

Congress of the United States
House of Representatives
Washington, DC 20515-2107

171

March 18, 2019

The Honorable Ajit V. Pai
Chairman
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai:

I am writing to express my deep concern regarding the Federal Communications Commission's (FCC) proposed rule changes for the "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992" (MB Docket No. 05-311).

Public, Educational, and Governmental (PEG) channels ensure transparency and are critical to the health of democracy in local communities and across our nation. Public Access Television provides essential coverage of municipal, state and federal government proceedings in addition to emergency alerts and local news programming. In its current form, I fear that these proposed changes will reduce the level of federal funding allocated to running PEG access channels across the United States and in the Massachusetts 7th Congressional District.

Communities across my district in Massachusetts rely on PEG channels to access valuable information about their communities and to create space to uplift local voices and stories. Byron, a member of the Somerville Media Center in my district, had this to say about the impact of PEG channels:

"Community media outlets protect the voice of the people that they serve. They offer a platform for community members to share the authentic stories and visuals that reflect the true makeup of the community. This is the most powerful medium for reflecting the true personality of the community."

I couldn't agree more with Byron and I encourage you and your colleagues on the Commission to ensure that any final decision will not threaten the sustainability of PEG stations.

Thank you for your attention to this issue.

Sincerely,


Ayanna Pressley
Member of Congress

**CC: The Honorable Michael O'Reilly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner**



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 19, 2019

The Honorable Ayanna Pressley
U.S. House of Representatives
1108 Longworth House Office Building
Washington, D.C. 20515

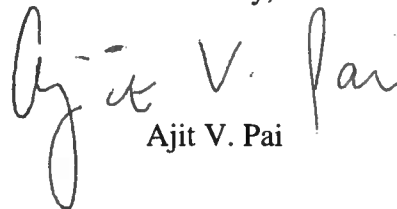
Dear Congresswoman Pressley:

Thank you for your letter regarding the impact that the statutory cap on franchise fees has on funding for public, educational, or governmental (PEG) channels. As you know, the Communications Act limits franchise fees to 5% of cable revenues and defines “franchise fee” to include “any tax, fee, or assessment of any kind imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such.” 47 U.S.C. § 542(g)(1). The U.S. Court of Appeals for the Sixth Circuit has held that the terms “tax” and “assessment” can include nonmonetary exactions. *Montgomery County, Md. et al. v. FCC*, 863 F.3d 485, 490-91 (6th Cir. 2017).

In response to a remand from the Sixth Circuit, the Commission unanimously issued its Second Further Notice of Proposed Rulemaking to consider the scope of the congressionally-mandated statutory limit on franchise fees. Among other things, the Commission observed that Congress broadly defined franchise fees; indeed, with respect to PEG channels, it only excluded support payments with respect to franchises granted prior to October 30, 1984 as well as capital costs required by franchises granted after that date. 47 U.S.C. § 542(g)(2)(B) & (C). The record of this proceeding remains open, and I encourage all interested parties and stakeholders—including local franchising authorities—to provide us with relevant evidence regarding these issues so that the Commission can make the appropriate judgment about the path forward, consistent with federal law. Your views will be entered into the record of the proceeding and considered as part of the Commission’s review.

Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai