

News from Trenton & Washington, DC

by Dave Garb, Legislative Committee Chair

Happy Summer Everyone! Even with the heat blazing this time of year, action is still happening on the issues that could affect our local channels and their operations. We need to stay aware of this legislative news and how they impact our operations.

To start off with, let's go back to May 2024 and revisit the annual conference hosted by the Jersey Access Group. During the legislative sessions, two interesting topics sparked the interest of the participants.

The first one highlighted an important subject that all of us need to prepare for: *ADA Compliance: Updates on the DOJ Rulings and Closed Captioning for Municipal Websites and PEG Channels*. This came on the heels of last December when we held a special webinar about what might be coming about closed captioning. One fact stood out and resonated with attendees: start budgeting for it! At the conference, we discovered that there is now an official guideline with timelines and important information that we may all need to adhere to. Please visit the video link to view this vital workshop in its entirety.

https://videoplayer.telvue.com/player/xdH7TjFGQnrU8xmITAT7CM11BmCF94gp/media/889741?fullscreen=false&showtabssearch=true&show_title_description_summary=true&autostart=false

The second topic discussed the value of *Understanding Franchising and What to Know When Renegotiating*. The audience learned about the main differences between a State Franchise and the ones negotiated at the municipal level, as well as determining which one is a better choice and when a municipality can express a preference. To learn and discover all sides from this comprehensive session, please click on this link:

https://videoplayer.telvue.com/player/xdH7TjFGQnrU8xmITAT7CM11BmCF94gp/media/890385?fullscreen=false&showtabssearch=true&show_title_description_summary=true&autostart=false

From NATOA:

In June, the U.S. Conference of Mayors adopted three resolutions at their 92nd Annual Meeting in Kansas City. They addressed communication space issues facing local governments and their residents. Topics included: ACP, mixed use and opposition to H.R. 3557. (See <https://broadbandbreakfast.com/u-s-mayor-target-cable-broadband-revenue/>.) Adoption was unanimous in committee and adopted by the membership.

The Mayors Conference also identified its policy priorities via the resolution process. Next year, mayors will focus their efforts on the following resolutions.

Resolution No. 64 – A Resolution Supporting the Renewal and Extension of the Affordable Connectivity Program led by Mayor Michelle Wu from Boston, MA. [*A Resolution Supporting the Renewal and Extension of the Affordable Connectivity Program*](#)

Resolution No. 66 – A Restoring Local Authority to Receive Fair and Reasonable Compensation for Use of Public Rights-of-Way by Cable Operators and Other Communications Service Providers (621 Resolution) led by Mayor Lucy Vinis from Eugene, OR. [*Restoring Local Authority to Receive Fair and Reasonable Compensation for Use of Public Rights-of-Way by Cable Operators and Other Communications Service Providers*](#)

Resolution No. 67 – A Resolution Opposing H.R. 3557, the American Broadband Act of 2023, led by Mayor Brian Wahler from Piscataway, NJ [*Resolution Opposing H.R. 3557, the American Broadband Act of 2023*](#)

From NATOA:

Northern Dakota County Cable Communications Commission's (NDC4) Mixed-Use Rule Filing: [NDC4 Letter to the FCC](#) Many American cities want 5% of cable's broadband revenue, but the FCC's Mixed-Use Rule is standing in the way. In a **June 5, 2024 letter**, the **Northern Dakota County Cable Communications Commission (NDC4)** called on the FCC to repeal the Mixed-Use Rule, saying the rule was undermining local efforts to expand broadband access and prevent digital discrimination. "The Mixed-Use Rule creates an arbitrary and unworkable patchwork of state and local regulation in which a state or local government that happens to also be a franchising authority has less authority than one that is not. The Mixed-Use Rule frustrates FCC and local efforts to ensure equitable access to quality, affordable broadband," the NDC4 said. NDC4 is a Minnesota municipal joint powers cooperative formed by its member cities Inver Grove Heights, Lilydale, Mendota, Mendota Heights, South St. Paul, Sunfish Lake, and West St. Paul, Minn. and includes 91,500 people.

In another recent FCC [filing](#), the city of Portland, OR calculated that the Mixed-Use rule was costing cities about \$3.75 billion nationally in lost franchise fees.

On the continuing quest for states and local municipalities to be able to collect right-of-way fees from streaming services, our friends to our north have recently taken action.

From NATOA:

Canada demands 5% of revenue from Netflix, Spotify, and other streamers.

<https://arstechnica.com/tech-policy/2024/06/canada-demands-5-of-revenue-from-netflix-spotify-and-other-streamers/>

[The Path Forward – Supporting Canadian and Indigenous content through base contributions](#) Canada has ordered large online streaming services to pay 5% of their Canadian revenue to the government in a program expected to raise \$200 million/year to support local news and other home-grown content. The Canadian Radio-Television and Telecommunications Commission (CRTC) announced its decision in the beginning of June, after a public comment period. These obligations will start during Canada's 2024–2025 broadcast year which begins on September 1st. We will monitor and report more on this law as it progresses through the Canadian Provinces and Territories.

The Protecting Community Television Act

For many years, public, educational and government (PEG) channels have given their viewers critical information about what's going on in their specific communities and offer every local resident a chance to have their voices heard. In 2019 the federal communications commission proposed a new rule that would change the regulations and allow cable companies to shirk their obligations to the communities where they operate.

Fortunately, there is a bill that is awaiting action in both sides of Congress. The Protecting Community Television Act mandates that the franchise fees must be only monetary payments—non-monetary contributions would be allowed. To find out more about this rule and the two companion bills that can reverse it, please visit a special public service announcement that JAG put together on this important issue.

<https://youtu.be/Vk13j5UYIqU>

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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