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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

September 30, 2008

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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Martin:

As you know, the Subcommittee on Financial Services and General Government held a hearing on September 17, 2008 on public, educational, and governmental (PEG) access to cable television. The subcommittee appreciates the participation of the Commission's Media Bureau Chief, Monica Shah Desai, at this hearing.

We recognize that there are considerable changes occurring in cable television, including the transition to all digital transmission and the entry of new competitors and technologies into the market. We believe that these changes can deliver improved cable television for millions of viewers. However, we also believe that PEG television is essential to our communities as an outlet for free speech, local information and opinions, and emergency communications. Changes in the cable environment should not lead to a diminishment of the accessibility of PEG channels to these same viewers.

The subcommittee heard several concerns relating to PEG at the hearing. These concerns include:

- Some cable operators are moving PEG channels to new locations on the channel dial, including moving them into digital locations up to the 900 channel block. Witnesses expressed concern that this places PEG channels well away from the basic tier of channels and may require some consumers to rent or purchase converter equipment to view PEG channels.


- In its U-verse cable service, AT&T delivers PEG programming in a manner that is different from its delivery of commercial channels. The service offers PEG programming via an Internet-based video stream at a single channel location and requires the viewer to load PEG programming through a series of menus. Witnesses told the subcommittee that this method of PEG delivery is slow and technologically inferior to how commercial channels are delivered over U-verse service. They cited inferior picture quality, lack of closed captioning or second audio programming, incompatibility with programmable recording devices, and absence of program listings for PEG programs.
- Concerns also were raised about the degradation of public safety communications on AT&T's U-verse service. U-verse's emergency alert system procedures were described in testimony as "cumbersome and inefficient" and as not supporting emergency alert messages that would override or scroll on broadcast channels. If an emergency alert message directing viewers to a PEG channel for more information cannot be displayed, and if a viewer cannot immediately access a PEG channel with emergency information, we question whether emergency communications are being delivered effectively.

Ms. Desai made the following statement at the hearing: "The statute requires PEG channels to be placed on the basic service tier along with your local broadcast channels. So to place additional burdens on consumers to have to find their PEG channels seems to defeat the purpose of the basic service tier."


We agree with this statement and believe that the concerns we heard at the hearing represent evidence that PEG channels are being assigned a second class status outside of the basic service tier. We ask the Commission to assess these concerns to determine whether the situations described are contrary to federal laws and regulations and, if so, take expeditious enforcement actions.

Thank you for your attention to this matter, and we look forward to your response.

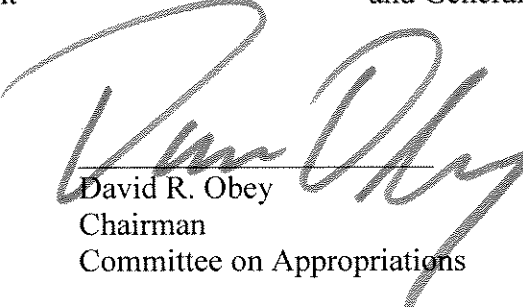
Sincerely,



Ralph Regula
Ranking Member
Subcommittee on Financial Services
and General Government



José E. Serrano
Chairman
Subcommittee on Financial Services
and General Government



David R. Obey
Chairman
Committee on Appropriations


The Honorable Kevin J. Martin

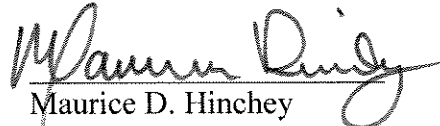
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Cc: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell