

## **PEGS PRAISE CONGRESSIONAL HEARING ON STATE CABLE TV FRANCHISES**

Tampa, Fla. – (Sept. 18, 2008) – The Florida Public, Educational, and Government (PEG) access channel community reacted strongly and favorably Thursday to a Sept. 17 Congressional hearing on the impact of state cable TV franchise laws.

"Congress needs to recognize that a rapid erosion of public benefits is underway," said Louise Thompson, executive director of the Tampa Bay Community Network, citing efforts by cable operators to make PEGs harder to find and more difficult to use.

"That defies Congressional goals to preserve localism and diversity in cable franchising and ignores state laws requiring equivalent treatment of public channels," Thompson said.

Thompson was among members of the Florida Association of Telecommunications Officers & Advisors who before the hearing briefed an aide to U.S. Rep. Debbie Wasserman Schultz (D-Pembroke Pines) about the impacts on PEGs of the Florida Consumer Choice Act of 2007.

Wasserman Shultz serves on the House Financial Services and General Government Subcommittee, which conducted the hearing.

"Public, Educational and Government (PEG) access channels provide important and valuable services to citizens in communities all across America," Wasserman Shultz said. "We must ensure that while technology may improve with time, PEG channels remain accessible and readily available to those of us with digital and analog cable signals."

Participating in the briefing were FLATOA President David Frye of West Palm Beach, Vice President Scott Robin of Aventura, and Secretary Jim Clark, also of West Palm Beach. FLATOA represents PEG channels in Wasserman Schultz's district.

“The subcommittee heard a laundry list of harms done to PEGs. Members seemed to be receptive to the information provided,” said Frye, who monitored the proceedings over the Web. “I think it was a homerun for access.”

Nineteen states, including Florida, have passed video franchise laws. The Florida Media Coalition, a pro-media advocacy group based in Tampa, is seeking amendments to the law to afford better protections for PEGs. AT&T operates in various regions of Florida.

“The Federal Communications Commission (FCC) and the state legislatures forgot that the communities in which they reside watch PEG channels,” Hart said. “They forgot that more than one member of Congress uses PEG channels to communicate with their constituents. They also forgot that it was Congress itself that brought PEG channels into existence through the U.S. Cable Act.”

The coalition is seeking to delete programming requirements from the law that are burdensome to government and educational access, as well as a provision that would allow elimination of public access by a majority vote of all subscribers in a given service area.

In addition, the coalition is seeking to add a provision that PEGs must be located adjacent to other basic service channels. The cities of Tampa and St. Petersburg have filed a lawsuit against Bright House for moving its government access channel to triple digit channels.

During Wednesday’s hearing, members of the subcommittee expressed their concerns over cable operators moving PEG channels to higher numbered digital tiers, which made them harder to find and required subscribers to pay for a cable box to be able to view.

They also expressed concern with the practice by AT&T of placing PEG access programming on a single channel where subscribers scroll through a menu options to locate a PEG channel.

Monica Shah Desai, the Chief of the Media Bureau of the FCC, testified at the hearing.

"We believe that placing PEG channels on any tier other than the basic service tier may be a violation of the statute, which requires that PEG access programming be placed on the basic service tier. Subjecting consumers to additional burdens to watch their PEG channels defeats the purpose of the basic service tier," Desai said.

"We believe it is important to ensure that consumers are able to get access equally to all channels belonging on the basic service tier, and that this should be the case regardless of what type of system the channels are being carried on," she testified.

Members of the subcommittee expressed their frustration that the FCC has not yet acted to deal with the actions by some cable operators and by AT&T in their substandard treatment of PEG channels.

In answers to questions from the subcommittee Ms. Desai said that the FCC needed to receive a specific and formal complaint before it could take action, but subcommittee members reminded her of that FCC oversight and enforcement responsibility which does not require the filing of formal complaints.

The hearing concluded with subcommittee chairman Jose Serrano (D-NY) and subcommittee member Mark Kirk (R-Ill.) stating that "the subcommittee will put the subject on the table with the FCC" by writing to the FCC and requesting action.

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