

Support Public, Educational, and Governmental (PEG) Channels

*Supported by the Alliance for Community Media (ACM), American Community Television,
The National Association of Telecommunications Officers and Advisors (NATOA),
The National Association of Counties (NACo), The National League of Cities,
and The United States Conference of Mayors*

May 18, 2010

Dear Colleague:

I invite you to co-sponsor H.R. 3745, the Community Access Preservation (CAP) Act of 2009. This legislation will address the severe challenges faced by PEG access channels and local community media and save thousands of jobs across the country.

There are over 2,000 PEG studios/operations and an estimated 5,000 PEG channels in America. In a day of media consolidation, these local, non-commercial access channels bring unique voices, perspectives, and programming to communities. They connect residents with their local government in much the same way C-SPAN connects our constituents to activities here in Congress. Local school districts operate PEG channels to feature school board meetings and forums, homework helpers, interviews, lectures, and sporting events not otherwise broadcast on television. And according to a survey conducted by NATOA, religious shows represent 20-40 percent of local access programming.

Historically, the number of channels and funding dedicated to PEG was negotiated as part of local cable franchise agreements between the cable company and the local community. The result was that each community determined how much it wanted to invest in its own

programming. However, recent state-level franchise laws in twenty-three states have jeopardized this balance and communities and consumers in six states will lose all funding for PEG channels by 2012 (Wisconsin, Florida, Georgia, Ohio, Iowa, and Missouri). If Congress does not act, 207 stations, and at least 400 public access channels, will go dark in the next two years.

Communities in states that have preserved local franchising are also facing challenges. One particular anxiety addressed by the CAP Act is the federal limitation preventing communities from using their PEG funding for anything other than “capital costs.” Under current law, a community can buy a second camera despite not having the operational funds to pay an operator to run the first camera. In the current economy, Congress must do all it can to remove such obstacles. Industry experts estimate the “capital costs” fix included in the CAP Act could create or save between 7,000 and 10,000 jobs across the country.

We also are concerned that some franchised cable operators treat PEG channels differently than commercial channels in many harmful ways: broadcasting them in reduced resolution, making them available only through a several step menu process, or simply moving them to a digital-only tier where they are completely inaccessible to analog cable customers. This type of treatment undervalues PEG channels and their viewers.

The Community Access Preservation (CAP) Act would address the immediate issues facing PEG channels by:

- Allowing PEG fees to be used for any PEG-related purposes, including salaries;
- Requiring PEG channels to be carried in the same manner as local broadcast channels;
- Requiring the FCC to study the effect state video franchise laws have had on PEG channels, and requiring operators to provide the greater of the support required under state laws, or the support historically provided for PEG; and
- Making cable television-related laws and regulations applicable to all landline video providers.

The Community Access Preservation (CAP) Act does not assume a “one size fits all” PEG structure, instead leaving the decision to negotiate for PEG channels to franchising authorities and the local communities they represent.

If you wish to co-sponsor H.R. 3745, the Community Access Preservation (CAP) Act, or have any questions, please contact Amber Shipley at 5-2906 or amber.shipley@mail.house.gov.

Sincerely,

/s

Tammy Baldwin

Member of Congress