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Legislative Update

Your Municipal Communications Resource

April 2023

Volume 2 Issue 4

A Visit to the Hill: Protecting Community Television Act

by Dave Garb, Legislative Committee Chair

Last month I joined the ACM as we visited our esteemed Senators and Representatives on Capitol Hill in an effort to garner co-sponsorship for the "Protecting Community Television Act".

The Identical bills, S 340, Authored by Senator Edward Markey (MA) and Tammy Baldwin (WI), & HR 907, Authored by Representative Anna Eshoo (CA), were reintroduced in Congress on February 9th of this year. It was our intention to make sure to inform as many members of Congress as possible about these bills.

Being the sole spokesperson for New Jersey, by representing the Jersey Access Group, and never having experience what I was about to encounter, I had a steep learning curve to navigate.

Fortunately for me, ACM President Mike Wassenaar had already planned two very interesting meetings for me with the Legislative Assistants to Senator Cory Booker and Representative Mikie Sherrill. Both seemed very interested in what was told to them regarding the effect of the 2019 FCC ruling upon community television, why these Acts came to be, and why we need their support by co-sponsoring them. I even had the pleasure of having Mike join me for the meeting at Senator Booker's office.

As for the rest of the members from New Jersey, their offices were easy to find and they had open door policies, so I was able to talk to their office staff and to leave information for their Legislative Director/Assistants. And yes, I managed to visit all of our Federal Legislators.

The main message communicated to each office or staff member was quite simple, and it is the crux of why the Protecting Community Television Act is needed. PEG/Access Television is in jeopardy!

From The ACM:

In 2019, The FCC Franchise Fee Order redefined the federal Cable Act's 5% franchise fee cap to include the value of most non-monetary franchise obligations as franchise fees. This change allows cable companies to reduce what they pay for the use of public property and rights-of-way. The Protecting Community Television Act (S 340/HR 907) corrects this error by clarifying franchise fees are only monetary.

The Cable Act protects the rights of a local community to charge cable companies a five (5%) percent franchise fee and to meet community needs and interests, such as providing public, educational and governmental channel capacity. Contrary to industry practices that date to the 1980s, the FCC's actions could result in reducing cable operators' monetary compensation to towns and municipalities that wish to communicate with residents through community television. The FCC Order could force communities to choose between franchise fees or communicating with residents through community media that provide Americans with local (transparent) civic, public safety and public health content.

The Protecting Community Television Act (S 340/HR 907) clarifies that only monetary payments, not non-monetary franchise obligations, qualify as Cable Act franchise fees and are subject to a fee cap. Without it, a cable operator could create fees to drain away municipal revenues and pressure municipalities to give up or de-staff channels.

When the Protecting Community Television Act, was introduced during the 2021-2022 Congressional Session, Representatives Donald Payne (10th District) and Bonnie Watson Coleman (12th District), led the charge by co-sponsoring it at that time. The hope this time is that we can get all of our members of Congress to support them and the local content that our communities need and deserve.

With all this fresh in your minds, this also happens to be one of our main topics at this year's legislative workshop at the JAG Conference.

***News from Capitol Hill and Around the Country,
and What it Means to the New Jersey PEG/Access Stations***

The Jersey Access Group will present a workshop at 10AM on May 18th at the Crown Plaza in Edison, NJ as part of its annual conference.

Our featured panelists will be Mike Wassenaar, President of the ACM, and Mike Lynch, Legislative & Regulatory Affairs Director for NATOA, the National Association of Telecommunications Officers and Advisors.

Do you know what is going on in the Halls of Congress or even in the individual States, including right here in New Jersey, that could affect how you are able to do business as usual at your local municipality and PEG stations?

There are many issues that will be talked about during this very informative conversation.

- Hear how the Protecting Community Television Acts, which are circulating around both chambers of Congress, could drastically change the direction of the FCC's 621 Order that currently is hurting all access communities and municipalities.
- Is the FCC going to get a 5th Commissioner and what would that mean to you and the citizens of New Jersey?
- What is the status of the Broadband Funds and how could this effect your community, both monetarily and regarding your community fully connected.

[New Jersey Current Mobile Broadband Map](#)

[New Jersey Current Fixed Broadband Map](#)

- An Act to Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators has been enacted in the State of Maine. Known as the "PEG Non-Discrimination" or "PEG Equal Rights" law, [Nondiscriminatory Treatment of PEG Access Channels](#) it carries out five major actions:
 1. Cable Services Providers must carry local PEG stations on all basic subscriber tiers and packages
 2. Cable Service Providers cannot downgrade signal quality if PEG stations are sending an HD signal.
 3. No 'slamming'. Local PEG stations must be placed in the same numerical range with other local network affiliate stations.
 4. Local PEG content/data must receive equal treatment in all electronic program guides and digital menus.
 5. PEG organizations must be provided with a direct point of contact to resolve issues related to PEG signal quality.

Could this law be considered in other States? Find out the answers to these issues and more, along with having your own questions answered by our panel of national experts on all matters that could greatly impact the future of access television.

Please register for not only this informative session, but all the events planned to keep you and your communities in the know.

JAG CONFERENCE

May 18, 2023

Crowne Plaza Hotel, Edison, NJ

Workshops and Exhibitors specific to the



creation and distribution of video content to available social media platforms. For details visit jagconference.com.

JAG (Jersey Access Group) is an organization that advocates, promotes, and preserves the right to media production, distribution, civic engagement, and education in support of diverse community voices, through Public, Educational and Government access facilities and other forms of media.

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