

Support Community Voices: Amend The CCPA

Public, Education and Government Access Television may be more important now than ever! Billerica Access Television, Inc. (BATV) and every access corporation nationwide provide communities the opportunity to have their voices heard in the sea of national, now global, media. What happens in each community affects each of us everyday and the right to speak out on any issue, big or small, is the first and most important Right we have.

In 2002, the FCC determined that cable modem service was not a “cable service” as defined by the Communications Act and that revenues from cable modem service should not be used in computing the franchise fees. The FCC’s decision resulted in BATV losing almost 20% of its annual revenue. And now in 2018, the FCC announced its Further Notice of Proposed Rulemaking (FNPRM) (Docket NR 05-311) that could be detrimental if not catastrophic to access corporations nationwide. If access television survives the FNPRM, we suspect there will likely be more legislative encounters since Television and Internet continue to become more synonymous.

We have reached out to our congressional representatives and expressed our opposition to the FCC’s current FNPRM. We are now reaching out again to ask for their support to challenge the FCC’s 2002 decision and include internet revenue in the calculation for franchise fees. To that end, the BATV Board of Directors unanimously approved the following:

The future of access television is in jeopardy. Public, Education and Government (PEG) access television are non-commercial mass media where the general public, educational institutions, and government entities create television programming of local interest and cablecast on cable television channels. The roots and creation of access television goes back to the late 1960s / early 1970s.

In 1984 Congress passed the Cable Communications Policy Act to promote competition and deregulate the cable television industry. The act, among other things, established regulations regarding franchise standards and proceeds that would attempt to strengthen the development of cable systems. The act provided municipalities authority to grant and renew franchise licenses for cable operations. By establishing a process for franchise renewal, the act protected cable operators from unfair denials of renewal. ***In return for launching franchise standards and procedures, the act stipulated that cable operators were expected to be receptive to local communities' needs and interests.*** Part of the outcome of this act was the creation of franchise fees. Section 622, states that municipalities are entitled to a maximum of 5% of gross revenue derived from the operation of the cable system for the provision of cable services such as PEG channels. The annual franchise fees are charged by a local government for use of

public rights- of-ways by private for-profit companies to deliver services to residents.

Lobbying by the cable industry in 2002 led to the FCC determining that cable modem service (i.e. Internet service) is not a "cable service" as defined by the Communications Act and that revenues from cable modem service should not be used in computing the franchise fee.

The Billerica Access Television Board of Directors believes and states the following:

Whereas Cable providers also provide communities with Internet access with the same infrastructure they use for cable.

Whereas the digital revolution of Television over the past 15 years has made it a subsection of the Internet.

Whereas Communities still require access to local public, education and government information, far over and above what is provided on a state and national level.

Whereas Communities still require access to the tools and experience required to produce such information.

In order to protect the future of local Public, Education and Government (PEG) access channels across the country, the Billerica Access Television Board of Directors support amending the Cable Communications Policy Act to include internet / information / modem service as part of the regulations involving community franchises and franchise fees, including revenues from modem / information / internet services to be used in computing franchise fees, and overturning the FCC's 2002 rulemaking that classifies cable modem service as information service.

We hope you will join us by sharing our proclamation. This is a long-term issue and requires a broad base of support to happen.

Thank you for your consideration.

Billerica Access Television, Inc. Board of Directors