

1 [Public, Education and Government Cable Access System]

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3 **Resolution Requesting San Francisco’s Congressional and State Legislative**
4 **Delegations Reform Laws Governing use of Public, Education and Government Cable**
5 **Access System Funds.**

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7 WHEREAS, The Digital Infrastructure and Video Competition Act OF 2006 (DIVCA)
8 removed cable television franchising from the jurisdiction of local governments and
9 transferred that authority to the California Public Utilities Commission thereby subverting local
10 authority to guarantee resources to produce programming for the benefit of and directly
11 addressing the specific issues, needs and concerns of local communities; and

12 WHEREAS, The opportunity for municipalities to negotiate future operational funding
13 for the Public, Education and Government (PEG) cable access system in San Francisco and
14 California is prohibited by DIVCA; and,

15 WHEREAS, The Federal Communications Act of 1934 and DIVCA permit franchising
16 authorities to require capital funds for PEG channels, but prohibits these funds from being
17 used for providing video and electronic media training to the public and as well as support for
18 the necessary operations of PEG access channels; and,

19 WHEREAS, As a result of the these restrictions under the Federal Communications
20 Act of 1934 and DIVCA, significant operational funding for public access television in San
21 Francisco will be eliminated with the expiration of the Comcast Cable Franchise on June 30,
22 2009; and,

23 WHEREAS, These restrictions gravely threaten the very existence of public access
24 and the PEG access in not only San Francisco, but across the State of California as well; and

25

1 WHEREAS, PEG, access channels and community media centers that provide
2 electronic media tools and training in how to use those tools exist as a result of the regulatory
3 frame work for cable television that has been in place at the federal level for over 30 years;
4 and

5 WHEREAS, PEG access is and has been an essential component in our public media
6 “greenspace” where community issues and concerns can be discussed and debated without
7 the interference of commercial values; and

8 WHEREAS, Electronic media remains at the core of all information delivery and
9 exchange; and

10 WHEREAS, Civic participation on the part of the underserved is greatly aided by
11 gaining access to locally managed opportunities; and,

12 WHEREAS, Public access television and the PEG system is a valuable
13 telecommunications resources for the citizens and government of the City and County of San
14 Francisco; and,

15 WHEREAS, The City and County of San Francisco could lose millions of dollars worth
16 of production facilities and cable channel capacity without funding for operations of said
17 facilities; and

18 WHEREAS, Public access channels and access training and services in San
19 Francisco are managed by a nonprofit organization called the San Francisco Community
20 Television Corporation (CTC), doing business as “Access SF”; and

21 WHEREAS, Access SF annually provides over 2,500 hours of local, grassroots,
22 community-based programming for, by and about San Franciscans as well as providing
23 training, community media services and specialized workforce development to local
24 nonprofits organizations and the public; and,

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1 WHEREAS, January 6, 2009 has been proclaimed “San Francisco Community
2 Television Corporation Day” by Mayor Gavin Newsom in recognition of its 20th Anniversary;
3 now, therefore, be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 requests that its United States Congressional Delegation initiate reform legislation that would
6 allow states and their municipalities to determine the best use of PEG support – whether for
7 people, facilities or equipment and eliminate an outdated unnecessary distinction in the
8 Communications Act of 1934; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
10 Francisco submits that the necessary changes to the Federal Communication Act of 1934, as
11 amended, which would address this issue are simple legislative changes to 47 U.S.C. 542
12 specifically amending Section 542(g)(2)(B) by striking the words in: “in the case of any
13 franchise in effect on October 30, 1984”; by striking Section 542(g)(2)(C) in its entirety, and by
14 renumbering the subsequent sections as appropriate; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
16 Francisco requests that its California State legislative delegation initiate hearings on the
17 failure of DIVCA to protect, and do no harm, to the PEG system in California and to reform
18 DIVCA to remove restriction regarding the permissible uses of PEG funding derived from
19 video providers in California; and, be it

20 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
21 to transmit a fully conformed copy of this resolution to both the United States Congressional
22 and California State legislative delegations representing the City and County of San
23 Francisco.