

RESOLUTION #2018-105

A RESOLUTION OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION'S PROPOSED RULEMAKING ON 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

WHEREAS, the Federal Communications Commission (FCC) announced Further Notice of Proposed Rulemaking to 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; and

WHEREAS, the new FCC rulemaking would allow cable companies to assess the value of a wide range of “in-kind” services related to providing public, educational, and government (PEG) channels, and deduct the fair market value from their franchise fee obligations; and

WHEREAS, under the proposed FCC rule, the “in-kind” services can include the “value” of the public , educational and government channels themselves, as well as any other services provided such as institutional networks, programming guides, and cable drops to schools, and government buildings; and

WHEREAS, the FCC proposed rulemaking fails to set any guidelines or limitations to the values that cable companies can assess, creating the potential for cable companies to zero out franchise fee payments to cities all together through arbitrary value assessments; and

WHEREAS, the FCC proposed rulemaking could also allow cable companies to use local rights-of-way for any purpose, regardless of the terms of the franchise, and avoid having to pay fair compensation to the local government for the use of publicly funded assets; and

WHEREAS, cable companies should not be able to set arbitrary values on “in-kind” services to the community, and fair and appropriate use of the public right-of-way is crucial to protecting the taxpayers’ investment in infrastructure;

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Canandaigua opposes the Proposed Rulemaking regarding 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.

ADOPTED this 6th day of December, 2018.

ATTEST:



Nancy Abdallah
City Clerk/Treasurer