

09-0002-5193

RESOLUTION

OCT 16 2009

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, currently pending before Congress is HR 3745 (Baldwin), which would establish the Community Access Preservation (CAP) Act; and

WHEREAS, the CAP Act would amend the Communications Act of 1934 to provide for carriage and display of public, educational and governmental (PEG) channels without additional charges, and via channels whose quality, accessibility, functionality and placement is consistent with commercial channels; and

WHEREAS, the CAP Act would unrestrict the use of PEG franchise fees to be used for any PEG related purpose; and

WHEREAS, the CAP Act would require the Federal Communications Commission to submit a report to Congress relative to the impact of state video service franchising laws on PEG cable systems and channels since 2005; and

WHEREAS, in states that have enacted state level franchising laws since May 31, 2005, the CAP Act would require each cable operator to continue providing financial and infrastructure support and channel capacity based on the support historically provided by the cable operator; and

WHEREAS, the CAP Act ensures technological neutrality by applying PEG requirements to all landline video service providers, regardless of the transmission protocol; and

WHEREAS, if this legislation is enacted, the City would have financial flexibility in the use of its PEG fee revenues, which could potentially help offset Channel 35 and 36 budgetary issues; and

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes its 2009-2010 Federal Legislative Program SUPPORT for HR 3745, which would establish the Community Access Preservation (CAP) Act, and amend the Communications Act of 1934 to provide for carriage and display of public, educational, and governmental (PEG) channels in a manner consistent with commercial channels, and for other purposes.

PRESENTED BY: Tony Cardenas  
TONY CARDENAS  
Councilmember, 6<sup>th</sup> District

OCT 16 2009

SECONDED BY: [Signature]  
EG