

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

ZOE LOFGREN
19TH DISTRICT, CALIFORNIA

July, 26 2019

523

The Honorable Ajit Pai, Chairman
Federal Communications Commission
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai,

I write regarding the Federal Communications Commission's Second Further Notice of Proposed Rulemaking in the matter of "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"¹ and, in particular, the proposed re-interpretation of "franchise fee" to include cable related "in-kind contributions" in the definition.

I'm concerned that this proposal could harm my constituents by reducing their access to public, educational, and governmental (PEG) programming, so I request the FCC not attempt to redefine franchise fees beyond Congress's original intent.

Congress clearly intended to empower communities to create PEG programming when it passed the Cable Communications Policy Act of 1984 (Cable Act) to "establish franchise procedures and standards ... to insure that Cable Systems are responsive to the needs and interests of the local community" and to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information services and resources and services to the public."² Furthermore the Act explicitly provides franchising authorities the power to require cable operators to designate channel capacity for PEG programming.³

The FCC's proposal would allow cable companies to deduct the fair market value of in-kind contributions, such as channels set aside for PEG from franchise fee obligations of cable companies. Given that many city, county, and state governments face budget constraints, this

¹ MB docket No. 05-311; FCC 18-131

² 47 U.S.C. § 521

³ 47 U.S.C. § 531

policy would force them to pick between continuing to receive franchise fee revenues and preserving access to PEG programming.

Public access programming gives voice to nonprofits, artists, and other community members who may otherwise struggle to be heard. Governmental access programming informs the electorate about their local government. An informed electorate is a critical ingredient in ensuring that our democracy, especially at the level of local government, remains a healthy one.

In my Congressional District, CreaTV San Jose manages two educational and two public access channels in San Jose and Silicon Valley, through which it provides educational and production services at little to no cost. CreaTV joined many of my constituents— including the City Attorney of the City of San Jose— in submitting comments opposing the FCC's proposal.

I stand with them in opposing this proceeding which I believe will harm my constituents and all Americans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zoe Lofgren", with a long horizontal flourish extending to the right.

Zoe Lofgren
Member of Congress