

# CITY OF BURBANK



## OFFICE OF THE MAYOR

November 1, 2018

Chairman Ajit Pai  
Federal Communications Commission  
425 12th Street, SW  
Washington, DC 20554

**RE: Opposition to FCC Cable Franchise Fee Deductions Proposed  
Rule (MB Docket No. 05-311)**

Dear Chairman Pai:

As Mayor of the City of Burbank, California, I would like to express the City's opposition to the Federal Communications Commission's (FCC) Second Further Notice of Proposed Rulemaking (FNPRM) that would allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations – namely public, educational, and government (PEG) channel capacity and transmission. This proposed rulemaking, if implemented, threatens to limit, if not eliminate, PEG channels and the fair use of public rights-of-way, not only in Burbank but in hundreds of communities throughout the state California.

In recent years, the City of Burbank has expended PEG funds to deploy a number of capital equipment and infrastructure improvements in an effort to provide greater transparency and higher quality content to its viewers. Most recently, the City was able to remove and replace out-of-date technology in our Council Chamber, resulting in more reliable broadcasts of public Board, Commission, and Committee meetings, including City Council. Our community members depend on our Government Access Channel to maintain civic awareness, engage with public officials, and to make informed decisions. The public meetings, emergency updates, and public service announcement provided through our PEG channels are critical for our community and are supported largely through the use of PEG funds.

More than a decade ago, the California State Legislature enacted the Digital Infrastructure and Video Competition Act, making the California Public Utilities Commission (CPUC) the sole franchising authority. The measure kept local government revenues intact, protected local public rights-of-way, and ensured a suitable amount of capacity on cable networks was preserved for PEG access channels. Not only does the proposed FNPRM fail to exempt states with centralized franchising authority, it also prohibits local governments from regulating the facilities and equipment used by cable operators in the provision of non-cable services, such as those provided by the wireless communications industry.

Therefore, under this proposal, cable companies could potentially install “small wireless facilities” with virtually no public input and without having to meet any aesthetic or equipment size requirements aimed at mitigating blight and preserving community character.

The FNPRM’s reckless preemption of local jurisdiction, moreover, is likely to result in cable companies using local public’s rights-of-way as they see fit, allowing these highly profitable private enterprises to avoid having to pay fair compensation to local governments for the use of publicly funded assets. The net effect of the FNPRM will be a significant diminution of PEG services, a steep drop in franchise fee revenues, and the evisceration of local discretion over cable and non-cable facilities. It is disheartening, to say the least, that the FCC is endorsing a plan that undermines our ability to serve and protect the interests of our residents.

Rather than preempting state and local jurisdictions as outlined by the FNPRM, the City of Burbank urges the FCC to revisit this initiative with the objective of ensuring the interests of all key stakeholders, including municipalities, are represented and protected. Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink that reads "Emily Gabel-Luddy". The signature is fluid and cursive, with the first name "Emily" being more prominent than the last name.

Emily Gabel-Luddy  
Mayor, City of Burbank, California

cc: FCC Commissioners  
Senator Dianne Feinstein  
Senator Kamala Harris  
Representative Adam Schiff  
Representative Brad Sherman  
League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)