

# Regulation for the Convergence of Telecommunications and Broadcasting in Korea: Regulatory Issues Concerning Barriers to the Convergence

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*Convergence is an on-going process whereby the scarcity of the distribution of information, communication, and entertainment services diminishes over time (KPMG, 1996:87)*

## 1. Introduction

The industry of information and telecommunication has been drastically changed. The main reason of this change has been based on the development of information technology. Until recently the telecommunications and broadcasting sectors had provided distinct services to consumer and each sector had been governed by a diverse set of regulations which could be distinguished on the basis of their technical characteristics. But with the technical development of digital, broadband and integration of networks have led to the development of new services. It has blurred production-based distinctions between major industries such as

broadcasting and telecommunications. As new services emerge, it is difficult to distinguish each services and clarify its identification. VOD (Video on Demand), internet broadcasting, and other interactive services cannot be defined in traditional terms of telecommunications or broadcasting. This unclear characteristics make it difficult to have a regulatory framework for the new services.

In addition to the convergence of services and networks, the convergence of industries has emerged at a rapid pace.<sup>1)</sup> We see today the convergence of industries is dominant in the sector of broadcasting and telecommunications across the world. In the U.S., since 1980s merger and acquisition of broadcasting, telecommunication, and audiovisual industries have happened widely. Moreover, with the 1996 Telecommunication Act allowing broadcasters and telcos to enter into each other's sector, this trend has been accelerated. The Act opens all communications services to competition, creating a 'digital free-for-all' (Baldwin, 1996:1). Before the Act passed in the Congress, a lot of acquisition has already been announced; Walt Disney's acquisition of the ABC (19 billion US dollars), merge of Westinghouse and the CBS (5.4 billion US dollars), and Time Warner's acquisition of the TBS (7.5 billion US dollars)(Bennett, P et al., 1996:76). Particularly Disney's takeover of the ABC is important in that this merge signals the vertical and horizontal integration of communication companies. These kind of large alliances have been expanded to the global level. European, Japanese, and American companies

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1) The convergence between telecommunications and broadcasting is generally explained as occurring at three levels: network, service, and industry. At the level of network, convergence implies 'sharing' of resources such as switches, satellites, cables, and interfaces. At the level of service, it is used to describe the emergence of 'new' hybrid services. At the industry level, it means cross-ownership of broadcasting and telecommunications facilities by the same company, or cross-provision of services by the same company (OECD 1992a:13).

have integrated each other, and lost their national identities. This convergence of industry happens beyond the national regulatory and administrative frontiers. Therefore it has become common that governments are now realising the need to develop a policy framework to accommodate new trend towards convergence.

In Korea, the industries now coming to convergence of services have a history of independence. In fact, government policy has sought to define them distinctly and kept them separate. The government has not developed a comprehensive policy for convergence of telecommunications and broadcasting so far. On the contrary, it has set up the tight regulatory barriers to each sector. We can count several reasons in this delay: entry regulation to the industry, inter-governmental conflicts, and political consideration so on. Among others, the entry barriers to broadcasting industry and telecommunications industry are so high that they have been key obstacles to the development of convergence. Quite recently, the government has recognized the imperatives toward convergence, but its policy has quite lagged.

This paper deals with the regulatory issues for convergence of telecommunications and broadcasting in Korea. In chapter 2, regulatory issues surrounding convergence will be reviewed: in particular, practical matters such as entry barriers and inter-governmental conflict. In chapter 3, the way in which convergence can be promoted will be discussed.

## 2. Convergence and Regulatory Issues

### 2.1 Regulatory method for the new services

Regulatory issues with respect to new service range from plans to license new services to the application of current broadcasting regulation. But the decision of the regulatory method mainly depends on how to define the new services as telecommunications or broadcasting. Typically 'whereas

telecommunication is essentially private information, broadcasting is non-excludable public information in video format via the television (kpmg, 1996:146). But generally the criteria of classification of new services are:

- whether services are mass media or not; and
- whether services are point-to-point(one-to-one) or point-to-multipoint (one-to-many) (kpmg 1996:146).

If one service is on the basis of point-to-point nature, it is normally regarded as telecommunications service. If, on the other hand, a service is point-to-multipoint, it is assumed to be a broadcasting service. There are differences of regulation whether the service is telecommunication or broadcasting.

One major difference between the regulation of the two areas lies in the relevance given to content issues. While in telecommunications, content issues are generally not dealt with, broadcasting field requires a number of content-related measures.<sup>2)</sup> Closely related to content issues is the political debate on the concentration of media ownership and its effects on the pluralism of opinion and upon competition.<sup>3)</sup> Another difference between the Korean government policies for the two sectors relates to their respective approaches towards liberalization. While the telecommunications policy aims at the free market, the broadcasting policy does not.<sup>4)</sup>

One of the new services which cannot be distinguished as broadcasting or telecommunications is VOD. VOD has same characteristics as

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- 2) Promotion of education, protection against indecency, due impartiality of opinions, and balanced report on the public issues are basic requirements of content regulation. In Korea, in addition to these factors, affairs on the national security and cultural homogeneity are emphasized as well.
  - 3) The Korean government has strict media ownership rules, which functions as key barriers to the convergence.
  - 4) Three positive effects can be noted on the free market approach - a pressure to lower cost, more choice of services, and improved quality of offerings. The logic of these advantages began to spread into broadcasting field.

broadcasting because service can be provided in real time when audience requires. On the other hand, at the same time, it has a characteristics of telecommunications, because it functions as a audiovisual data base. Therefore there is no consensus as to the characteristics of VOD. Some argue that the VOD and PPV (Pay-Per-View) are not media services in the old sense because they are point-to-point (OECD, 1992; kpmg, 1996:146). On the other hand, NVOD (Near Video-On-Demand)<sup>5)</sup> is broadcasting and would come under the ambit of broadcasting legislation. In Korea, Korea Telecom began its trial service in 1994. But the Korean government has divided into two extreme opposition views: The Ministry of Information and Communication<sup>6)</sup> has argued that VOD service should be regulated by the telecommunications authority, but the Ministry of Information<sup>7)</sup> has been seeking confirmation that VOD is a broadcasting service and therefore subject to broadcasting regulations. The regulation of this service has not been established yet.

Another new service noteworthy is internet broadcasting. Recently efforts have been made to converge internet which is growing rapidly and broadcasting. At first broadcasting service on internet had been confined to the provision of information on the programmes on internet. However the internet service expanded to the real time broadcasting. Broadcasting over the internet is a niche area of the internet services market. A number of broadcasters, American CNN, NBC, and even the Korea's MBC, now offer services that allows real time broadcasting provision over the internet. With the internet's global entities, internet broadcasting will realise broadcasting

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5) NVOD is a transmission of a small number of programmes (typically feature films), transmitted at staggered start times on different channels. The different point from the VOD is that viewers have to wait more than 20 minutes for the start of a programme

6) The Ministry of Information and Communication regulates telecommunications field.

7) The Ministry of Information regulates broadcasting field.

for the global audiences beyond the physical and geo-political border which traditional broadcasting services have had. From a traditional media perspective, internet broadcasting has some way to go before it can be considered to be a genuinely broadcasting media. However, some significant improvements have already been made, and there is little doubt that remaining deficiencies could be resolved in the near future. One of the big problems that internet broadcasting raises is regulatory issues. So far regulation of broadcasting has mainly been focused on the control of its content; public service ideas and public responsibilities are the norms of broadcasting regulation. In the sense, all audiences should have access to a well balanced mix of programmes. However, internet is likely to be multimedia rather than broadcasting; it has become difficult to classify the internet broadcasting as broadcasting. So who is responsible for content? How can we regulate internet broadcasting beyond the border?<sup>8)</sup>

In Korea, an electric board news has become a hot issue of how to regulate it. Originally an electric board emerged first in Japan, and regarded as the outdoor advertising which provides brief news and advertisement elsewhere in the world. However, in Korea, electric board has developed in terms of its quantity and quality. Compared to other countries this case is exceptional. Particularly major newspaper companies operate electric board news similar to broadcasting, as an effort to enter the new media industries.<sup>9)</sup> Among others, The Chosun Daily Newspaper, a leading newspaper in Korea, operates 100 outdoor electric boards, what they called 'City Vision', and 2,000 indoor electric boards inside the bank branches throughout the country, so-called 'Bank Vision' (Chosun Daily

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8) Some mass media researchers argue that internet should be regarded as mass media. See Morris and Ogan (1996), 'The Internet as Mass Medium', *Journal of Communication*, Vol.46, No.1

9) The Korean government has a strict legislation on the cross-ownership. Newspaper companies cannot even partly own any broadcasting companies' shares. They are prevented from enter new media industries at all.

Newspaper, 1996.10). The Chosun Daily established its own satellite offices, and provides sports events, life information, advertisement as well as news, by way of Korean first satellite, the Korea Sat. It is nearly 'broadcasting' service in terms of the nature of services provided. In this circumstances, the Korean government attempts to legislate to regulate electric board. In the new Broadcasting Act which the government has been attempting to pass in the Parliament during these four years, it regards electric board as broadcasting, which means that electric board will be under broadcasting regulation. This case is exceptional as well, given that electric board has never been treated as broadcasting in any country. In addition, it is uncertain whether electric board has defined as one-to-many nature. It has 'very little social influence' compared to the traditional criteria of broadcasting services. It is also in the early stage of development. Therefore, this kind of regulatory barrier could prevent the service's development.

FM paging is another new service.<sup>10)</sup> It can provide paging service using the sub-carrier of FM spectrum. It has several advantages to the service: it can provide services with low cost, and operate without the establishment of transmission equipments. One survey shows that 600,000 subscribers can use this service only with the KBS FM spectrum. So it must be strange to regulate this convenient and economically efficient service.

## 2.2 Entry barriers

Regulation of entry into broadcasting industry is one of the hottest regulation issues to the convergence. In Korea, the degree of government intervention is relatively strong. The Korean government has adopted a unique regulatory approach to development of new media. For instance,

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10) In the U.S. and Japan, the FM paging service is provided. In Japan, particularly, Seiko has provided commercial trial service in joint with Kyoto local broadcaster.

cable, which began operation in 1995, was initially expected to play an important role to the convergence of telecommunications and broadcasting. As a late mover in implementing cable, compared with developed countries, the Korean government could take advantage of the opportunity to build toward an integrated network (Baldwin, 1996:362).

However, the government took the opposite way of the path to the convergence. First, the government separates the cable industry into three functions - system operator, network operator, and programme provider. No single entity is allowed to get involved in more than one sector. Second, the conglomerates and newspaper companies cannot enter the cable industry except as a programme provider. Third, the government put the licencing system even to the programme provider sector. Fourth, the cable system operators cannot be formed to multiple system operators (MSOs). Fifth, network operators are regional monopolies. At present, Korea Telecom and Korean Electric Power Company are regional monopoly network operators.

All these approaches are opposite direction toward the development of convergence.

One of the most hampering regulations on the entry barriers is that large firms are excluded from broadcasting industry. At present, 30 major big firms of Korea are prevented to own the terrestrial broadcasting and cable TV system operators. Furthermore, the government attempts to legislate that 30 large firms should be banned to own satellite broadcasting channels wholly or partly. In Korea, given that the large firms can now enter the telecommunications area, this policy direction also restricts the development of convergence. Through the last three telecommunications policy reforms,<sup>11)</sup> the restrictions on the ownership of telcos have been

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11) The Korean government took the three telecommunications reforms in 1990, 1994, and 1995, respectively. All these reforms attempted to introduce competition in telecommunications market which had been under tight control

lifted.<sup>12)</sup> But with respect to broadcasters, severe restrictions still exist.

This entry barriers are unique in Korea, compared to other countries's deregulatory movement. In the multi-channel environment, worldwide trend shows that transfrontier global investment is inevitable and desirable. Even in Japan, in 1995, the government relaxed the ownership rules for foreign investors in the cable industry. Foreign investors can now own up to 30% of any one operator, and this has resulted in a number of US companies entering into joint ventures with the large Japanese firms (Kee et al., 1996:33).<sup>13)</sup> The increased willingness to open cable to foreign investment are sharply in contrast to the Korean situation. Although the Korean government has a desire to foster home-grown industry, the restrictions on ownership must be a key obstacles to the development of communication industry.

### 2.3 Cable TV's provision of interactive services

The most attractive service that cable TV can provide is not only a large-scale services with more than dozens of channels, but also an interactive service, or multimedia service. Services range from the competitive delivery of voice telephony services over cable networks, to the effects of interactive digital computer games on children. As the first step to go there, in most developed countries such as Britain, Japan, and the U.S., cable operators are permitted to provide telephony services.<sup>14)</sup> Also each government has

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by the government. See Shin Cho et al., (1996)

- 2) Nevertheless, the 10% ownership restriction on telephony service providers has survived. The government will be expected to deregulate this 'maginot line' sonner or later.
- 3) Examples include Sumitomo and TCI with their joint venture Jupiter Telecommunications, and Chu Ito and Time Warner with a similar venture known as Titus.
- 4) There are various reasons for cable companies to offer telephony services: after the initial investment, little extra expenditure is necessary to provide telephony;

attempted to amend the law to do so.

In Britain, the government has allowed cable operators to provide alternative telephony services in their service areas, but restricted British Telecom (BT) from offering video services on their network. The idea was to open existing networks to competitive providers and speed infrastructure development. By 1996, 1.8 million telephone lines had been installed by cable companies (New Media Market, 1996:9.5). The rapid growth of cable penetration is mainly due to the successful operation of telephony by cable operators. Telephony services are provided mainly on a price discount compared to BT (typically 10-20%) and are often provided as a package with cable TV. Owing to the government's liberal policy, British cable operators are putting increasing amounts of effort into the development of telecoms services - internet access and interactive services (Kee, R. et al., 1996:189-191).

In Japan, the government has also permitted cable operators to provide telecommunications services. Cable is seen by the policy makers in Japan as having a key role to play in the development of the competitive supply of multimedia services to Japanese homes. The government has recently established a system of low interest loans to spur the development of fibre optic subscriber networks.

But the Korean government has not allowed cable operators to provide alternative telephony services anywhere in the country. Despite the possible combination of cable TV and telecommunications services, the role of new broadband cable TV systems is seen as largely confined to television media, particularly by the Ministry of Information. It is telecommunications network that is expected to deliver telephony services and cable TV's prospects to be used as alternative networks are overshadowed.

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the provision of telephony is highly profitable; and cable companies can produce new products and services, such as video telephony (Bennett, P., 1996:67).

In addition to the policy direction, there is a difficulty in administration. For cable TV operators to effectively provide telecommunications services, they should be equipped with network facilities in providing services. However, the structural separation of system operators and network operators in cable TV industry cannot satisfy this requirement. In order to provide tele-communication service, system operators can establish the network of its own, or get the open and fair access to the network.

Entry into telecommunications business is a difficult task. Investment in infrastructure is expensive, and has meant that small size cable companies have difficulty in providing services. They have not enough resources to invest in the cable TV network infrastructure. Another barrier is that cable TV network facilities in some regions are given by Korea Telecom, which is a PSTN, which makes it almost impossible to render cable TV networks for alternative services. KT does not have the incentive to offer its cable TV networks for supplying telecommunications services, which would undermine its monopolistic status in the local loop (Shin Cho et al., 1996:368).

#### 2.4 Inter-Governmental Conflicts

In Korea, the extent of government involvement in telecommunications and broadcasting area is considerable and contrasts with the generally non-interventionist stance of other countries. Therefore, that the convergence is not reflected in the Korean governmental organizational structure causes severe coordination problems. Particularly the conflict between the MIC and the MOI raises a lot of problems.

As the ministry responsible for the provision of telecommunications services, the MIC oversees the activities of telecommunications. It is also in charge of the promotion of establishment of information society. The granting of licences to broadcasting stations is the responsibility of this ministry.

Meanwhile, the MOI manages public opinions of the country and

general broadcasting policies. But the priority of policy decision in the MOI goes to the control of public opinions. Its interest in the new media originates with its involvement in the public opinions, national culture, and content regulations. The MOI approaches new services mainly in the context of broadcasting, not telecommunications. But the MIC sees them in the industrial view. This conflict delays introduction of multimedia services, implementing of the unified comprehensive policies, and ultimately deterrence of convergence. Among others, the row over the decision of the transmission technical standards of satellite broadcasting highlights this conflict. While the MIC suggested digital standards, the MOI claimed analogue standards.<sup>15)</sup>

Moreover, after selection of transmission standards of digital technology, the battle between the two ministries within the government continues to the issue of licence to satellite broadcasters. Even though the first Korean satellite was launched in 1995, the licence of satellite broadcasters has not been issued yet. The MOI, preferring cable TV to satellite broadcasting, did oppose the introduction of this new service quickly. The Ministry's attitude impedes the development of broadcasting industry by private enterprises.

Thus Korean case shows a contradictory mix of policies combining convergence and the promotion of private enterprise by the MIC, with a continuation of government oversight and intervention by the MOI.

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15) Nowadays it is clear that digital technology offers a number of benefits over analogue technology, including quality of signal reproduction and provision of multi-channels. So the major trend is a move from analogue to digital technology everywhere in the world. But when the Korean government decided technical standards of satellite broadcasting, supporters for the analogue system were majority of discussants.

### 3. Meeting the challenges of convergence

#### 3.1 Removal of unnecessary regulatory barriers

Regulation is not currently a major driver of convergence; indeed it could act as a barrier. Previous regulatory direction, given the technical developments that are bringing telecommunications and broadcasting together, is very difficult to contain. A first issue that needs to be addressed, therefore, is the removal of unnecessary regulatory barriers that stem from different regulatory traditions.

First, regulatory barriers to entry into otherwise monopolistic markets, like those which protect cable television, local telephone service providers and broadcasting, should be removed. Historically, broadcasting in Korea has been closely controlled and regulated by government policies. So entry regulation of broadcasting industry is still highly tight. This entry regulation is definitely barrier to convergence.

Second, the role of government should be changed. Deregulation is a global trend for the telecommunications and broadcasting policy. The core of the development of convergence arises from the free market competition (and no longer from the government leadership and its support). Competition will inevitably occur not only between telecommunications field, but also between broadcasting channels. The proper role for the government, then, is to set up the rules of game under which companies can compete each other on a fair basis (OECD, 1993: 17-18).

Third, to promote a convergence of telecommunications and broadcasting, cable operators can provide telecommunication services. In order to do so, therefore, some revolutionary changes in cable TV regulation are inevitable: integration of system operators and network operators, permitting large firms participation in system operator sectors, and allowing MSOs.

### 3.2 Universal and public services

Both in telecommunications and in broadcasting, regulatory measures have been taken in relation to the provision of services that are of public interest. In telecommunications the notion of universal service has been basic concept to ensure that every citizen is entitled to have access under non-discriminatory conditions which will also have to be guaranteed in a liberalized environment (Hudson, 1994: 660). As new services emerge, the question arises as to what extent the notion of universal service has to be extended to include telecommunications and/or broadcasting services.

In broadcasting, the service to the public provided by public broadcasters has traditionally been the core of broadcasting. Public broadcasting originated in an era when terrestrial spectrum was a scarce resource and consequently public interest requirements were attached to its use, including cultural and educational objectives. This is particularly true of television where only 5 terrestrial channels are possible. However, the scarcity problem has diminished progressively. Cable TV has added around 30 channels, and satellite transmission will provide 30 more channels soon in Korea.

In this regard, the future status of public broadcasting is an important issue. It will be important to reconsider the role of public interest and cultural policy in respect of the whole broadcasting sector since the application of the criteria of public service has not been confined only to public broadcasters. Beyond public broadcasting, the 'scarcity assumption' that justified the application of public interest restrictions to the whole broadcasting sector will be increasingly hard to sustain. Therefore maintenance of pluralistic broadcasting is important in that it implies not only a competitive private sector, but a communication system that fulfils needs that may be unmet in a pure market system. A certain level of restrictions on cross ownership is to be needed.

### 3.3 Media pluralism and concentration

The fact that the mass media are deemed to play a special role in society has led to specific measures. For a long time, broadcasting has been regarded as playing a central role as a disseminator of information, opinions and culture, and broadcasting policies often are founded on broad principles governing the circulation of ideas and information that are fundamental values for pluralistic society. For instance, Korean Broadcasting Act has set rules for programming time for broadcasters in light of 'the role of television in providing information, education and entertainment (and) the protection of pluralism of information and of the media' (Broadcasting Act of 1991, Article 31). Policies limiting concentration of control of broadcasting and other media are also based on objectives of pluralism. The problem, here, is that how can these policies be reconciled with competition policies. Most governments have made attempt to satisfy these two contradiction-like policy directions simultaneously. In the past, the objectives of competition policy and other policy objectives do conflict. For instance, restrictions on various programming and requirements and concentration have limited the number of viable competing channels.

But the advent of age of multimedia and multichannel has totally changed the situation. Nowadays it is widely recognized that, in the age of convergence, policies that promote competition without collusion among broadcasting companies may also promote the presentation of diverse views and pluralism. The introduction of market mechanisms to previous monopoly area is driven by the belief that competition will lead to more various media environment. Although there is a concern that convergence would lead to concentration, multichannels can reflect the pluralism of opinions found in society. In this regard, restrictions on media ownership in Korea should be alleviated much further.

### 3.4 Modification of Law

At the moment, there is currently a legislation pending in Parliament of Korea, the new Broadcasting Act. The content of the new Act has been discussed within the government and parliament since 1993. But it has not been passed in the Parliament yet.<sup>16)</sup> The draft of the new Act supervises satellite broadcasting which is expected to start its service soon, and allows the large firms and newspaper companies into the satellite broadcasting business.<sup>17)</sup> It also proposes the merge of two regulatory agencies, the KBC (Korean Broadcasting Commission) which regulates terrestrial broadcasting and the KCC (Korean Cable TV Commission) which is in charge of cable television, into a new Korean Broadcasting Commission.

From a convergence perspective, however, many areas of the draft of the new law need to be changed further.

First, it is right time to establish a comprehensive law of regulatory framework which not only can handle overall communication regulation and policies but also orchestrate all the different conflicts among relevant players. In the U.S., the advantage of a single law is clear: comprehensive policy decision and coordination process between telecommunications and broadcasting. The Telecommunication Act of 1996 has changed the paradigm of telecommunications and broadcasting. This single law marks a fundamental shift toward convergence throughout the entire telecommunications and broadcasting industry. It contains a number of

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16) Since 1993, amendment of the broadcasting law has been discussed in the Parliament every year. But one of the controversial regulations of cross ownership, particularly conglomerates's entry into the satellite broadcasting field, has prevented it passing in the parliament.

17) The government published the final draft of Broadcasting Act on December of 1996. This draft is pending in the parliament. This version is expected to be passed in the parliament earlier 1997.

provisions that focus on establishing market conditions that promote competition (FCC, 1997). Instead of a series of segmented law in different sectors of telecommunications, broadcasting, cable, satellite and computer, therefore, a comprehensive communication law should be taken into account based on a consistent framework.

Second, the extent of the content regulation should be loosened. In an era of multimedia, tough regulation on contents is no longer valid as it was when a government controlled the content of media. Control of media content is a difficult job, because a programme circulates through a great number of media. If the government continues a rigid content regulation, more consumers turn themselves to alternative sources: video cassettes, CD-ROM, or internet.

Third, some provisions that still continue to impede entry and competition in industry should be lifted. Large firms's entry into broadcasting industry and cross ownership are typical examples. It does not mean entire liberal approaches to media ownership, but, in principle, lift of entry into media, although some restrictions are needed.

#### 4. Conclusion

The term 'convergence' has become something of a buzzword in the information industry: the currency of which is high on concept, but low on content (OECD, 1992a). However, the future media environment will be built on the convergence of different communications technologies, and will thus require an overall policy framework that encompasses all broadcasting and telecommunications and aims to be free from inconsistencies between policies in different sectors. This will require in the first place the removal of unnecessary regulatory barriers in both telecommunications and broadcasting sectors, with a view to achieving symmetrical regulation.

What is to be emphasized finally is that, since convergence of telecommunications and broadcasting will ultimately affect all aspects of life, the overall policy framework should not be limited to the economic dimension alone, but must take into account the whole spectrum of societal and cultural values. However, the erection of new barriers must be avoided as well. In this regard, the approach of the Korean government towards the convergence is much wanting.

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## 국문초록

### 한국에서의 통신·방송 융합 규제문제에 관한 연구

김대호

디지털화, 광대역화, 양방향화로 대표되는 정보통신기술의 발달로 통신과 방송의 융합이 현실화되고 있다. 통신과 방송의 융합은 네트워크, 서비스, 산업의 세차원에서 전개되고 있다. 그러나 아직까지는 주로 산업의 융합, 즉 통신사업자와 방송사업자의 융합이 주로 이루어지고 있으며 다른 차원의 융합은 상대적으로 초기단계에 머물러 있다. 그러나 산업의 융합조차 한국에서는 아직 요원한 것이 사실이다. 한국에서 통신과 방송은 각각 별개의 산업으로 발전해 왔으며 따라서 별도의 규제체제를 유지해 왔다. 더욱이 정부는 통신과 방송의 융합을 촉진하기 보다는 융합을 저해하는 규제체제를 고수하고 있다. 이 글은 바로 그러한 규제 문제를 살펴보고 융합의 도전에 대처하는데 있어서 제기되는 이슈를 주로 산업 차원에서 살펴보고자 하는 목적을 갖는다.

이 글은 케이블TV산업의 3분할체제, 교차소유, 대기업의 방송사업 참여, 해외자본 진입 등 방송산업 진입규제 이슈를 살펴보고 규제완화 문제를 논의하였다. 또한 VOD, 인터넷방송, 전광판 등 새로운 경계영역적 서비스의 규제방식, 케이블TV의 통신서비스 제공 등 양방향 서비스로의 발전 등의 이슈도 다루었다. 이밖에도 통신과 방송의 융합에 있어서 보편적 서비스와 공익 이슈, 방송법 개정 등과 함께 새로운 규제의 필요성을 논의하였다. 통신과 방송의 융합이 비록 정보사회의 키워드로서 수사적으로 논의되는 점도 없지 않으나 미래의 발전방향을 대표하는 개념임에 틀림없다. 따라서 이제는 새로운 규제방식의 패러다임을 필요로 하는 상황이다. 그러나 그것은 현재의 규제문제에 대한 논의로부터 출발할 수 밖에 없다.