

2021 POLICY BRIEF



Support the Protecting Community Television Act (S.3218 / H.R.5659)

ACTION NEEDED:

Urge your members of Congress to support and cosponsor the Support the Protecting Community Television Act ([S.3218 / H.R.5659](#)). Introduced by Sen. Ed Markey (D-Mass.) and Rep. Eshoo (D-Calif.) on January 21, 2020, the legislation would amend the Communications Act of 1934 to reverse the Federal Communication Commission's (FCC) recent order requiring that cable-related, in-kind contributions be subjected to the statutory five percent franchise fee cap.

BACKGROUND:

On August 1, 2019, the Federal Communications Commission (FCC) adopted a ruling usurping local franchising authorities. Under the FCC rule, cable related, in-kind contributions required by local franchising authorities are considered a "franchise fee."

Franchise fees are used by local governments to maintain public rights-of-ways used by cable companies. Local franchising authorities often require cable providers to offer in-kind contributions, such as public, educational and government (PEG) channels, as a condition to a franchise agreement. These in-kind contributions, including PEG channels, provide significant public benefits to communities, including transparency and accountability through access to local and regional government meetings; educational programming including for-credit courses; coverage of local events; local election coverage; candidate forums; and public safety programming.

By considering in-kind contributions a "franchise fee," the order requires the expense incurred by cable operators providing PEG channels be subject to a statutory five percent franchise fee cap established under the Communications Act of 1934. Subjecting in-kind contributions to the franchise fee cap could contribute to a reduction of 30 to 40 percent in franchise fees, resulting in a significant drop in resources for PEG channels.

The rule, which went into effect on September 26, 2019, allows cable companies to deduct the fair market value of any services

A recent FCC order limits the fees local governments can charge service providers and narrows the review process for municipalities to adequately assess 5G deployment applications

The order is currently being challenged by local governments in the United States Ninth Circuit Court of Appeals

The Accelerating Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530 / S. 2012) would effectively rescind the FCC's controversial 5G order

required by a franchise agreement. This could have a disproportionate impact on smaller communities, where the revenue generated from a cable TV channel is more valuable than that generated in a large urban area.

KEY TALKING POINTS:

As stewards of substantial amounts of public rights-of-way, counties play an important role in the deployment of the 5G mobile network. The FCC's order significantly impedes county governments' ability to serve as trustees of public property, safety and well-being.

Counties are strongly committed to the timely and successful deployment of 5G broadband and support federal policies that maintain local authority over public rights-of-way.

Urge your members of Congress to support and cosponsor the Accelerating Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530 / S. 2012), which would effectively rescind the FCC's 5G order.

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