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

July 31, 2019

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The Honorable Ajit V. Pai
Chairman
455 12th Street SW
Washington, DC 20544

Dear Chairman Pai:

I write to express deep concern with the Federal Communications Commission (FCC)'s recent action to proceed with the "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection Act of 1992" (MB Docket No. 05-311). This proposal has the potential to hurt local communities, robbing them of the resources necessary to keep citizens informed of local government proceedings, school board meetings, and other important community events. I ask that you and your colleagues on the Commission carefully consider these potential impacts and not put valuable public information services at risk by moving forward with this proposal.

Cities and towns across the country enter into carefully negotiated governing agreements with cable operators in their area. In addition to paying rent or "franchise fees" for the use of public property and rights-of-way, cable operators are often required to provide certain in-kind cable-related services to meet important public, educational, or governmental (PEG) needs. Indeed, under the Communications Act, local franchising authorities are allowed to exact such services. Congress understood the important role PEG programming plays and expressly intended for these services to be included in franchise agreements, separate and apart from franchise fees.

The FCC's current proposal would undermine Congress's intent by redefining the statutory limit on franchise fees. Cable operators would be allowed to put a dollar value on PEG channels, along with other "in-kind contributions," and then deduct that amount from their total franchise fee payment. Despite whatever rationale the FCC puts forward for this action, the practical effect would be the elimination of PEG channels. Local municipalities likely will not maintain current PEG capacity to forego franchise fee revenues they use to fund other critical services.

As it stands, your proposal would limit the ability of cities and towns to meet the needs of their communities. I urge the FCC to reject any rule that would undermine the value of PEG channels or harm existing local government authority over franchising agreements.

Thank you for your attention to this issue.

Sincerely,

A handwritten signature in cursive script that reads "Earl Blumenauer". The signature is written in black ink and is centered on the page.

Earl Blumenauer
Member of Congress