



MAYOR BOB FOSTER

CITY OF LONG BEACH

December 12, 2013

The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward Markey
United States Senate
218 Russell Senate Office Building
Washington, DC 20510

Re: Support for S. 1789 – The Community Access Preservation (CAP) Act

Dear Senator Baldwin and Senator Markey:

On behalf of the City of Long Beach, I write in support of Senate Bill 1789, the 2013 Community Access Preservation (CAP) Act. The City of Long Beach takes pride in providing quality community programming, and our residents value Public, Educational and Government (PEG) channels.

PEG channels provide a unique opportunity for our community to experience non-commercial programming that would otherwise not be available. Unfortunately, in California, the passage of the State's Digital Infrastructure and Video Competition Act of 2006 (DIVCA) significantly impacted access to PEG channels by removing the requirement that local cable operators continue to manage and provide facilities and staff for public access production. As a result, Long Beach was without public access programming from January 2009 until September 2012. It was only through a community wide effort, and a grant from the Knight Foundation that restoration of public access to PEG channels was made possible in our City for a period of time. That grant funding has expired, and we are once again in dire need of operational funds.

The 2013 CAP Act amends federal law to ensure that PEG channels remain accessible to the community. This legislation clarifies that PEG fees can be used for any PEG purpose, including capital and operational expenses. The bill also reaffirms that cable operators must deliver PEG channels to subscribers without additional charge to the municipality, and provide channel placement with the same quality, accessibility and functionality as provided to local television broadcast stations. Currently our local cable provider charges a \$1,900 per month transport fee for the carriage of our public access channel. This cost cannot be sustained.

The passage of the CAP Act is critical to the survival of PEG in Long Beach, especially public access. The CAP Act will provide critically needed operational funding without increasing costs to operators or subscribers; save and create jobs; and maintain, or restore what Congress intended through the cable acts of 1984 and 1992. That is to ensure that local communities could have PEG access channels and funding in return for the cable operators' use of public-rights-of-way.

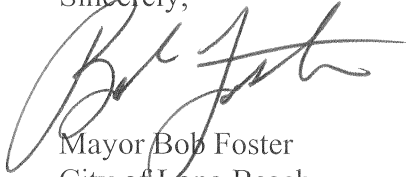
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Given these reasons, the City of Long Beach strongly supports S. 1789, the 2013 CAP Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Foster". The signature is fluid and cursive, with a large initial "B" and "F".

Mayor Bob Foster
City of Long Beach

CC: The Honorable Dianne Feinstein
The Honorable Barbara Boxer
The Honorable Janice Hahn, 44th District
The Honorable Alan Lowenthal, 70th District