

News from Trenton & Washington, DC

by Dave Garb, Legislative Committee Chair

Last October the White House [urged congressional appropriators](#) to dedicate \$6 billion to extend the ACP, or Affordable Connectivity Program through the end of 2024. The ACP allows about 23 million low-income households to receive discounts on their internet bills of up to \$30 a month. Lawmakers and Federal Communications Commission officials have held numerous rallies calling for this program to receive a new round of appropriations from Congress. If it does not receive this money, the existing funds would expire in the end of April as reported by FCC Chairwoman Jessica Rosenworcel, this past January. Rep. Frank Pallone Jr. (N.J.), the ranking Democrat on the House Energy and Commerce Committee, said recently at an event to gather support for this program, “it’s going to be very detrimental to all these people that need internet access if the funding expires”.

A bipartisan group of House and Senate lawmakers [unveiled a bill](#) last month to re-up its funding (ACP Extension Act: HR-6929/S-3565). Now, key negotiators are pushing to tuck the measure into upcoming spending bills on Capitol Hill, where lawmakers are racing to avert a possible shutdown.

From the New Jersey League of Municipalities:

The Assembly State and Local Government Committee is scheduled to consider [A-4045](#), and the Senate Budget and Appropriations Committee are considering an identical bill [S2930](#), that change various rules to [OPRA](#). These reforms to the Open Public Records Act address many of the issues municipalities have been experiencing since the inception of OPRA, including:

- Implements recommendations of the Privacy Study Commission.
- Provides residents with protections from losing their privacy in the course of conducting public business.
- Addresses burdensome commercial requests that continue to increase each year. Since the enactment of the OPRA, commercial enterprises have abused the legislation as a mechanism for commercial purposes.
- Addresses the mandatory prevailing attorney fee provisions that have cost taxpayers.
- Takes the first step to address how police records should and are considered under OPRA. As the use of technology has increased in police work, requests for police records have increased tremendously.
- Permits public agencies to adopt an official OPRA request form that must be used for all OPRA requests.

The League is strongly in favor of these proposed changes and encourage you to reach out to your legislator to express municipal support for these bills. We will update this story as it progresses.

Please do not forget that the Protecting Community Television Act ([HR 907/S 340](#)) is still circulating in Congress.

From the ACM ([Alliance for Community Media](#)):

The FCC’s 2019 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 ([HR 907/S 340](#)) would correct this error by simply clarifying that franchise fees are only monetary. The Cable Act of 1984, 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 back 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 civic, public safety and public health content.

The Protecting Community Television Act ([HR 907/S 340](#)) 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.

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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