November 13, 2018

The Honorable Ajit V. Pai Chairman Federal Communications Commission

455 12th Street, Southwest Washington, DC, 20544

Dear Chairman Pai,  
  
We write to express our concern about and disapproval of the proposals and tentative conclusions set forth in the FCC’s September 25 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.

Our community in San José is not only the 10th largest in the country but also one of the most diverse. In order to serve our growing and diverse community, we have made use of public, educational and governmental access (PEG) cable TV, to keep the decisions that affect our residents transparent and accessible. Specifically, PEG funding for CreaTV affords our community members, nonprofits, and local governments access to vital technology tools and educational opportunities needed to create and distribute content that commercial media outlets and ever shrinking newsrooms have no resources to cover. The funding allows us to reach out and work with communities who are most affected by the deep digital divide that exists in San José, presenting unique community based solutions to youth and adults to gain necessary 21st Century workforce skills and technical self-confidence. While the CreaTV has a strategic plan to replace decreasing PEG funds over the next decade, the FCC’s redefinition of in-kind services against PEG Fees would immediately devastate our ability to serve the community.

As a brief overview of some of these solutions and benefits: in 2017, CreaTV served 198 nonprofit organizations in San José and Silicon Valley through education and affordable media production. With the aforementioned funding, CreaTV helped create 150 media projects, on a sliding scale, for nonprofits, community groups and City and County departments, helping tell the story of our community and providing valuable information necessary to participate in civic and cultural life. CreaTV’s state of the art studios and professional staff facilitated 320 community productions and helped create 50 Public Service Announcements for nonprofits and government agencies, as well as offering 451 members nearly 150 hours of educational programs and community events, distributing 2,734 hours of original content through four cable TV channels and 36,072 YouTube views of locally produced content throughout the City of San José.

This local presence enables the residents of our city 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 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,  
  
Mayor Sam Liccardo

CC: The Honorable Michael O’Rielly, Commissioner

The Honorable Brendan Carr, Commissioner

The Honorable Jessica Rosenworcel, Commissioner