

TRANSPORATION AND COMMUNICATIONS COMMITTEE

RESOLUTION IN SUPPORT OF LOCAL COMMUNITIES TO DETERMINE THE BEST USE OF PUBLIC EDUCATIONAL AND GOVERNMENT (PEG) SUPPORT FOR PEG PURPOSES

WHEREAS, there are more than 1,500 Public Educational and Government (PEG) access centers in the United States that manage upwards of 5,000 cable television public, educational, and governmental (PEG) channels that each week carry 20,000 hours of original programming from local governments, schools, health and jobs organizations, social services agencies, religious groups, and local residents; and

WHEREAS, PEG channels and production centers have become the primary vehicle for preserving localism by providing vital local government information, educational content, civic and cultural information and religious and political expression to residents in local communities across America, and

WHEREAS, the right of local communities to require cable operators to set aside channel capacity for PEG use and to provide adequate facilities or financial support for those channels is provided at 47 U.S. Code § 541 (Cable Communications Policy Act); and

WHEREAS, more than 100 PEG access centers and hundreds of PEG channels have been lost since 2005, and many more may close as provisions in state and federal laws have eliminated or restricted how PEG funding may be used; and

WHEREAS, it is important to preserve PEG channels and funding for PEG operations to ensure that these channels continue to be available to the entire community to serve residents and to preserve jobs at the local level; and

WHEREAS, 47 U.S. Code § 542 (g)(2)(C) limits PEG funding to capital expenditures,

NOW THEREFORE LET IT BE RESOLVED, by The United States Conference of Mayors that the United States Congress amend 47 U.S. Code § 542 (g)(2)(C) to allow local communities to determine the best use of PEG support for PEG purposes.

Projected Cost: None

PROTECTING LOCAL GOVERNMENTS RIGHT TO COLLECT A REASONABLE FRANCHISE FEE FOR USE OF RIGHTS OF WAY

WHEREAS, Congress authorized local governments in the Communications and Cable Acts to collect a franchise fee for use of a community's rights-of-way by cable operators; and

WHEREAS, local governments and cable operators have often negotiated franchises that require the cable operator to serve schools and government buildings with basic cable services in addition to a cable franchise fee; and

WHEREAS, the Federal Communications Commission has taken, or is considering, three actions that concern local governments, namely:

- The Federal Communications Commission has ordered that cable operators may reduce franchise fees in an amount equivalent to the value a cable operator places on these in-kind services such as services to schools and public buildings; and
- The Federal Communications Commission is proposing to treat entities (including cable operators) that offer multiple streams of linear programming on the Internet for a fee as "multichannel video programming distributors" (MVPDs), subject to the statutory privileges and obligations that apply to non-cable MVPDs, while continuing to regulate the non-Internet-based programming service also provided over a cable network as cable service subject to franchise obligations; and
- c. The Federal Communications Commission in its Net Neutrality order suggests that despite the reclassification of broadband services as a telecommunications service, local governments lack the authority to require a telecommunications franchise for the use of rights of way by any party providing such services that already has a franchise to operate a cable system,

NOW, THEREFORE BE IT RESOLVED, that The United States Conference of Mayors calls on the Federal Communications Commission to protect the rights of local governments to collect a reasonable franchise fee payment for the use of public assets ; and

BE IT FURTHER RESOLVED, that The United States Conference of Mayors commends and endorses the efforts of those communities that have challenged the FCC's "in kind" order and "Over-the Top" proposal identified above.

Projected cost: None to Federal Government, but potentially hundreds of thousands to local governments.