

**Comments for the
Report to the General Assembly of
The State of Missouri
(A Report on Developments Resulting From the Implementation of the
2007 Video Services Providers Act)**



**Respectfully Submitted
By**



Missouri Municipal League



American Community Television

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Introduction

The following are comments for the 2011 report on the developments resulting from the implementation of the 2007 Video Services Providers Act by the Missouri Municipal League and American Community Television.

The Missouri Municipal League is a statewide organization that was organized in 1934 and has as its purpose "to develop an agency for the cooperation of Missouri cities, towns and villages and to promote the interest, welfare and closer relations among them in order to improve municipal government and administration in the state." Thus, the League's basic goal is to strengthen cities through unity and cooperation.

American Community Television is a national nonprofit organization that is dedicated to the preservation of public, educational and government access television channels through the promotion and advocacy of positive federal legislation. ACT works, through communication with federal officials, for the passage and protection of federal statutes which establish and enhance the ability of local communities to use electronic media for the benefit of their citizens via public, educational and government access (PEG) television channels and to insure the accessibility for all citizens regardless of their socio-economic status.

Since the enactment of the Video Services Providers Act (SB 284) there have been intended and unintended harms to municipalities.

Our comments will address these harms.

Harms to Municipalities

Historically, cable operators have provided service to municipal buildings, schools, libraries, police and fire departments at no charge in exchange for the cable operator using the public rights-of-way. Recently we have learned that Charter Communications, Inc. is now charging municipalities for cable service. We know of Charter charging, or intending to charge, for service in the following communities: Festus, Olivette, St. Peters, Eureka, Des Peres, O'Fallon, Ballwin and Creve Coeur. However, we are certain that this is or will be occurring in all one hundred and twenty-four Charter communities.

We understand that SB 284 removes the obligations of cable/video providers to provide services to municipalities. And we find it curious that although SB 284 passed in 2007, Charter is now beginning this practice. In addition, we have yet to learn of any other cable/video provider in the state of Missouri following suit.

We also understand that in most instances, Charter physically cut off service to municipal buildings without advance notification or the opportunity for the municipalities to enter into an agreement. Municipal leadership was notified by police and fire departments that the service was no longer available and had to call Charter to find out why.

For over thirty years, cable/video operators have provided Basic service to municipalities and their various buildings or departments at no charge. At present, it does not cost Charter anything to continue to provide this free service, as the connections already exist, and Charter only has to deliver the programming (again at no charge to the company).

We recommend that the state Legislature amend SB 284 to require all cable/video operators provide the same level of historic services to municipalities at no charge. This requirement is perfectly reasonable given the use of the public rights-of-way in order to deliver cable/video service. This historic "rent" is part of the fiduciary responsibility of government (local and state) to the taxpayers who own the rights-of-way.

Conclusion

SB 284 has harmed municipalities by eliminating an historic obligation of the cable/video operators to provide free Basic service to municipal buildings, schools, libraries, police and fire departments in exchange for cable/video operators use of public rights-of-way.

We urge the state legislature to amend SB 284 to address these areas.

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