

Congress of the United States
Washington, DC 20515

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August 26, 2020

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
455 12th Street, SW
Washington, D.C. 20544

Dear Chairman Pai:

We write regarding the Federal Communication Commission's (FCC) Third Report and Order adopted August 1, 2019 on "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." We strongly urge you to reverse this order considering the serious risk to funding for public, educational, and government (PEG) access channels and damage to state and local governments' ability to regulate cable operators.

As members of the New Jersey congressional delegation, we understand the vital importance of local public programming because of New Jersey's unique media market. New Jersey is split between the New York and Philadelphia media markets, leading to a lack of locally produced programming compared to other states. Because of this gap in coverage areas, New Jersey residents are heavily dependent on PEG access channels for news and other programming.

The FCC's August 1, 2019 Third Report and Order disproportionately impacts local New Jersey communities by allowing cable companies to count in-kind contributions toward the 5 percent cap on franchise fees that Local Franchise Authority (LFA) can collect from these companies, threatening the funding that LFAs rely on to operate PEG programming. The order also diminishes state and local governments' established ability to regulate non-cable services. This action was misguided and will further restrict New Jerseyans access to local news and educational programming as well as allowing cable companies to have more power over state and local governments.

By restricting the authority of local communities to collect fees or impose reasonable restrictions on cable company non-cable services, the FCC has opened the door to cable companies operating in communities without sufficient protections for local governments. We believe the FCC has wrongly gutted the established authority of local governments to regulate certain non-cable services.

In order to ensure that New Jersey residents have uninterrupted access to PEG programming and local governments retain their authority to effectively regulate cable companies, we respectfully urge you to rescind the FCC's August 1, 2019 Third Report and Order. Thank you in advance for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "DM Payne, Jr." with a stylized flourish at the end.

Donald M. Payne, Jr.
Member of Congress

A handwritten signature in blue ink, appearing to read "Bonnie Watson Coleman" in a cursive style.

Bonnie Watson Coleman
Member of Congress