



CITY OF SANTA MARIA  
OFFICE OF THE MAYOR  
AND CITY COUNCIL

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November 1, 2018

Chairman Ajit V. Pai  
Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
455 12<sup>th</sup> Street, Southwest  
Washington, DC, 20544

**Re: FCC Proposed Rulemaking – Threat to PEG Funding**

Dear Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel:

**On behalf of the City of Santa Maria, California I am asking you to oppose the FCC's rulemaking, MB Docket No. 05-311**, which would deteriorate Public, Education, and Government (PEG) services and the fair use of the public right-of-way.

The City of Santa Maria has concerns about and opposes the proposals and tentative conclusions set forth in the FCC's September 25<sup>th</sup> Further Notice of Proposed Rule Making in 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 05- 311. Namely:

- This will limit or eliminate PEG access channels meant to better help inform and empower the public. The PEG payments to the City by its cable operator are essential to this operation;
- Further, this proposal could allow cable companies to potentially install "small wireless facilities" with little or no public input, without having to meet any aesthetic or equipment size requirements aimed to mitigate blight and preserve community character.

Santa Maria, California, is the largest city in the Santa Barbara County and San Luis Obispo County region. Santa Maria Community Television (SMCTV), operated by the City of Santa Maria, has provided three community access channels on Comcast Cable to residents of Santa Maria and Orcutt since 2002. SMCTV programs the Public Channel 25, the Education Channel 24, and the Government Channel 23, as well as providing production resources to its members.

With the exception of local news broadcasts, SMCTV provides the only source of locally produced, non-commercial TV programming in our community. It airs live cablecasts of public City Council, Planning Commission, and Recreation and Parks Commission meetings, and is a communications tool during disasters. Over 12,000 programs have been cablecast on this channel since its inception.

This local cable TV presence enables the residents of Santa Maria to watch uniquely local programming about their community and local events and issues of interest to them. And that was the intent of the PEG provisions of the 1984 Cable Act – to enhance local voices, serve local community needs and interests, and strengthen our local democracy. By defining “franchise fee” in an overly broad fashion to include “in-kind” support, the FCC’s proposals will shift the fair balance between cable franchising authorities and cable operators and will force communities to choose between franchise fees and PEG channels, – something that was never the intent of the Act.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. Calculating the “fair market value” of these services will be difficult, subjective, and may lead to legal action between local governments and cable companies, particularly in states such as California with a statewide franchise authority. California passed the Digital Infrastructure and Video Competition Act over a decade ago to streamline the deployment of cable services by making the California Public Utilities Commission (CPUC) the sole franchising authority in the state. It was the intent of the state legislature to streamline deployment while keeping local government revenues intact, ensuring that local public rights-of-way remained under control of cities and counties, and that a sufficient amount of capacity on cable networks was preserved for PEG access channels. Unfortunately, while the FCC would normally exempt from their Orders states with a centralized franchising authority that have preserved such policies, this FNPRM provides no such exemption, threatening to undermine such priorities

**We appreciate your consideration and hope you will protect PEG channels in our community and others by choosing not to adopt many of the proposals in the Further Notice.**

Sincerely,



**ALICE M. PATINO**  
Mayor of Santa Maria

cc: Rep. Salud Carbajal