast interview, general manger James Duratz and James Strickler, who was hired with the sole purpose of handling local origination programming, had spoken frequently about finding a way to create their own programming. The problem at the time, as Yolanda Barco discussed, was that from a technology standpoint, no one knew how to accomplish this – until Duratz met a gentleman at a convention who said he had found a way – and was actually doing it. Duratz and Strickler flew out to Moab, Utah where the gentleman had invited the two to see his set-up. The trip was in and of itself, an adventurous one due to the rugged terrain at the time. However, the trip proved fruitful and through experimentation and trips to other locations, MMA soon began preparing for cablecasting.

In the Spring of 66’ the Federal Communications Commission came down with what I think is one of the few decisions or ruling that did the industry any good, but not in the way that I think they were anticipating. They came down with a ruling, which indicated that they probably would not allow us to cablecast. And of course they didn’t say that they wouldn’t, they said they thought we would probably only be allowed to do very, very limited programming and no commercial work. So this was the shot in the arm we needed to push us faster than ever. So this was one of the reasons why we went full speed ahead because we thought we ought to do this...(Barco, Barco and Duratz).

In June 1967, with a sheet dyed blue and hung on the wall, MMA's first attempts at cablecasting began. It was not long before they started branching out to other forms of programming. First, with local church programs, and later with other community-type programs – which became the beginning of their public affairs programming.

We started then in June 1967 and we cablecast on a regularly scheduled basis. Now we didn't do this as a lot of companies did, occasionally, we had a schedule. We started cablecasting gavel-to-gavel the city council, the school board, early on. We had a lot of special programming, programming that we produced ourselves – game shows and shows that were wrapped around films that we purchased and other things, (Barco, Yolanda G. Barco Oral History – Phone Interview).

## CHAPTER 6 – CABLE TELEVISION ENDEAVORS

“Impressive though they are, the unique nature of her contributions to the advancement of CATV and NCTA are best known to the many who have worked with her over the years; are a matter of common knowledge in the industry; and need no documentation.” (“Yolanda Barco...The First Lady of Cable TV!”)

To say Yolanda Barco was “dedicated” to the cable industry is an understatement. As mentioned, once her father George Barco firmly established his interest in cable television with the establishment of Meadville Master Antenna (MMA), Yolanda followed suit - teaming up with her father wherever needed.

The day-to-day operations of cable television systems, as well as defining opportunities for all cable system growth, was Yolanda Barco’s preference and what she was most interested in due to her interest in business. Her father George Barco, on the other hand, was more interested in the legal issues surrounding the entire industry (Tarlton and Dimmerling 4). Eventually, the respect she had for her father and his beliefs led her to stop her involvement in all other cable television systems except MMA (Tarlton and Dimmerling 4).

MMA, which began providing cable television service to the Barco’s hometown of Meadville, Pennsylvania in early 1953, was where she began making history at age 27. From the onset, Yolanda Barco served as the general manager of the station from 1953-1959. She was directly involved in the day-to-day operation of the system as well as the business side of things. “I was general manager of the cable television system which we started here from 1953- to 1959 and actually was involved in the day-to-day operation.



Throughout our involvement in MMA at Meadville, I was directly involved in the day-to-day of the business. However, I was also involved in the legal aspects.” (Barco, Yolanda G. Barco Oral History Phone Interview 2).

Her position at MMA made her the first woman general manager of a cable television system. At the time Yolanda Barco served as general manager, MMA was one of the largest cable systems in the country (Applebaum). Not only did she handle all affairs connected with operating the cable system, she did so while continuing to work at her father’s legal practice that assisted other cable television operators in, and outside of, Pennsylvania. (Applebaum).

After leaving her role as general manager in 1959, she began serving as executive vice president and treasurer. While in this role, MMA became the first cable television system in the United States to be constructed of aluminum sheath cable; allowing them to have a 12-channel capacity (“The Past Presidents of PCTA Honoring George J. Barco” 2). Yolanda Barco would continue in her role as executive vice president and treasurer until 1987 when MMA merged with Armstrong Communications, Inc.

As mentioned throughout the previous chapters, as more and more cable television operators like the Barco’s began to emerge nationwide, other entities such as broadcast television and even utility pole owners began to feel that their livelihood was being threatened. Barriers and obstacles began appearing to limit the cable television industry. Discussed in Chapter 3, individuals with interest in CATV, decided there was a need for both a national and state level organization to aid cable operators in their fight and thus worked together to help create the National Community and Television Association (NCTA) and Pennsylvania Cable Television Association (PCTA) which

Yolanda Barco is considered one of the founders of. PCTA would later change its' name to the Pennsylvania Cable & Telecommunications Association (PCTA) and in 2004, the Broadband Cable Association of Pennsylvania (BCAP).

As mentioned in Chapters 1 and 3, both George and Yolanda Barco were two of the leaders who took an active role in both of these organizations. In 1955, George Barco officially became the General Council for the PCTA and would serve the organization in this capacity for 25 years.

Since Yolanda Barco worked closely with her father, his interest in the work of the PCTA was further passed along to her. Soon her involvement with the organization took a more poignant leadership role. She helped organize the PCTA and would eventually serve as president for three terms in 1963,1964 and concluding in 1965. Her role as president once again made history as the first woman elected president of any state or regional cable association (Froke, Yolanda G. Barco Founders Award Presentation 2).

During the period that Yolanda Barco served as president (Appendix A, fig. 7), PCTA received recognition for several important accomplishments. In 1963 they received a Halo Award, for a public interest project they spearheaded. They also developed a one-day symposium on educational television. PCTA also challenged the pole agreements at that time as well as other charges that affected the cable television business (which was discussed in depth in the previous chapter).

During her term of office, PCTA received a halo award from NCTA for the single project in the public interest by constructing a system to serve the Polk State School and Hospital serving 3,200 handicapped patients and

968 staff members. During her term she also worked to develop the PCTA-sponsored one-day symposium on educational television presented in 1963 in conjunction with the State Department of Public Instruction and Penn State. The state governor and over 800 educators attended it. A legislative appropriation was passed that year funding Pennsylvania Educational Television, which later became the Pennsylvania Public Television Network. It is not surprising, given both her and her father were practicing attorneys, that under Yolanda's guidance, PCTA challenged existing pole agreements and other charges that restricted growth of the cable business. These actions served as a catalyst for the NCTA to take comprehensive action on a national basis (Froke, Yolanda G. Barco Founders Award Presentation 3).

As mentioned in Chapter 1, George Barco served in multiple capacities for the NCTA. Yolanda Barco also took an active role in the organization and was elected to the board of directors for a three-year term from 1967 to 1970. This appointment once again made history by making her the first woman elected to the NCTA board of directors.

Additionally she served as chairman of the NCTA Bylaws Committee from 1969 to 1971. The following year, she was one of four representatives in the industry to serve on a 21-member Federal/State-local steering committee to the FCC that presented both a 'majority' and 'minority' position. Not agreeing entirely with either the 'majority' nor 'minority' positions, Yolanda Barco remained true to her convictions and "submitted an 'unaffiliated' statement' of her own opposing municipal regulation" (Froke, Yolanda G.

Barco Founders Presentation 3). Yolanda Barco explained in her own words, her position on the FCC committee during an interview in 1998 for PCN.

...And the industry, except for me, took the position that they should be regulated by what they called ‘the most local level of government.’ The state people on the committee thought they should be regulated by the PUC and I was one of the few people that thought they should be regulated by the FCC. My position was absolutely shocking to the industry. ...I was the only one who said that the city should only be involved in seeing that the rights-of-way were safe and the construction was correct. But as far as regulating the industry, it should be done by a group that would have national jurisdiction. And remember, we wanted some help on these pole attachments too – which we certainly were not going to get at any place but at the FCC. And that’s where we got some, (Barco, Yolanda Barco: Oral and Video Collection Interview).

In the 14-page statement that she filed on her own behalf, “Separate, Unaffiliated Statement of Yolanda G. Barco” (Appendix B) she intricately outlined why she could not agree with the State-Local or the Federal Plus One positions. Below is an excerpt from the beginning of her official “unaffiliated” submitted statement:

I cannot support the State-Local Position because while I agree with its statement of the legal considerations on the total Federal pre-emption issue and of the legal principles governing the nature and authority of the state/local governmental structure, I must take strong exception with its failure to recognize and come to grips with the very real and present

danger to the cable television industry and its service capabilities in a continuation of the present regulatory trend toward full blown three tier regulation, with all of the burdens, duplications and inconsistencies implicit in such an arrangement.

In my view, an evaluation of the Position over-all must take into account that it proceeds from the orientation of the state and municipal regulatory establishment and that it reflects rather high, not to say, unrealistic, expectations as to the wisdom and restraint which each and both will apply in regulatory treatment.

I cannot support the Federal Plus One Position because while I wholeheartedly agree with its stated objective of avoiding three tier regulation, I believe its approach to total Federal pre-emption with deferral subject to "local" choice of a single non-Federal regulatory partner (or approval of some other non-duplicative "local" plan) is not legally sound nor practically workable. It appears that this Position, in effect, would continue, perhaps strengthen, and certainly formalize the present imbalance in the developing state/local regulatory pattern in favor of municipal government regulation, a circumstance which is neither appropriate in terms of fundamental legal concept nor desirable in terms of keeping open a real choice between state or municipal regulation from state to state for the most effective and worthwhile regulation for long-term development and utilization of cable television.

In my opinion, neither the State-Local Position nor the Federal Plus One Position fully takes into account the existence and effect of certain historical and presently operating circumstances, and as a consequence, neither really effectively deals with the fundamental issue of the general framework for “an appropriate allocation of responsibility in cable regulation. A resume of these circumstances follows... (1-2)

In a student interview conducted in 1990, “Yolanda G. Barco Oral History - Phone Interview” Yolanda Barco discussed what her exact stance was regarding the cable regulation issue;

...I took an opinion that was different from the industry, and from the report that was filed with the FCC, I again took the position that the industry should not be regulated at the local level, that only the FCC should regulate it. This was against industry position, but in effect, in time it became, I think, the position that the FCC too, in the sense that it withdrew from its requirements related to local governmental regulation (3).

As she stated, much of her position was indeed followed by the FCC once they took deregulatory actions.

Marlowe Froke referenced the final regulation of cable television directly to her efforts.

...and Yolanda was a member of that and as I read about what occurred, she sat through and participated in the discussion but when it finally came down to a decision, she refused to support the position of the committee

itself which was that the regulation should be the municipalities as compared to something else. And she felt that if the municipalities were powerful, for individual cable operators it would be a mess in terms of developing statewide systems or national systems. So she filed a separate paper... (Lenfest).

In the same interview, Lenfest agreed with Froke.

I think it proves the old adage, the more on the committee, the worse the decision. Sometimes you need someone to take a contrary opinion – and rightfully so. ...If there were no federal, uniform standards in the regulations, and it was up to each municipality, it would have been a morass. It would have been absolutely horrible...(Lenfest).

In recognition of all her accomplishments up to that point in her career, the NCTA made her the first recipient of the Idell Kaitz Memorial Award in 1973; awarded to ‘the woman who has cumulatively over the years made the most significant contribution to the advancement of the industry’ (Froke, Yolanda G. Barco Founders Presentation 3).

It was also around this time, in the early 1970’s, that Yolanda Barco helped to develop and finance the Pennsylvania Educational Communications Systems (PECS) and later Pennarama with her father and other cable television leaders. According to the Millersville University website page “Places: Introduction PCN” written by Craig Carestia, sometime before 1972, George Barco had an idea to create three educational television networks: one for preschool and elementary, one for high schools and a third for college and university-level programs. As mentioned in Chapter 1, a meeting occurred with Milton Shapp, George Barco and Marlowe Froke about the endeavor, but no action

was taken. In the meantime, several years later, George and Yolanda Barco and Joseph S. Gans spoke with several Pennsylvania cable television providers about the project, with eleven companies eventually joining in, to build a network of microwave towers across the state; thus creating the non-profit group PECS (Carestia). As previously mentioned, PECS would connect with Penn State's educational station named Pennarama and distribute continuing education and community service programming created by the university (i.e. college courses for credit, literacy training programs and general enrichment shows). PECS creation made it the first statewide cable network ever built by the cable television industry (Carestia).

In the 1990 "Yolanda G. Barco Oral History - Phone Interview," she provides additional detail regarding how she and her father became involved in educational television, specifically the connection to Pennarama:

It is complicated to tell you exactly how this started, but I just want you to know that it started primarily because of my father's long-time interest in education, unrelated to television. He has always been doing something important in education, all of his life. He had a lot of basic views, let me tell you one or two of them because they're important. He felt that education was not only important for the obvious realization of what human beings can have under the democratic form of government, that is what makes you equal in the end. But he also believed that education was absolutely essential to the system working. When the literacy problem became such an extreme thing, ten or twelve years ago, he became alarmed that when the population became illiterate and uninformed or



uneducated, unknowledgeable, that the system would break down. We cannot have a democracy without an informed, educated population. So it was his interest in the law and in the system and in government that was also involved in this other business. He was also interested in people advancing themselves, but that was secondary. So, he had a lot of things going all the time, he had a lot of connections with people in state government. He had represented the Department of Public Education in state government, and they came up to him when they knew he was in television, (this was in 1972 or 73) because they knew him well, and said “George, don’t you think, could we have channels of television available only for education.” And they wanted multi-channels. So he was chairman of an educational committee at the state level here in cable, the Pennsylvania association, and they started exploring ways of doing this. ...There was a partnership between the cable television industry on one hand and institutions of higher learning on the other hand to do this. Cable was supposed to provide the distribution system, which we did. Penn State was the one to manage participation by the other institutions of higher learning (11-13).

After her father passed away in 1989, Yolanda Barco became the president and CEO of PECS. According to Carestia, in her new role as president, she decided to embark on a whole new direction for the network. She began by first changing the name from PECS to it’s current name – Pennsylvania Cable Network (PCN). A little over a year later in 1991, she announced a complete makeover for the network. While they would still

focus on educational programming, Yolanda Barco wanted them to delve into options concerning state government and the residents of Pennsylvania. PCN would eventually be known as the states 'educational, public affairs, and cultural cable TV network,' covering state government hearings, press conferences, rallies, and other events that affected the people of Pennsylvania (Carestia).

Brad Hammer, currently the founder and chief operating officer of Shalom TV, was hired by Yolanda in 1993 and served as senior vice president for the network. With PCN for 11 years, he commented on the vision she had for the network.

Yolanda had a vision for it, which again went beyond just educating people through college courses...She loved public affairs and I think when she looked and evaluated the network, her reasoning was that this was an opportunity to share that with other members of the state of Pennsylvania, (Hammer).

The network was also 'one of the first to use compression technology<sup>16</sup> for a cable network – and the first ever by a cable consortium,' ("Our History – Development of a Network"). Brian Lockman, hired by Yolanda Barco in 1994 as chief operating officer, spoke of the importance of her decision to implement this technology.

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<sup>16</sup> Compression technology, also known as 'digital compression' is a process for encoding digitized audio or video signals so that the amount of information transmitted can be increased and carried on a lower-capacity communications system, taking up less storage and requiring less bandwidth for efficient transmission ("digital compression").

That was a huge breakthrough because the network was distributed by microwave. And that's very expensive and convoluted because you have to run a series of towers to get to each cable system – and it was expensive. So she made the decision, and this was part of funding the network a lot herself, was to put the signal up on the satellite. The cost of a single channel on a satellite was \$100,000, \$125, 000, \$150,000 a month – so there's no way to this day that anyone would be able to afford that.

They looked into compression technology and it was very rare at the time, almost no one had used it. ...So they ended up investing in the one system that actually existed and it got pictures up to the satellite and back down to the cable systems and it was expensive, but affordable. So the satellite costs were about 1/5 of what they would have been otherwise and one of the very few that used compression technology (Lockman).

In 1996 PCN's relationship with Penn State ended and it began controlling all of it's own programming; and by 1998 - with the addition of public affairs programming - PCN reached more than two million homes ("Our History – PCN Today"). PCN is still in operation today, with a C-SPAN-like style of programming that reaches over three million homes. Just as Yolanda Barco's career was riddled with 'firsts, ' so is PCN. According to their website,

PCN is now recognized as the preeminent state public affairs network in the nation, and is one of the largest regional cable television news organizations in America. Among its many programming milestones, PCN is credited with the first live coverage of a Pennsylvania House hearing,

the first telecast of Pennsylvania appellate court hearing, the most extensive coverage of a state election in television history, and the first statewide telecast of a regular-season Pennsylvania high school sporting event, (“Our History – PCN Today”).

Lenfest commented on Yolanda Barco’s desire to give back to Pennsylvania and PCN. “George was most anxious that the industry do something to benefit the commonwealth of Pennsylvania, to its people, and Yolanda followed in his footsteps. And in the end, accomplished more than George did. I mean, she just kept after it, (Lenfest).

Lockman also commented on the unique model of PCN.

There are about 25 other states that have some form of a state version of C-Span and they’re almost all funded by the state. Whenever the state wants to cut back on funding, that’s [state version of C-Span] a good place to cut back, so we have been immune to all of that...

The Barcos got all these people together and got them to start this network. And it’s really unique in the country for what we do and it’s because they were so forward thinking to establish it, and Yolanda was so forward thinking for fashioning the programming into what it is (Lockman).

Bill Cologie, former president of the Pennsylvania Cable Television Association (PCTA) – reiterates PCN’s set up that is ‘provided to the people of Pennsylvania at no charge’ (Cologie). PCN is set up on the same model as that of C-Span; which means it’s funding is through the cable companies that carry the programming.

Yolanda Barco was also instrumental in a second educational endeavor - the National Museum of Cable Television. Originally housed at Penn State, the museum was a collaborative effort created by a group of cable television organizations: the Cable Television Pioneers, the National Cable Television Association and the Community Antenna Television Association in 1985 (Froke, Yolanda G. Barco Founders Presentation 4). According to the Center's current website, it's mission consists of:

- Preserving and celebrating cable's enduring contributions to society
- Building bridges between cable and higher education
- Bringing together industry participants to share ways we can better serve our customers ("About Us – Our Mission").

In a 1990 interview, she had this to say regarding the importance of the original National Museum of Cable Television:

I think it is critical to the industry's well being and to the industry's development. Up until almost ten years ago, most of the people learned about cable on the job. We really need, in my view, to be connected, for the people who are coming into our industry and to the people who are in our industry and to a broader world of learning about technology and the relationship of our technology to other technologies. Most important of all, I hope that with a greater breadth of understanding, this has become industry-wide, but also the people within the industry will establish exactly what our place is in the telecommunication order of things. I think one of the problems that cable has is that it has not established its identity

and role. I have a very definite idea as to where we are and where we should be, but I don't think the industry has ever thought about itself enough and one of the very good things about being associated is that people interested in cable will begin to enable us to position ourselves, to understand better what we are and where we should be in the order of things. ...But I still think the industry needs to understand itself and I think a relationship with an institution of higher learning like Penn State, which has a lot of great resources in technology and in communications and telecommunications can help us do that (Barco, Yolanda G. Barco Oral History Phone Interview 15-16).

In 1987 Yolanda Barco was named director of the National Museum of Cable Television and later, in 1992, served as a member of a committee to relocate it to Denver, CO.; As a member of the Executive Committee, she was integral in the planning to make it its own freestanding institution. This included "enlarging and enhancing the Center's activities; a building in Denver to house its operations; the funding of these initiatives; and for the development of personnel to implement them," (Tarlton and Dimmerling 3).

Today the National Museum of Cable Television, renamed The Cable Center, is indeed headquartered in Denver, CO. On the "About Us" section of The Cable Center's website it states:

"The Cable Center's unique historical resources are a living, growing testament to the entrepreneurial spirit of cable's founders and to the innovative culture that drives the industry forward. Our programs help

current professionals excel in their roles, while our higher education programs introduce future generations to this dynamic industry.”

The Center’s presence is definitely a historical resource to cable television. And they are indeed helping future generations learn about the cable television industry. In fact, the majority of the information used in this thesis on Yolanda Barco came directly from The Cable Center’s historical archives - housed in the Barco Library that is named for both George and Yolanda Barco.

## CHAPTER 7 – WOMEN AND CABLE TELEVISION

“It was really early for women to be involved in the law or the cable business. I mean, she was general manager of a cable company before any other woman,” (Brian Lockman, President and CEO of Pennsylvania Cable Network in *Yolanda Barco Cable Hall of Fame Video*).

As mentioned earlier in Chapter 1, Yolanda Barco entered the cable television industry in 1953 – and made history by becoming the first general manager of a cable system. She also was the first woman elected to the National Cable Television Association (NCTA) board of directors. She made history once again when she became president of the PCTA – making her the first woman to be elected president of a state cable television industry association. Yolanda was also the first woman to receive the Vanguard Award for Leadership – the Idell Kaitz Memorial Award. But how extraordinary was that in the cable television industry during cable’s early years? One needs to take into consideration the history of women in cable both then and now to make that determination.

Even after Yolanda Barco left the role of general manager for MMA, she assumed the role of executive vice president. She at one time would also hold the role of president and CEO for PCN. In terms of the law, she also was partner of she and her father’s law firm Barco and Barco – and continued to run the practice even while serving as president of PCN. Even with today’s advancement of women executives in the corporate sector, Yolanda Barco’s accomplishments of high-level leadership throughout her career is highly noteworthy – and rare.



Yolanda Barco hinted at her involvement in the cable television industry as a woman - and what must have been mentioned about her within the industry - in the beginning remarks of a 1977 Pennsylvania Women's Legislative Exchange workshop.

Let me assure you at the onset that whatever else is true of my involvement in cable television, I am not, I repeat, I am not a 'token' woman in the industry. I must add that to say that I have been 'involved' in the industry is to put it mildly. The truth is that I have been consumed with it now for 25 years. While I have participated as a lawyer in many cases affecting the industry, my real point of reference is as an owner-operator, directly and continuously involved with the day to day operations of the business during all that period, (Barco, Introductory Remarks by Yolanda G. Barco).

#### THE BEGINNING OF WOMEN IN THE CABLE TELEVISION INDUSTRY

The history of women in the cable television industry begins with the birth of the industry and the 'mom and pop.' The term 'mom and pop' came from the demographic of those early cable television pioneers. *In The Cable and Satellite Television Industries*, authors Parsons and Frieden describe exactly who those early cable television operators were. "Most of the operators were young, in their twenties, married, recently out of the armed forces, willing to take a risk and looking for an opportunity" (33).

Some women, who later became leaders in cable television, started as a husband and wife team. Betsy Magness, for example entered the cable television industry with her husband Bob. They started their cable television system in Memphis, Texas in 1952. That initial cable system would later become Tele-Communications, Inc. (T.C.I.) which was

once the ‘nation’s largest cable company’ (Parsons and Frieden 33). She worked alongside her husband running the business, which included serving as a member of the board of directors.

In the article “How Three Women Broke Through the Glass Ceiling,” Mike Farrell discusses how Margaret Bellville, executive vice president of operations for Cox Communications Inc. at the time, credited women like Yolanda Barco and Betsy Magness for creating the foundation for other women in cable television to build on.

Bellville gives credit for her relatively smooth rise through the cable ranks to the foundation laid by other pioneering women in the industry. Those were mainly the strong women behind those grand entrepreneurs like Betsy Magness; Yolanda Barco; Claire Tow, wife of former Century Communications Inc. chairman Leonard Tow; Marguerite Lenfest, the wife of former Lenfest Communications Inc. president H. F. “Gerry” Lenfest; and Vicki Myhren, wife of former American Television and Communications Group chairman Trygve Myhren.

“This is an industry that has a lot of back-slapping founders – men,” Belleville said. “But they had great women behind them. If you think about Betsy Magness, Mrs. Barco, Mrs. Tow, Mrs. Lenfest, Mrs. Myhren – these women were every bit as their husbands, and they are as well-known” (Farrell).<sup>17</sup>

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<sup>17</sup> Yolanda Barco never married. However, she and her father George Barco worked together as a team on every legal and cable television project as demonstrated in the previous chapters.

Another well-known woman cable television pioneer was Polly Dunn. Polly and her husband Morris began during the ‘mom and pop’ era. According to the video *Polly Dunn Cable Hall of Fame Video*, while visiting in West Virginia, they learned about cable television and decided to enter into the business. They won the franchise to build the first cable system in the state of Mississippi in 1953. They ran their cable television system, Columbus TV Cable Corp. for five years before Morris passed away. Polly then took over managing the system and “became, at one time, the only female cable operator in the entire country’ (Polly Dunn Cable Hall of Fame Video).

But women entered the industry in other ways as well. Once a cable television system was in operation, there were women who assisted the industry in business operation roles. In a 1999 interview with Sharon Becker, who at the time was president of the northwest division of AT&T’s Broadband and Internet Services, she discussed some of the early roles women played in the cable television industry.

Behind all those cable men were women, and I don’t just mean their wives, who obviously were there too, this is a very taxing business on family. But there were also a lot of women who didn’t have maybe the top roles, but who were their office managers, their marketing managers, their human resource people, that were traditional roles when the industry first started that really contributed a great deal to growing this industry and making it what it is today (“Sharon Becker Interview”).

While the scope of women in the cable television industry has definitely grown since the involvement of Yolanda Barco, Polly Dunn and the other early women cable television pioneers, many women believe the environment has changed at a slow pace.

According to the organization Women in Cable Telecommunications (WICT), they are ‘the oldest and largest professional association serving women in the cable telecommunications industry’ (“About WICT”). “Since 2003, the WICT PAR Initiative has measured the advancement of women in the cable telecommunications industry, providing objective benchmarks that create a more equitable, resourceful and thriving work environment” (“PAR Initiative WICT 2011 Executive Report”). According to WICT’s “PAR Initiative WICT 2011 Executive Report,”

30% of cable telecommunications organizations had women in the executive ranks,<sup>18</sup> the highest percentage reported since the PAR Initiative began in 2003. The percentage of women executives was reported at 27% in 2003 through 2005, after which it hovered at 29% in 2006 and 28% in 2007. In 2008, the proportion of women executives dropped to 23% and since then it has been inching upwards to 25% in 2009 and to 30% in 2011 (3).

In terms of women who were members of the board, the survey discovered that while it was a low percentage, it was higher than women in Fortune 500 companies.

The study also discovered that the percentage of women on cable telecommunications organizations’ boards of directors outpaced Fortune 500 organizations. In 2011, the percentage of women in the boardroom was 20% for cable

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<sup>18</sup> This category of employees was defined in the 2011 WICT PAR survey as executive/senior level officials and managers and includes chief executive officers, chief operating officers, chief financial officers, line of business heads, presidents, executive vice presidents or senior vice presidents of functional areas or operating groups, chief information officers, chief human resources officers, chief marketing officers, chief legal officers, management directors and managing partners (qtd in “PAR Initiative WICT 2011 Executive Report”).

telecommunications organizations, compared with 16% for Fortune 500 organizations (“PAR Initiative WICT 2011 Executive Report” 4).

### THE ‘GLASS CEILING’

The small percentage of women in executive or high-level positions, in all Fortune 500 companies, not just the cable television industry, has often been linked to the term ‘glass ceiling.’ The term is defined in “Glass Ceiling,” by Karen S. Boyd, for the Encyclopedia of Race, Ethnicity, and Society.

The concept of the glass ceiling originated during the middle 1980s to describe the invisible and artificial barriers that have kept women from promotion to upper management and other higher leadership positions in the business world. Most who support the idea that a glass ceiling exists contend that the disadvantages worsen the higher on the corporate ladder women ascend. The barriers are hierarchical in nature and are seemingly impenetrable. This definition originally addressed the difficulties of women to advance but soon evolved to include both male and female racial/ethnic minorities. Women and minorities are significantly represented within the workforce as a whole and even at middle levels of management, but their numbers in senior executive positions remain quite small. Although the 20th century saw many improvements for women and minorities in the business world, advocates for equal rights claim that despite increasing numbers of women and minorities in top leadership roles in business, there is still a long way to go. There is a belief that both women and minorities continue to face barriers in advancement to

positions of leadership in corporations in spite of their much higher overall representation in certain fields and industries (Boyd).

These small percentages of executive level women in cable television could suggest that the 'glass ceiling' does exist within the industry. Many women leaders in cable television have stated that they have either experienced it or know those that have. In 1999, The Cable Center interviewed many of the top women executives in the cable television industry at that time. Thirty plus executives were interviewed on a variety of topics occurring in the industry. One of the questions asked of almost all of them were if they believed the 'glass ceiling' did in fact exist in the cable television industry for women. An overwhelming number of women agreed in the affirmative – many providing explanations for that belief.

Sharon Becker, president of the northwest division of AT&T Broadband and Internet Services at the time, commented on the 'glass ceiling' in both the early years of cable television and at the time of the interview – and in her opinion, the 'glass ceiling' was quite a bit thicker in the early years.

I definitely think in the early years there was a glass ceiling; as a matter of fact, it might have been plywood. I think it's becoming less and less, I think the makeup of the industry certainly has changed a great deal, just the fact that I myself hold a position that I do in the industry – and you see so many women sitting at the higher levels and at the board room tables now – is something that you didn't see in the early 80's when I started, (Becker).

Gayle Greer, who at one time served as senior vice president of Time Warner

Communications and group vice president of Time Warner Cable commented on the 'glass ceiling' aspect as well.

The glass ceiling...I've always been pretty intrigued by that. I think when you talk about it from a symbolic perspective of whether or not women have just as much opportunity and access to the upper positions of this industry – I think there is still a way to go. I think a lot of it has to do with how this industry started, the history of this industry. But, more and more, I think that the ceiling is getting higher and higher...(Greer).

Kate Hampford, who in 1999 was the senior vice president of Cross & Resources, Inc., also agreed on the existence of a 'glass ceiling' in cable television.

There was and there is which isn't to say that there haven't been women that have achieved tremendous levels of success – there are. We can point to many, many women that have done that, but I don't think that in general the same opportunities are always available to women...(Hampford).

But some of the women cable television executives did not view the 'glass ceiling' in cable as being as much of a barrier - or felt that any barrier to advancing was a personal choice so to speak. Susan Packard, the chief operating officer of Home & Garden Television and executive vice president of Scripps Networks in 1999, was one of those women.

There's been so much written about glass ceilings. I think glass ceilings boils down to lifestyle choices. There is some gender bias and there will be some gender bias. ...It still exists today for those of us who have been around for a while, but the bigger issue in my mind is one chooses to go as

far as they want to go based on their overall lifestyle choices and historically, anyway, men have been very focused on career and the ladder – stepping the steps up the ladder and career. And women have had a much broader view of their life and the world, their relationships, their goals and their interests in advancing themselves in any number of ways. And if you want to say that has created a glass ceiling, maybe that's true, but I do believe that we make our own success and we make our own life choices, (Packard).

Priscilla Walker, the president of Walker Innovations, Inc., does not have a name for what has hindered women, but believes something is acting as a barrier. “I really don't know how to define a glass ceiling. I think there are clearly forces at work that are keeping women from being as successful in this industry and maybe it's not just this industry. It could be America in general, (Walker).

Maggie Wilderotter, president and CEO of WINK Communications believes everyone has a ‘glass ceiling’ in their career and it is up to the individual to find a way past it.

I faced a lot of barriers in my career. I think as most women have. But I've never let a barrier stand in the way of me getting around that barrier, so I do believe that there are ‘glass ceilings’ in all of our careers. And what we have to do is to figure out a way to work in the context of the environment we're in to move around it, (Wilderotter).

## NEW INDUSTRY, UNIQUE OPPORTUNITIES FOR WOMEN

Almost an opposite to the issue of the ‘glass ceiling’ hindering women in cable



television, are those who also see the cable television industry as providing a unique opportunity for women – especially when the industry first began. As a new industry with new technology in the beginning, cable television simply needed people to be involved – and at that point, gender was in many respects a mute point. Many women commented on the growth of cable television in the 70's and 80's and what it was like for women entering the industry during that time.

Sharan Wilson, president of Sharan Wilson Resources Limited, believes that the industry was just looking for qualified people in the early days.

...There was a lot of groundbreaking, because they just didn't think about women in certain positions. But at the same time, the pace that I talked about earlier helped. There was so much going on. They had to have good people. They overlooked a lot of things, I guess. I mean, they just hired the best people they could find, (Wilson).

Others, like Ruth Otte who at the time worked for Scholastic, believed cable television was ahead of the time in the beginning in terms of women advancement simply because it was a new industry.

I think cable was somewhat ahead of the curve in terms of women's advancement because we were a new industry. Again, as I said, I think because the rules weren't fully scripted and we were as an industry making up a lot of things as we went and learning and literally inventing a reality, I think it gave us a certain opportunity. And from what I read and understood at the time, I'm not sure it was at all present in other businesses, (Ruth Otte).

Wilderotter said something similar – relating a growing industry to the chance for opportunity.

And I think when you're with a new industry, and you're in an industry that's growing, you really have the opportunity to excel and to kind of prove yourself in an environment of chaos. And I think for a lot of us that grew up in the cable industry, you took advantage of that chaos...So it was a very exciting time for women to be able to breakthrough in that environment, (Wilderotter).

Greer stated something similar about entering into a new industry and the opportunities that exist.

One of the things that I've always said about the cable industry, especially around the time I came in, for women and minorities, it's always been good to go into an entrepreneur, start up kinds of industries and companies. I use myself as an example. I came in with an MSW having done social work in 1978 and by 1980 I was a vice president and moved on to senior vice president. So I doubt that I would have had that kind of experience in a more matured industry like broadcasting, or telephone, and even today... (Greer Interview).

Geraldine Laybourne, the founder and once chairman and chief executive officer of Oxygen Media stated in her Cable Hall of Fame acceptance speech, "This is the industry that allowed me to become a true entrepreneur. This is the industry that allowed women, for the first time in history, to own and operate a television network."

Yolanda Barco helped to pave the way for all of these women cable television

executives by each and every ‘first’ she made in the industry. Sometimes all it takes is one person to simply ‘start.’ Becker stated something similar.

...but I think it starts with something as simple as the fact women are attracted by those who are like them. And as more come in, it’s easier for you to see that you would be accepted...I think that attracts others. I certainly find it quite easy to find very talented professional women to come and work for me and the more we bring in, the better it gets,  
(Becker).

Yolanda Barco did not see herself as a ‘trail blazer’ for women to follow. Brian Lockman, who was hired by Yolanda Barco and worked with her at PCN, recalled that despite all of her ‘firsts’ in the cable television industry, she was not at all a feminist. “It didn’t matter to her, didn’t slow her down one step that she was a female. She didn’t see herself as the leader of any kind of cause on behalf of feminism. She was just plowing ahead,” (Lockman).

Yolanda Barco stated in a speech to the graduates of Allegheny College to ‘work hard and look for the opportunities – they will be there’ (“Allegheny Honorary Degree Acceptance Speech”). She certainly lived her life doing just that – ‘working hard and looking for the opportunities’ – and helped (perhaps unintentionally) to create a trail of opportunities for other women to follow as well.

## CHAPTER 8 – A LIFETIME OF DEDICATION

So all these problems were there, but at the same time, the industry had an irresistible appeal. So many people join it and never leave it. You know, we would go to conventions and there were people just taking the recordings of the proceedings that would stop that business and get into cable. It had a lot of appeal, (Barco, Yolanda Barco: Oral and Video Collection Interview).

### LAST CABLE PROJECTS

Some believe Yolanda Barco's last 10 year's in the industry were the most reflective of the direction she envisioned for cable television. And many more in the industry believe she did not really show her true innovativeness until after her father's death in 1989. "It wasn't until after George's death that Yolanda began to flower. Before that she was really in the background, but very supportive of her father," (Marlowe Froke<sup>19</sup> qtd. in Lenfest).

Many of the projects she continued supporting were initiated by her father, but she continued with them, advancing them, improving them and adding her own innovation to them. The Pennsylvania Cable Network probably serves as the best example of that. As discussed in Chapter 6, Yolanda Barco became the president and CEO of PECS after her father's death – and started working on taking the network in an entirely new direction.

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<sup>19</sup> Marlowe Froke was a journalism professor for over 30 years at Penn State who helped establish Pennarama and worked with cable television industry pioneers to establish the National Museum of Cable Television.

As mentioned, Yolanda Barco changed the name from PECS to its current name – Pennsylvania Cable Network (PCN). A little over a year later in 1991, she announced a complete makeover for the network. She initiated a thorough review of the entire network, which included making it a point for then senior vice president, Brad Hammer, to speak with every MSO from the highest level that she could reach and get an idea of the type of programming they were interested in.

And they said, ‘we are still interested in education, but what we really want is public affairs programming. That’s what they said. So we began to change our emphasis. And it’s true that public affairs programming has had a much stronger, acceptance and interest on the part of viewers and cable operators than the education did. Now, we still have a commitment to higher education, and we still feel that there’s an important place, but the thing that is fueling what we’re doing now is the public affairs programming, (Barco, Yolanda Barco: Oral and Video Collection Interview).

Brad Hammer, now the founder and chief operating officer of Shalom TV, recalls the importance of speaking with the MSO’s.

She was adamant that somebody onboard with the network, and it happened to be myself, meet with the next generation of leaders, the people who did work in the programming department, the people who did work in public affairs there, the people working in government relations with the cable operators...she really wanted to make sure that the network had standing and footing beyond her relationship, beyond her lifetime by

establishing contact with what she called the ‘next generation of leaders, the future leaders of this industry (Hammer).

Yolanda Barco recognized that her father’s dream was to do something for literacy, which he considered to be extremely important and was what he hoped to accomplish from the educational programming. According to her, George Barco wanted higher education for people who could not afford it or get it any other way. But it was determined that the public never really went for it as strongly as they had hoped. Yolanda Barco discussed what other important information they found out when taking the network through its review - and it surprised her.

When we made the surveys, we found that people with education were the ones who were using it. In other words, the educated people wanted more education. But the uneducated, didn’t come. You need something to move them in that direction and we didn’t have anything to move them in that direction. There wasn’t a third component which is heavy, heavy promotion, (Barco, Yolanda Barco: Oral and Video Collection Interview).

In addition, the educational aspect of cable television programming was becoming less popular. Brian Lockman, who Yolanda Barco hired in 1994 from C-Span to become chief operating officer, and who is now president of the network, discussed further the change in the educational component of the network.

She was also very devoted to her father, and her father thought this network was important – that it exist – and so she wanted to keep it going partly as a legacy to him too. But the education part of it had kind of run its course. The programming that they were getting, that was available to

them, had been made in the 70's and 80's – and this was 1994 – so a lot of the college credit courses they were showing were looking pretty dated.

A lot of them were produced by a grant...which was great at the time, but it wasn't sustaining. So they made this whole series of college credit courses over television and showed them for awhile but new ones weren't coming along...it really seemed like the era of taking college courses through the television had come and gone.

And so the network was not going to grow anymore on the strength of college credit courses over cable because it had leveled off its growth...So in order to grow, they needed to take a different direction, (Lockman).

So PCN delved into options concerning state government and the residents of Pennsylvania based on the feedback they received– something Yolanda Barco felt was a new kind of service that she hoped the industry would get on board with as well. She saw the efforts of diversity in cable television programming focused primarily on a national level – and she wanted to showcase the things that are common to a local area; in this case Pennsylvania.

It's all the other things we do which make people aware of our heritage, of our very valuable resources, of our ethnic richness, of our history – these things are all important for the community and I think we're in a very experimental and developmental place and I don't think we at PCN yet understand the importance of what we're doing, (Barco, Yolanda Barco: Oral and Video Collection Interview).

According to Lockman, Yolanda Barco had started moving in the direction of public affairs programming before she hired him. With 15 years of experience with C-Span, Lockman and Yolanda Barco had conversations spanning six months about what a state C-Span model could be.

Her vision was a little broader than mine because I came here as a C-Span purist. Where it was gavel to gavel, untouched and that was pretty much it...I used to say 'C-Span for Pennsylvania' and she used to say, 'you know, I always pictured a C-Span for Pennsylvania and more.'

Moving in this new direction from when it first began, PCN would soon be known as the state's 'educational, public affairs, and cultural cable TV network,' covering state government hearings, press conferences, rallies, and other events that affected the people of Pennsylvania (Carestia). Lockman stated, "Well, we are C-Span for Pennsylvania – and more – because we do all this other C-Span style programming – but showing different aspects of Pennsylvania."

Hammer also commented on Yolanda Barco's direction for PCN.

Her feeling was one that the state government was becoming more and more important in people's lives, and most of the main day to day life oriented policies that were enacted by governments, were being pushed to the state level...A real love of hers was the political process and her feeling was, if people saw this, there might be people who got more involved and to her, that was all to the betterment of the commonwealth (Hammer).



Gerry Lenfest believed the new direction of PCN was Yolanda Barco's most significant contribution to the cable television industry.

They're all important, but the one of lasting significance is the Pennsylvania Cable Network. I think that's where Yolanda really shone. In her quiet, persuasive and gentle way, she went around and convinced all of us to support PCN. And today it is a very viable programming network of great, great value to the homes that subscribe to cable in this state and I think, in my opinion, it's the most single achievement of all. And I acknowledge the contribution of Yolanda, (Lenfest).

Joseph S. Gans III also talked of the importance of PCN. "She, along with other leaders in the state, were able to utilize resources at Penn State University for educational programming. I think it might have been a thought a little ahead of its time, but it carried forward and it is today what it is – the Pennsylvania Cable Network, (*Yolanda Barco Cable Hall of Fame Video*).

Yolanda Barco would also continue working with the Barco Duratz Foundation. According to Yolanda Barco, her father - with mainly his funds - originally founded the foundation in 1987 and its focus was to advance continuing education. While some of George Barco's projects could be accomplished in his lifetime, many could not. Yolanda Barco, who became president of the foundation after her father's death, and others work to see to it that those projects get completed. As time has passed, other family members have added funds to the foundation, which has allowed them to incorporate additional community project endeavors, as well as projects that are rooted in education. For example, the foundation assisted with the educational phase of PCN. George Barco was

also a huge supporter of the University of Pittsburgh where he went to law school, and as such, the foundation has donated over \$20 million to the university as of 2010 (“Meadville Tribune”). The foundation also created the Barco-Duratz Foundation Endowed Scholarship at Gannon University and the George J. Barco Judicial Continuing Education Fund at The National Judicial College to name just a few projects.

In an interview with Tony Accamando, he stated, “George used to stress that as an industry, we needed to keep the “C” in CATV – which is community.” Gerry Lenfest also commented on the Barcos desire to give back to the community. “They believed the cable industry owed something to the community; to give back, and both George and Yolanda were very interested in the cable industry sponsoring things of value to the community...” (Lenfest).

As mentioned in Chapter 6, Yolanda Barco also was involved with the National Museum of Cable Television. A big project she participated in was the relocation of the museum from Penn State to its current home in Denver, CO. She served on the Executive Committee and was integral in the planning to make the museum it’s own freestanding institution. This included “enlarging and enhancing the Center’s activities; a building in Denver to house its operations; the funding of these initiatives; and for the development of personnel to implement them” (Tarlton and Dimmerling 3).

Yolanda Barco would also take up any unexpected cause she felt strongly for. One example is the headquarters for the PCTA. The PCTA (now known as BCAP) began a project of acquiring a new building better suited for the organization in the mid 1990’s. Yolanda Barco was contacted for a donation request for the project. In addition to making

a donation, she immediately took it upon herself to solicit the remaining funds needed from those in the industry.

Miss Barco also played an important role in raising funds for PCTA's new headquarters in Harrisburg. Though she held no office nor had any formal role, she took it upon herself to raise the money that made it possible for PCTA to occupy its current building, ("PCTA Press Release").

Yolanda Barco once said of her father,

My father was a very generous man, very interested in philanthropy, but he always considered any gift he made an investment. He didn't think he just gave money, he always thought you ought to know exactly what the money was going to be used for or you ought to have some idea what the return should be on the money, (Barco, Yolanda Barco: Oral and Video Collection Interview).

With that in mind, Yolanda Barco took her involvement a step further with the new PCTA headquarters and met personally with the architect, touring the location and giving suggestions as to additional features she thought the building should possess.

#### VIEWS ON CABLE AND THE DIRECTION OF THE INDUSTRY

As a cable television pioneer, Yolanda Barco often spoke about the direction she hoped cable television would take. In her 1998 interview at PCN, "Yolanda Barco: Oral and Video Collection," she discussed one of the industry's shortcomings in her opinion.

I think the industry has never taken the time to put an act together nationally in order to develop a real connection for the best use of our technology. One of the things about cable operators in the early days,

when I talked about humble beginnings, we didn't get any respect from the broadcasters. They thought our technology was very 'mickey mouse.' We got no respect from the telephone companies because they thought we were 'here and gone tomorrow.' We didn't even own any part of the place our business rested. But the interesting thing is our technology has proved to be 'the' technology as far as what we can get into the home.

Yolanda Barco also shared her wish for the cable television industry in the same interview.

About the industry today, my wish would be that we had more unified and coordinated treatment on the development of the telecommunications part of the industry. It cannot develop as fast and as well as it should when we are all – see the other part of cable is the entertainment part and the relationship to this geographical area – and we tend to be rooted in our geographical areas in the universe. So I think it'll come out okay in the end, but it won't be as fast as it could be, perhaps as well done as it could be.

She would frequently discuss her belief in the importance of public affairs as well. She believed that public affairs programming was extremely influential in state government and the community and that PCN had the opportunity to get others in the industry moving in that direction.

When we [PCN] reach the point that we really have most of the subscribers, I think that you're going to see a difference in the impact of what we do and its influence – not only in Pennsylvania, but nationwide. I

think when that happens others will begin to follow suit, (Barco, Yolanda Barco: Oral and Video Collection Interview).

Connected to the issue of public affairs, was her concern with an influx of national programming as well. She felt there needed to be more local cable television programming across the board within the industry.

There are several things that I'm concerned about in cable television today. One of them is, the focus is all on national programming. The local origination, which was of great interest in the period I mentioned, there's still some interest, but it isn't where it ought to be. I think cable television's next area of development has to be to get into some state and regional kind of expression. I don't think it's good to have everything coming from one place, or from a national focus only. The country depends on all of the things that happen at the state and regional level as well, (Barco, Yolanda G. Barco Oral History – Phone Interview).

Another important area Yolanda Barco spoke of was leadership in the cable television industry and how the industry is lacking in that arena. She felt it was harder for leadership to develop and be effective because of what she called the 'bigness of some of the large MSO's'. In an interview, she discussed how the leaders at the top level of management seemed to be moving the industry in the right direction, one of decentralization - but that leadership cannot start at the top.

But in the end, leadership is like anything else; it starts with education at the ground level and is not something that happens once a person has arrived at a big important job. The whole business of being a leader is

something has to be developed just like citizenship, just like all the good qualities of character, and you have to be a leader in your community before you can be a leader anyplace else. You have to be willing to take what leaders take (Barco, Yolanda Barco: Oral and Video Collection Interview).

#### ACHIEVEMENTS AND INTERESTS OUTSIDE OF CABLE

Yolanda Barco once said that, “you can only live one life...and as people go, I’ve had more of a shot at it than many people have. I’ve done two or three very interesting things” (Barco, Yolanda Barco: Oral and Video Collection Interview). She successfully combined two areas she enjoyed: the law and cable television. However, she was also involved in numerous other projects.

Her father was a huge proponent of philanthropy, and Yolanda Barco also shared his interest. She served on the board to the United Way of Western Crawford County, Inc. as well as the Meadville Library, Art and Historical Association board. For a brief time she also served on the University of Pittsburgh board of trustees.

Another love was her town of Meadville, PA where she lived her entire life. She was very active in all aspects of Meadville, which included the local government – an area she felt that she could make a difference – and where she served 12 years as a Councilwoman on the Meadville City Council. She also served as Deputy Mayor for three years.

Some of my lawyer friends, when I went for this position, they said, ‘Are you mad? There’s nothing but heartache there. If you want something, go for something bigger.’ But you see, you can make a difference in the city

of Meadville for sure, and I think you can make a difference in Pennsylvania, (Barco, Yolanda Barco: Oral and Video Collection Interview).

As with the law and cable television, Yolanda Barco put her all into her duties as councilwoman. She believed that the individual states played an important function in overall government affairs and as stated earlier in the chapter, she also believed that to be a leader, you must first be a leader in your community. At her last council meeting as councilwoman, Yolanda Barco reflected on her 12 years of service. She discussed the good things about Meadville Council as well as the areas that could be improved – her lawyer side emerging with a balanced account of both. She also thanked each and every person she had worked with throughout the years; commenting on the strengths they brought to the council. But she also commented on the depth of her involvement. “It is my opinion that consistent, active participation is a requisite for good performance of councilman individually and the council as a whole,” (*Yolanda Barco Final Meadville City Council Meeting*). And she meant it - as later seen in her comments on the actual time she spent supporting the council. She mentions that during her 12 years, she attended an average of 10 meetings a month - never fewer than six and one time as many as 20 – in regard to city related projects and issues. In those 12 years she was absent from only four public meetings and seven or eight study or other meetings.

Her interest in government also prompted thought to a possible career in Pennsylvania government at one point. She cited it as the ‘thing she would have liked to do the most.’

The thing I would have liked to do the most, that I never got to do, that I could have done; I mean I had a good shot of being elected. As a matter of fact, I could have been elected easily and that was...I always wanted to be a state senator. That's what I wanted to be. I wouldn't have been opposed to being governor and I really think I might have had a shot at it if I had gotten into politics. I see the way it works, there is no reason it couldn't have happened.

See, that's where my problem of being rooted in Meadville and all the things I was doing – practicing law, and cable; cable had a big hold on me too. I would have had to leave cable television totally to get involved in politics, (Barco, Yolanda Barco: Oral and Video Collection Interview).

During the same interview, when asked if she regretted not getting into politics, she replied with a smile, “You know, it's like everything else. I think a lost opportunity is always something you regret in some way. There are a lot of things I never got to do.”

Her interests in government however, did not leave the state of Pennsylvania. Washington was never an aspiration.

I think making a difference in Washington is a long shot. Maybe you could, but I'd rather work where the results are clearer. It's just too much uncertainty there. I think I could have made a difference in Pennsylvania. Just as I think we're making a difference in cable in Pennsylvania, (Barco, Yolanda Barco: Oral and Video Collection Interview).



## CABLE LOSES A PIONEER

On May 27, 2000, Yolanda Barco died at age 74 from cancer. Only those closest to her knew that it was coming. According to an account from her sister Helene Barco Duratz, many years before, Yolanda Barco had her thyroid removed because of cancer. After it was removed, and at the completion of thorough tests and examinations, she was told that the thyroid had harbored it all – there would be no need to be concerned with the threat of the cancer returning (*Yolanda Barco Funeral*).

However, in 1996, family members could tell that there was something wrong – and it appeared to be reminiscent of the years before her thyroid was removed. According to Helene Barco Duratz, after returning to the hospital for tests, they were told the unfortunate news – the cancer had returned. Worst of all, it was deeply embedded in the thyroid region and there wasn't anything that could be done.

Yolanda Barco however, continued working just as she had before – and insisted that her family not tell anyone of her condition. She felt very strongly that everyone had something they must work through and this was hers; she also wanted her work to be reviewed on its merit and nothing more - and she simply 'didn't want to be counted out,' (Helene Barco Duratz in *Yolanda Barco Funeral*). Helen Barco Duratz stated that Yolanda Barco worked daily on her projects for the next few years, remarkably, until about a week before her battle with cancer ended.

Bill Cologie, former PCTA president (now known as BCAP) said of Yolanda Barco's passing,

She was her father's daughter. It is difficult to imagine a father and daughter who could be more dedicated to the principles of the law, the

value of education, the importance of public service, and the sheer decency of always doing the right thing. I know of no one with higher principles, sounder judgment, or less pretense than Yolanda Barco. She was a pillar of strength for this industry and I'll miss her tremendously, ("PCTA Press Release").

Lockman remembered Yolanda Barco as 'determined, with a remarkable humor bent to match her strong will. You wouldn't expect this kind of person to come up with the witticisms in the midst of a business meeting, but she always did. She had a way of setting goals and then being fiercely determined until she reached them,' (Applebaum).

He also remembered her giving nature. "I think one of the things that was unique about her was her selflessness. I never saw her do anything for herself, anything in her personal interest," (*Yolanda Barco Cable Hall of Fame Video*). In another interview he commented again on her generosity. "She really was interested in the good of the community, the good of Pennsylvania and the good of her hometown of Meadville – and was willing to put her money toward that," (Lockman).

Hammer spoke of her interaction with people and her attitude on life.

I think she had a great sense of people. I think she just understood people and how they worked...She was a real believer in a kind of everyday excellence. You work hard, you plow through things that need to be done, you keep at it and you enjoy things afterwards (Hammer).

Her dedication to cable television was also remembered, in addition to her tenacity of spirit by Joe Gans III, cable pioneer operator who owned Gans Multimedia.

"If you were an advocate you got 110% of her support. But if you were an opponent, you

better be ready for a battle because she would fight for her rights. Fight for cable's rights - right to the end," (*Yolanda Barco Hall of Fame Video*).

Lockman remarked, "She was a fighter, and some people found that off putting – that depended on what side of the table you were on," (*Yolanda Barco Cable Hall of Fame Video*).

Hammer stated in an interview,

It would be nice for the next generation of cable leaders to have an awareness of her dedication to this industry, of her desire to have cable do things for the greater good of its subscribers and of the people who watch.

I think these are the things that I would want for her legacy.

Yolanda Barco devoted over 45 years of her life to the cable television industry. Those who knew her count themselves lucky to have had the pleasure. And those who simply know of her involvement in the cable television industry should do the same.

Hammer commented specifically on the importance of the cable television legal presence that the Barcos helped to establish.

I really think that if someone said what was her greatest gift to this industry, it was those years alongside her father, defending the industry and making sure that there even *was* a cable television industry (Hammer).

Brian Lockman stated, "She was very idealistic and really wanted to do something good with this network....and now I have a great responsibility to keep the network moving in the direction Yolanda set – because it was the right direction. It was something the state needed, the cable industry benefits from and it's doing the right thing, (*Yolanda Barco Cable Hall of Fame Video*).

Joseph Gans III, who worked with the Barcos regarding many cable television issues, stated in the *Yolanda Barco Hall of Fame Video*, “She knew what she was talking about. She knew the direction of the industry and she helped shape what we have today.”

## CHAPTER 9 - CONCLUSIONS

Both Yolanda and George commanded such respect, not because of who they were, but because of what they were. Their articulation, their command of the law, their dedication to this industry was almost overwhelming, (Accamando).

Cable television pioneer, Yolanda Barco, had a career riddled with ‘firsts.’ The daughter of George Barco, she was the first woman lawyer in northwestern Pennsylvania as well as the first woman general manager of a cable system – to name just two of her many ‘firsts.’ She is most known for the work she accomplished with her father tackling many of the milestone legal cases that the cable television industry faced in its infancy. However, her list of solo accomplishments are also quite extensive – and unfortunately, not as well known. At the time of this research, there were no books or studies that focused solely on the life of Yolanda Barco. While information can be found regarding her achievements, they are snippets at best. Through interviews of those who knew her personally and professionally (including two new ones that I conducted), personal accounts from speeches that she presented, archived television newscasts, news articles and publications; my work demonstrates that as an individual and a woman, Yolanda Barco made a significant impact on the cable television industry.

The Barco name is almost synonymous with cable television history – especially to those who have followed the industry from the early years. When one speaks of the contributions to cable by the Barcos, it seems to me that it consistently comes back to cable legislation and the area of education. I also believe the relationship between father and daughter, their similarities and differences as well as their teamwork toward the

family businesses, were all key components of this duo's success. However, when speaking just of Yolanda Barco's contributions, I believe her work with cable legislation and the Pennsylvania Cable Network (PCN) are the prominent focus. These are the major areas that were examined throughout my research.

As a father and daughter team, I believe George and Yolanda Barco helped shape the regulatory path that the cable industry would follow – and cable television would most probably not be at the point it is now without their influence. Leaders in the cable television industry seem to agree with this point, especially regarding the issue of pole attachment. John P. Cole, senior founding partner of Cole, Raywid and Braverman – a prominent communications law firm – stated the following that appeared in Chapter 4,

Pole line legislation, so called pole attachment rights, became a part of the regulatory landscape and it guaranteed access to those poles under reasonable charges and conditions. But for the effort of the Barcos there, that war, which ultimately may have been won, would have taken a lot longer. Without that legislation, the cable industry would not have been able to achieve what it has achieved today – literally the wiring of a nation, (Cole).

Gerry Lenfest, founder of former Lenfest Communications, made a similar statement in the “Gerry Lenfest Interview About the Barcos” which also appeared in Chapter 4. “Without the right to attach to utility poles within the public right-of-ways, there wouldn't be a cable industry.”

Brad Hammer, founder and chief operating officer of Shalom TV who worked for 11 years with Yolanda Barco at PCN, also commented on the importance of the cable

television legal presence that the Barcos helped to establish. The following statement is mentioned in the preceding chapter.

I really think that if someone said what was her greatest gift to this industry, it was those years alongside her father, defending the industry and making sure that there even *was* a cable television industry (Hammer).

In Chapter 4, a quote from Cole also gives both Yolanda Barco and her father recognition for being the first in the country to even suggest that the government intervene in pole attachment fees.

George and Yolanda Barco, they may have been the first in the country to take a real lead in suggesting to the government that it should play a role in establishing fair and reasonable attachment costs that could be exacted by the utility pole owners. Largely, because of their efforts and the efforts of other people but I would say they led it. They began to bring about a legislative effort in Congress, (Cole).

Marlowe Froke also references the regulation of cable television with the efforts of Yolanda Barco and this is shared in Chapter 6. While the industry was strongly leading toward individual municipality regulation of the cable television industry, Yolanda Barco felt otherwise.

...and Yolanda was a member of that and as I read about what occurred, she sat through and participated in the discussion but when it finally came down to a decision, she refused to support the position of the committee itself which was that the regulation should be the municipalities as compared to something else. And she felt that if the municipalities were

powerful, for individual cable operators it would be a mess in terms of developing statewide systems or national systems. So she filed a separate paper... (Lenfest).

In the same interview, Lenfest agreed with Froke's account of the events and this is also shared in Chapter 6.

I think it proves the old adage, the more on the committee, the worse the decision. Sometimes you need someone to take a contrary opinion – and rightfully so. ...If there were no federal, uniform standards in the regulations, and it was up to each municipality, it would have been a morass. It would have been absolutely horrible...(Lenfest).

Cole credits the Barcos with taking the lead in cable state association matters as well. While the state association didn't match up to the level of the broadcast associations, 'it did begin to achieve a little bit of political clout,' (Cole). In terms of legislation in general, Cole believed the Barcos constantly kept up to date with issues that had the potential to negatively impact the industry. Mentioned in Chapter 4, Cole is quoted as saying, "The Barcos were instrumental in keeping abreast of all these 'pocket book' issues in Pennsylvania."

I think that both George and Yolanda Barco also felt very strongly not only in the importance of education and a sense of community, but the role that the cable television industry should play in both. A statement made in an interview with Tony Accamando, which is shared in Chapter 8, he states, "George used to stress that as an industry, we needed to keep the 'C' in CATV – which is community." Gerry Lenfest also commented on their desire to have the industry give back to the community. "They believed the cable



industry owed something to the community; to give back, and both George and Yolanda were very interested in the cable industry sponsoring things of value to the community...”(Lenfest).

Expanding education was definitely George Barco’s passion – especially for the state of Pennsylvania. His work helping to organize a public television station in Erie, PA and his years of service on the board of trustees for Penn State, which are both shared in Chapter 1, are just two examples of that passion. However, Yolanda Barco supported her father’s educational endeavors - both while he was living and after his death. Gerry Lenfest is quoted in Chapter 6 as saying, “George was most anxious that the industry do something to benefit the commonwealth of Pennsylvania, to its people, and Yolanda followed in his footsteps. And in the end, accomplished more than George did. I mean, she just kept after it, (Lenfest).

Aside from the multiple donations to various educational foundations the Barcos supported, I see the PECS/Pennarama project as a solid representation of their dedication to education. It also represented the desired partnership between the cable television industry and educational institutions that George Barco deeply wanted.

...There was a partnership between the cable television industry on one hand and institutions of higher learning on the other hand to do this. Cable was supposed to provide the distribution system, which we did. Penn State was the one to manage participation by the other institutions of higher learning (Barco, Yolanda G. Barco Oral History - Phone Interview) 11-13).

I believe another notable attribute of the Barcos was the strong father/daughter partnership they shared – and it is one that cable television industry leaders remark on frequently. A quote from Cole that is shared in Chapter 1 states,

If they ever had a difference between them, they were not shared with the public. Those differences never came out. They were a solid, united front and they were very effective in getting the cable operators in Pennsylvania to follow their direction, (Cole).

Bill Cologie, former PCTA president (now known as BCAP) said in a quote that appeared in the preceding chapter,

She was her father's daughter. It is difficult to imagine a father and daughter who could be more dedicated to the principles of the law, the value of education, the importance of public service, and the sheer decency of always doing the right thing, ("PCTA Press Release").

Father and daughter had noticeably different personalities. In Chapter 1, George Barco is described by those who knew him as being 'very dynamic' and looking 'very stern,' and Yolanda Barco is described as being 'sweet,' 'nice,' and being in the 'background of her father.' From my observations, those differences are also paired with several similarities and a deep respect for each other. For instance, Yolanda Barco shared the same interests as her father and modeled her own aspirations after him; aspiring to become a lawyer at the age of 10, attending the same college, ultimately going into the same profession and thus attending the same law school as George Barco – all of which is discussed in Chapter 2.

She also frequently made sure to credit her father as the guiding force behind their team involvement within the cable television industry. For instance, Yolanda Barco assisted her father with the cable television law cases surrounding pole attachment, excise tax and copyright; but she often credited him first for his contributions to cable television as seen in this direct quote from her shared in Chapter 4.

My father is extremely important in this period. He helped clear the way for many, many of the operators – and they were just small town business people...so he would help clear the way, legally speaking for solicitors and that sort of thing, in cases where it needed to be done. And also, however, the most important legal work we did was negotiating with telephone and power companies...(Barco, Yolanda Barco: Oral and Video Collection Interview).

I believe another strong component of the Barcos relationship was the common ground of the family business. Like other family run industries such as radio and broadcasting of the 1950's and 60's, family ownership was important and teamwork was essential for success – and as discussed in Chapter 6, they had several businesses that they ran together. The first was the law firm of Barco and Barco, where Yolanda Barco was a partner and the pair worked together defending a variety of law cases in their hometown of Meadville, PA. The second was the cable television system of Meadville Master Antenna (MMA). While George Barco served as president of MMA, he appointed Yolanda Barco as general manager from the onset. A few years later she would serve as executive vice president of MMA. She would also assist in managing, and eventually become the CEO, of the cable television network that her father helped found – PECS.

From the beginning of her father's interest in cable television, and for the rest of her career, Yolanda Barco would simultaneously have her hand in all their family endeavors. Hammer commented on the dual involvement in both the law and the cable industry in Chapter 8. "She did this [manage PCN] too while she was running a law practice. She never stopped running the law practice. There was a lot going on in her world."

When asked during an interview that is shared in Chapter 4 if she had ever thought of leaving her hometown of Meadville to practice law, I believe her response showcases the loyalty she felt toward her father as well as toward their law practice.

...but I felt like I owed my father something after that wonderful education I got and I thought I'd come here and work for about five years and leave. But I got too tied up with the town, with everything in the practice and it was hard to leave and I never did leave, (Barco, Yolanda Barco Oral and Video Collection Interview).

As mentioned, the Pennsylvania Cable Network was an important part of Yolanda Barco's achievements. While George Barco was one of the initial founders of PECS, Yolanda Barco played an active role in helping to get the project off the ground. It was also Yolanda Barco who approached cable operators once the Pennarama project was up and running to get them to participate. Gerry Lenfest recalls when Yolanda Barco first approached him. "Yolanda came to me when we had Lebanon and said, 'would you help to support the distribution, the carriage of Pennarama?' - and we were happy to do it," (Lenfest).

When George Barco passed away in 1989, Yolanda Barco's involvement in PECS really took off. As president and CEO, she began the first important changes to the network, which are outlined in Chapters 6 and 8. The first thing she changed was the name from PECS to its current name – Pennsylvania Cable Network (PCN). In 1991, she announced a complete makeover for the network, which would now focus heavily on local public affairs programming. She brought in Brad Hammer in 1993 and Brian Lockman in 1994 to help transition the network as they moved to a public affair type of programming.

Gerry Lenfest cited the new direction of PCN as Yolanda Barco's most significant contribution to the cable television industry.

They're all important, but the one of lasting significance is the Pennsylvania Cable Network. I think that's where Yolanda really shone. In her quiet, persuasive and gently way, she went around and convinced all of us to support PCN. And today it is a very viable programming network of great, great value to the homes that subscribe to cable in this state and I think, in my opinion, it's the most single achievement of all. And I acknowledge the contribution of Yolanda, (Lenfest).

Joseph S. Gans III also talked of the importance of PCN. "She, along with other leaders in the state, were able to utilize resources at Penn State University for educational programming. I think it might have been a thought a little ahead of its time, but it carried forward and it is today what it is – the Pennsylvania Cable Network, (*Yolanda Barco Cable Hall of Fame Video*).

Lockman commented on the unique model of PCN, which is shared in Chapter 6.

There are about 25 other states that have some form of a state version of C-Span and they're almost all funded by the state. Whenever the state wants to cut back on funding, that's [state version of C-Span] a good place to cut back, so we have been immune to all of that...

The Barcos got all these people together and got them to start this network. And it's really unique in the country for what we do and it's because they were so forward thinking to establish it, and Yolanda was so forward thinking for fashioning the programming into what it is (Lockman).

Another important aspect of PCN came from Bill Cologie in Chapter 6, former president of the Pennsylvania Cable Television Association (PCTA) – who pointed out that PCN is 'provided to the people of Pennsylvania at no charge' (Cologie). PCN is set up on the same model as that of C-Span; which means it's funding is through the cable companies that carry the programming.

In Chapter 8 Brian Lockman stated, "She was very idealistic and really wanted to do something good with this network....and now I have a great responsibility to keep the network moving in the direction Yolanda set – because it was the right direction. It was something the state needed, the cable industry benefits from and it's doing the right thing, (*Yolanda Barco Cable Hall of Fame Video*).

As an individual and a woman, Yolanda Barco made a significant impact on the cable television industry. She dedicated her adult life to successfully helping to grow an entire industry from its infancy – and her efforts are witnessed every time someone watches cable television today. Hopefully this reflection on her life, and the new

interviews I conducted, create a historical reference that can be referred to in connection to the cable telecommunications industry and to the dedicated efforts of the extremely committed Yolanda Barco (Appendix A, fig. 8).

I believe Lockman said it best regarding the way Yolanda Barco approached everything in life, and I believe it is also reflected in the cumulative list of her achievements that follow. “And she had this way of deciding what her mission was and being relentless in pursuing it,” (*Yolanda Barco Video Hall of Fame*).

## COMPREHENSIVE LIST OF YOLANDA BARCO'S ACHIEVEMENTS

1950 – Yolanda begins practicing law in Meadville, PA at her father's firm of Barco & Barco. For the next 15-20 years, she would be the only woman lawyer in Northwest, PA.

1953-1959 – Yolanda served as the general manager of Meadville Master Antenna Inc., - managing all of its affairs for day-to-day operation. She did this in addition to continuing to practice law. This position made her the first woman to become general manager of a cable system.

1955-1964 – Chairman of the Service to the Public Committee

1956-1980 – Assistant General Counsel of the Pennsylvania Cable TV Association

1957 – 1979 – President of Pennsylvania Cable and Telecommunications

Association. Yolanda was the first and only woman president of an association and the first woman elected to head a state association

1957 – Assisted her father in the NCTA's test case regarding cable excise taxes

where they sued the IRS to recover the \$70.40 subscriber Gus Pahoulis had paid in excise taxes on his cable service in 1953 and 1954. The ruling in 1957 was in favor of the cable industry.

1959 – 1987 – Executive Vice President and Treasurer of Meadville Master Antenna

1964-1966 – President of the Service to the Public Committee

1967-1970 – NCTA Director – Yolanda was the first woman elected to the NCTA

Board of Directors



1967-1980 – Chairman of the budget committee for Service for the Public  
Committee

1967 – Elected as a member of CATV Pioneers

1968 – Yolanda Barco considered cable copyright ‘the most important thing we ever did.’

With her father, they litigated the issue of whether or not cable operators were subject to copyright under the original act. The ruling in 1968 was in favor of the cable industry – Yolanda and her father continued their efforts in the negotiations that followed over the years ending when the Copyright Act was finally adopted.

1969-1971 – Chairman of NCTA Bylaws Committee

1972 – Was one of four representatives in the industry to serve on a 21-member

Federal/State-local steering committee to the FCC that presented both a ‘majority’ and ‘minority’ position. Not agreeing entirely with either the ‘majority’ nor ‘minority positions, Yolanda “submitted an ‘unaffiliated statement’ of her own opposing municipal regulation.

1973 – First woman to receive the Idell Kaitz Memorial Award (part of the distinguished Vanguard Award for Leadership in the cable television industry).

1975-1981 – Served on the Board of Directors of the Pennsylvania Bar Institute

1982 – Appointed to Pennsylvania Board of Law Examiners

1987 – Named Director of the National Museum of Cable Television

1987 – Presented with the Pennsylvania Cable Pioneers Founders’ Award.

1987- late 90’s - Vice President and Director of Armstrong Communications, Inc.

1989 – President and CEO of Pennsylvania Cable Network. Yolanda Barco is also credited as one of the founders of the network.

1989 - President of the Barco Duratz Foundation – a charitable foundation  
established in 1987 for the advancement of continuing education

1990 – 1997 - Trustee, University of Pittsburgh

1992 – Served as a member of the executive committee to relocate The Cable Center  
to Denver, CO

1992 – Stepped down as President and CEO of PCN and became Chairman

1997 – Emerita Trustee, University of Pittsburgh

## Appendix A



Figure 1. Reed, McCaskey. Group photo of Meadville Master Antenna employees, trucks and antennas. Yolanda Barco Photos; [www.cablecenter.org](http://www.cablecenter.org), 1960's; Web; 6 March, 2013.



Figure 2. Rand, Stanton. Meadville Master Antenna Office Building. George J. Barco Papers; [www.cablecenter.org](http://www.cablecenter.org), 1972; Web; 6. March. 2013.



Figure 3. Meadville Master Antenna management visits antenna site: left to right Harry C. Winslow, James Stilwell, Yolanda G. Barco, Anthony D. DeLoss, George Barco. Yolanda Barco Photos; [www.cablecenter.org](http://www.cablecenter.org), June. 1953; Web; 6 March. 2013.



Figure 4. Yolanda and George Barco giving testimony. Yolanda Barco Photos;

[www.cablecenter.org](http://www.cablecenter.org); 1970's; Web; 6 March. 2013.



Figure 5. Gus Pahoulis and George Barco with refund check from IRS. George J. Barco Papers; [www.cablecenter.org](http://www.cablecenter.org), 1957; Web; 6 March. 2013.



Figure 6. Yolanda, George and Emmaline Barco, James Duratz and Helene Barco Duratz.

Yolanda Barco Photos; [www.cablecenter.org](http://www.cablecenter.org), 2 October. 1975; Web; 6 March. 2013.





Figure 7. Yolanda Barco. Yolanda Barco Photos; [www.cablecenter.org](http://www.cablecenter.org); 1960's; Web; 6 March. 2013.



Figure 8. Yolanda Barco. Yolanda Barco Photos; [www.cablecenter.org](http://www.cablecenter.org); 1990's; Web; 6 March. 2013.

## Appendix B

## Separate, Unaffiliated Statement of Yolanda G. Barco

Report of Steering Committee of  
Federal/State-Local Advisory Committee to  
Federal Communications Commission  
September, 1973

I cannot support the State-Local Position because while I agree with its statement of the legal considerations on the total Federal pre-emption issue and of the legal principles governing the nature and authority of the state/local governmental structure, I must take strong exception with its failure to recognize and come to grips with the very real and present danger to the cable television industry and its service capabilities in a continuation of the present regulatory trend toward full blown three tier regulation, with all of the burdens, duplications and inconsistencies implicit in such an arrangement.

In my view, an evaluation of the Position over-all must take into account that it proceeds from the orientation of the state and municipal regulatory establishment and that it reflects rather high, not to say, unrealistic, expectations as to the wisdom and restraint which each and both will apply in regulatory treatment.

I cannot support the Federal Plus One Position because while I wholeheartedly agree with its stated objective of avoiding three tier regulation, I believe its approach of total Federal pre-emption with deferral subject to "local" choice of a single nonFederal regulatory partner (or approval of some other nonduplicative "local" plan) is not legally sound nor

practically workable. It appears that this Position, in effect, would continue, perhaps strengthen, and certainly formalize the present imbalance in the developing state/local regulatory pattern in favor of municipal government regulation, a circumstance which is neither appropriate in terms of fundamental legal concept nor desirable in terms of keeping open a real choice between state or municipal regulation from state to state for the most effective and worthwhile regulation for long-term development and utilization of cable television.

In my opinion, neither the State-Local Position nor the Federal Plus One Position fully takes into account the existence and effect of certain historical and presently operating circumstances, and as a consequence, neither really effectively deals with the fundamental issue of the general framework for "an appropriate allocation of responsibility in cable regulation." A resume' of these circumstances follows:<sup>1</sup>.

1. Historically, the original and only specific governmental relationship to cable television was in the local franchising authority in the grant of permission to use the streets and ways. For years virtually all of the permits, whether termed a franchise, license, permit, or otherwise, represented simply an exercise of the police powers of the municipality to assure that catv facilities were installed and maintained with due regard to public safety and the proper use of the public streets and ways. All of the other so-called

"local incidents of cable" did not develop until the middle and late 60's, largely as a result of offers made by competing applicants for franchises and the expectations and demands of educational and public interest groups, often spurred on by the industry's heralding of its capabilities.

2. When the Commission determined to adopt the approach of

"Federal regulation of some aspects, with local regulation of others under Federal prescription of standards for local jurisdictions,"

because the local regulation and the Federal prescription of standards were directed to the franchise process, and because municipal governments were virtually the only local jurisdiction engaged in any direct way with granting permission for the use of the streets and ways, state government has been effectively bypassed during this initial period in the regulatory order of things, and municipal governments have been de facto infused with an apparent authority directly from the Commission by the certificate of compliance procedure for broad regulatory authority of cable television within their boundaries, bearing no necessary relationship to the specific authority of such governmental units otherwise under applicable state law.

3. A natural, if not necessary, consequence of the present rules is that any state regulation is superimposed on the existing municipal regulation under the franchising process and pursuant to the certificate of compliance requirement, with

the unfortunate results that on the one hand state regulation as a practical matter introduces the third tier of regulation, and on the other hand, any effort at state regulation must position itself after the fact of the municipal franchise and with relation to it, essentially foreclosing any initial state role and limiting the positive possibilities of state involvement.<sup>2</sup>

4. The actual functioning of the present "dual jurisdiction" arrangement, apart from its tripartite aspects just noted, is affected with the worst of both worlds of Federal licensing and of municipal franchising, which in the nature of the dual systems' workings cannot be fully appraised by the Commission and which I believe the industry is reluctant to acknowledge, because of the limited alternatives in view.

5. On the same considerations that the Commission determined that conventional licensing would place "an unmanageable burden on the Commission," the certificate of compliance procedure places a tremendous direct review function between the Commission and the local franchising authority for all the franchises; and in addition to the inherent problems in the vastness of the size and distance dimensions of this centralized effort, there are introduced problems in the variety and differences in the myriad franchising authorities; the lack of specificity in the rules, standards and procedures governing the processes and determinations; and the difficulty, perhaps impossibility, of

attempting to direct judgmental decision making in terms of policy standards and considerations that lack any real definition.<sup>3</sup>

6. On the other end of the dual jurisdiction--at the locus of the franchising authority, i.e., the municipalities--uncertainty, confusion and misunderstanding are commonplace, particularly in the middle to small size local units, with confusion being reflected often in inaction, and misunderstanding often resulting in totally unreasonable service and contribution demands.<sup>4</sup>

The complexities of describing and directing the judgmental decisions under the present framework were evident during the work of the Committee, whose sessions over a several month period were concerned primarily with discussions on the provisions of Section 76.31(b), and related matters, during which there was substantial disagreement as to the interpretation and application of the present provisions and noted differences of opinion as to the direction of clarification. Without discounting in the least the capability, integrity and public interest motivation of municipal governing officials, it is at least certain that there are and will be great disparity and difference in interpretation and application. All in all, considering the complexities of the industry in the developmental stage and the nature and scope of regulation by the Commission, it is really too much to expect that the individual governing

bodies of most municipalities will develop the necessary full and balanced orientation to the choices at hand in the single exercise of the franchise grant, and very probably an unmanageable burden is being imposed on many municipalities in the broad regulation under Federal standards contemplated by the Report and Order.

7. Because of the widespread franchise bidding abuses and the efforts of the Commission to deal with them, the franchise has become the vehicle for regulatory treatment with resulting distortion and inflexibility of the regulatory process and instability and uncertainty for the cable operator.

8. A new appraisal must be made of the so-called "local incidents of cable" to determine whether it really is appropriate to direct municipalities in the first instance to exercise broad regulatory authority over the cable television operation within their boundaries, simply by virtue of the municipality's control of the use of the rights and ways.

9. A new appraisal must be made of the objectives and requirements of the national cable communications policy and the extent to which such a policy as developed and to be developed can really be implemented by the many different kinds of local governments of varying sizes, capability, resources and interest, the only common denominator at the moment being the authority to issue a permit as to the use of the rights



and ways.<sup>5</sup> With specific relation to the appropriate utilization of cable technology for local expression and related local purposes--an important accepted objective of national cable communications policy--it is surely possible to provide the municipality or other most local unit a voice in the direction of that utilization without giving the municipality broad regulatory authority over the entire operation.

10. I must observe that the growing complexity and incidents of industry regulation, particularly since the Commission's actions of 1970, with the de facto swelling of the municipal regulatory power, and the prospect for super-imposed state regulation in sight, are accelerating the trend away from independent and local ownership and operation of cable television so that ownership identification and direct interest in the community--long recognized as a substantial benefit, both in terms of quality of service and community commitment--are discouraged by the very rules which are grounded upon the value of the local ingredient.

\* \* \*

On the basis of the foregoing circumstances and particularly the limited prospect for the state allocation in the first instance of the local aspect of the dual jurisdictional concept embodied in the Report and Order, in the face of the direct infusion of regulatory authority to municipalities by the Commission in the functioning of the certificate of compliance

requirements, with the certain near prospect that state regulatory involvement will be superimposed upon such municipal regulation, it is respectfully, but urgently, submitted that the situation overall requires a reconsideration of the choices for the regulatory framework. It is further submitted that the framework must be structured to the end that states may have a practical opportunity to develop an appropriate allocation of the local aspect of the dual jurisdiction and that the local aspect may function in an appropriate relation to the Federal aspect of jurisdiction. A summary of the elements of the approach in my view to these objectives follows.<sup>6</sup>

1. A necessary first and positive step is the development and enunciation of a comprehensive and definitive national cable communications policy which hopefully would include a statement of specific objectives for development and utilization and the public interest in affirmatively encouraging and promoting the growth and development of cable communications.

2. A Federal regulatory program directly related to and implementing the national policy should be delineated, with regulation to be directly imposed and enforced apart from the franchise. The regulatory program may well include specific provisions concerning technical performance and technical capacity standards, establishing at least minimum standards and possibly identifying a range to give some kind of definition

of maximum requirements. Such regulations also would include any appropriate provisions for local originations, providing opportunities for local communications purposes and the like. Hopefully some attention would be given to incentives to encourage experimentation and development for fuller utilization of catv capabilities.

3. The regulatory program would also contain specific prohibitions of actions by states or their agencies in the franchising, in the regulatory process or otherwise that would interfere with the national cable communications policy, incorporating the limitation on franchise fees or like burdens on cable communications.

4. Apart from the specific affirmative regulations which would be directly imposed on catv system operations and the prohibitions against specific state or local regulatory actions or burdens, any remaining regulation of the industry would be left completely to the states.

5. While the Commission might continue with the certificate of compliance processing requirements to implement its direct regulation of catv companies, the franchise review function should not be a part of the process.

A continuing concentration on involvement in the franchising process at all levels of government introduces a tremendous amount of delay, inflexibility and cumbersomeness

in all of the regulatory processes, quite apart from the multiplicity of governing units concerned. Further, it must be observed that the prevailing tendency in recent years toward sharply restrictive and provisional conditions in the franchise upon which the whole cable system operation depends, injects a fundamental instability and uncertainty into the industry which must lessen the prospects for the financial commitments required to provide the hoped for national cable communications system.<sup>7</sup>

In any case, it appears clear that whatever justification or effectiveness specific franchise requirements may have if imposed by the state or local level of government whose jurisdictional reach properly and directly extends to the uses of the rights and ways, it is wholly inappropriate for the Commission to federally undertake to directly or substantially regulate the uses of the public rights and ways. Such an undertaking is inappropriate because it is unworkable (unmanageable); not necessary to secure the objectives of national policy; and interferes with the legitimate interests of the states in the premises.

\* \* \*

It is fully recognized that the Commission acted in its Report and Order to deal promptly with excesses in the franchise bidding procedure which threatened the proper development of cable communications. Now there are clear indications of rapidly developing regulatory excesses which also require

corrective Commission action.

An unforeseen development in the period since the Report and Order is the near prospect of the superimposing of a comprehensive third tier of regulatory treatment by states, the total incidents and requirements of impending industry regulation being generally acknowledged as placing a severe obstacle to the development of cable communications.

A hopeful development in the interim is the widespread recognition that neither public utility regulation nor conventional rate of return regulation for catv service is appropriate for the industry, with the result that catv operators may now explore and participate in approaches for an appropriate state role with much less concern about the dreaded implications of public utility regulation.

As I see the present operating circumstances outlined earlier in this Statement, a withdrawal of the Commission's direct involvement in the franchising function would be the most direct and effective way of providing states with an opportunity to deal with the allocation of the local aspect of the dual jurisdiction and of otherwise correcting the mounting regulatory difficulties. At all events, it is urged that the Commission act to decisively deal with the imminent choking regulatory environment in which existing catv systems must surely be seriously weakened and the new cable communications will scarcely have the chance to come into being.

Footnotes, Yolanda G. Barco Statement  
Report of Federal/State-Local Advisory Committee

1. The writer of this Statement is cognizant that certain of the observations and comments that follow depart from the conclusions and rules of the Cable Television Report and Order, 36 FCC 2nd 141 (1972); 47 CFR Section 76.31, but in view of the general recognition of the unique character of the industry and the emerging nature of the regulatory concepts with the industry itself, it is believed appropriate to express the views in the light of experience and developments since the Report and Order became effective.
2. I strongly disagree with the interpretation given to Part I and the conclusion of the Federal Plus One Position that a "'federal/most local level of government' dualism represents the ideal allocation of regulatory authority." The Issue No. 1 statement of Part I that the franchising authority should be vested "in the most local level of government capable of issuing and enforcing a franchise," by the use of the word "capable" does not conclude the issue in terms of precise governmental allocation. I must add that the short footnote treatment at Footnote 34 given to the possibilities for a state regulatory role is misleading as the discussion proceeds from the premise that the state role must be a third tier; is conditioned throughout on the municipality having the primary regulatory role through the franchise; and ignores completely the possible advantages of state regulation in certain circumstances instead of municipal regulation.
3. One notable and critical instance relates to the franchise standards of Section 76.31(a)(4) under which the franchising authority is to approve initial rates and any changes in charges "after an appropriate public proceeding affording due process," the standard being simply "the maintenance of rates that are fair to the system and to the subscribing public--a matter that will turn on the facts of each particular case." Apart from the fact that there is no evidence whatever to support or justify rate regulation of any kind, the infusion of authority to regulate rates in each of the thousands of municipalities with no more than the standard indicated invites arbitrary action with serious fundamental due process problems. I have directly been made aware, as a member of the Board of Directors of the Pennsylvania Association, of a number of instances in Pennsylvania in which municipalities have refused requested increases in service charges, without regard to submitted data. The situation is expected to become more acute as older operations with charges established years ago are faced

with increased costs, including those incident to technical standards and other regulatory requirements.

4. A widely accepted view considers "sophistication" or "expertise" in the applicable governmental unit as being reflected by the extent of demand on the cable system operator in the franchising and related regulatory process. This concept has been promoted to some extent by the so-called public groups which have assigned to the catv operator responsibilities and burdens unheard of for any other business enterprise, without any regard to the risks and financial limitations of the industry. Although this view is being moderated somewhat by a belated recognition of the realistic counterdemands of the tremendous financial commitments required for this yet to be established industry, the indoctrination of government officials at the turn of the decade to the cable franchise as a prize is still current in the franchising world. A supersophistication in the franchise grant procedure of encouraging and promoting cable television development by the most responsible and capable is a hoped for ultimate stage of franchising wisdom.
5. To secure some perspective both on the dimensions of the Commission's undertaking in its franchise review procedure and the overwhelming disparities in the "most local unit of government" entities, let it be noted that in Pennsylvania alone, according to the records of Pennsylvania Departments of Community Affairs and Education, there are the following such units:

52 cities comprised of	
1 first class city	Philadelphia
1 second class city	Pittsburgh
1 Second Class A city	Scranton
1 unclassified city	Parker City
48 third class cities	

960 boroughs
1 town
92 first class townships
1,462 second class townships
<u>2,567</u> Total.

Although at the present time second class townships do not have authority to grant permits for township roads, there is presently pending a legislative proposal that would give them such authority. Further, while there is no authority in any event to exercise broad regulatory authority, some second class townships have undertaken

such authority following the Report and Order.

As the Commission's records establish, almost every operating cable television company in Pennsylvania operates in several municipalities, and it is not uncommon for small to medium operations to be in five or six small municipalities.

A final significant factor emphasized at a Catv and Education Conference held May 11, 1973, sponsored by the Pennsylvania Learning Resources Association, and others, is that utilization of catv for public education purposes is dependent upon integrated cabling of school districts which are made up of a combination of municipal subdivisions. There are 505 such school districts in Pennsylvania.

6. I must mention, although it is scarcely necessary to do so, that the dimensions of the Commission's authority of cable television have been judicially delineated in the cases of the United States v. Southwestern Cable Company, 392 U.S. 157 (1968), and United States v. Midwest Video Corporation, 405 U.S. 1015 (1972), as variously interpreted. The clearly preferable course on all sides would be and would have been for Congress to have enacted legislation specifically treating cable television, declaring a national cable communications policy and the means of implementing it. Inasmuch as the Commission has undertaken to exercise comprehensive jurisdiction with the approach, and with the impact and consequences, described earlier in this Statement, the approach here suggested is premised on the existence of Commission authority, without regard to the possible alternative of an entirely fresh legislative approach for the optimum resolution.
7. I must note the franchise standard of Section 76.31(a)(3) that the "initial franchise period shall not exceed fifteen (15) years" in my view is a most restrictive and unrealistic one, particularly when federally imposed. So far as is known, there is no data to support this figure on accepted amortization of capital costs schedules, and capital costs for system construction and reconstruction going forward will be greatly increased, in most instances several times earlier prevailing costs; further, these costs will vary widely. It must follow that this standard places a severe and unjustifiable limit on financing commitments. Objections on similar grounds also apply to parallel restrictions on renewals, transfer and franchise expiration. In practice, these provisions really are not as effective controls as supposed and are not required to provide the appropriate objectives of the regulatory effort.



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