

# Community Access Preservation Act

The CAP Act H. R. 3745



AMERICAN COMMUNITY  
TELEVISION



**National League of Cities**



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## Charter moves public access TV into cable stratosphere

BY PAUL HAMPEL

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The televised city council meetings that Charter Communications once guaranteed to municipalities are no longer free for all cable subscribers. Charter recently moved those stations into the cable stratosphere — the 900-plus channel range.

**AT&T Knocked for 'Inferior' PEG Channels By Todd Spangler -- Multichannel News, 1/31/2008** The Internet-based technology AT&T touts as giving it an edge over the cable industry was criticized this week as providing an “inferior” platform for public, educational and government channels. Among the deficiencies Folger cited: AT&T’s PEG channels do not allow closed-captioning; the telco’s own digital video recorders cannot record the PEG channels; video resolution is as much as 25% lower than commercial channels; and the channels take anywhere from 45 to 90 seconds to load.

## Comcast Closes Public Access TV Studios Across Northern Indiana

Written by [Andrea Price](#), 18-11-2007

A year and a half after the enactment of the Indiana Telecommunications Reform Act of 2006, Comcast notified producers in South Bend, Hammond, Merrillville, Mishawaka, Plymouth, Goshen, and Portage -- and Edwardsburg, Michigan - that it would be closing production studios and playback facilities for public access TV.

**Cable flips channel on public access TV--A new California law allows Time Warner to close 12 studios that provided community programming in Los Angeles.** January 2009|Los Angeles Times--For decades, public access programming on cable television has provided a virtually free forum for community activists and aspiring entertainers, for preening star wannabes as well as serious-minded political watchdogs. But in Los Angeles and across California that forum began crumbling last week, a development that advocates say will strip ordinary citizens of a valuable platform.

## Delays continue for Collinsville city broadcasts

Livecast of City Council meetings also put off **By Chris Coates, Illinois Times October 2008**

Despite thousands of dollars in broadcasting equipment and gleaming new council chambers, Collinsville still can't beam images of meetings and other community information to residents who have AT&T Inc. as a cable provider.

## **PUBLIC ACCESS IN OXNARD, CALIFORNIA STILL DARK: by Scott Hadly 5/8/09**

**John R. Hatcher III is mad.**

**For 20 years, Hatcher has produced the public access television show “What’s Going On,” tackling local issues in Oxnard as diverse as HIV, AIDS, home refinancing and foreclosures.**

**“What I did is talk about things that were important to the community,” said Hatcher, who also is president of the Ventura County NAACP. But at the end of last year, his show and all the public access shows broadcast on Channel 25 in the city went dark.**

## **Unscripted Ending, Governing Magazine: The picture gets blurry for public access television. By JOSH GOODMAN February 2008**

Public access TV now faces a more uncertain future than at any time since its inception in the 1970s. In the past three years, some 20 states have, like Indiana, switched to statewide franchises for cable TV. In the process, public, educational and governmental channels — the so-called “PEGs” — are getting hammered. Many are losing funding or studio space, and in a few places PEGs are being shut down altogether.

## H. R. 3745 Community Access Preservation Act (CAP)

### **1. It removes the distinction between "capital" and "operating" in PEG support fees.**

PEG support fees that are collected from subscribers by the cable operators can only be used for "capital and equipment" and not for operational overhead. The CAP Act will eliminate that part of the Telecommunications Act that prevents PEG centers from using PEG support for their operating expenses. Right now, access centers are closing their doors because even though they receive money for buildings and equipment, they do not have or are losing money for operations. The CAP Act will allow centers to spend the PEG support fees as they see fit to keep the centers open and keep the channels on the air. It is estimated this change in federal law will save or create 7,000 to 10,000 jobs.

### **2. It guarantees that PEG channels are treated the same as all other local commercial stations or network affiliates and guarantees that those channels be made available to every subscriber (Basic tier).**

Certain cable operators are lumping all PEG channels in a regional area onto one single channel (for instance AT&T's channel 99). This delivery method degrades the signal quality, prevents closed captioning and causes viewers to have to wade through myriads of menus to get their local PEG channels. PEG channels should be treated exactly the same as other commercial or network affiliated channels. And, PEG channels should be made available to every subscriber.

### **3. Rolls back reductions in PEG funding and channels.**

CAP provides that PEG channels will receive funding equal to the historical support it received prior to the damaging statewide/state issued franchising laws that have passed since 2005--**OR**--the amount that operators are required to pay under the new statewide/state issued franchising laws--**whichever is greater**. It returns the number of channels a community can have to the same number that was being provided as of May 31, 2005.

### **4. It requires the FCC to undertake a study on PEG.**

The FCC will be required to undertake a study within 180 days of the passage of CAP to analyze the effect of statewide/state issued franchise laws that have passed. It also requires an analysis of the impact of digital conversion on PEG. And it calls for the FCC to make recommendations for changes to the Telecommunications Act to preserve and advance PEG and localism.

# PEG Access Television FAQ's

## **What is PEG Access Television?**

Public, Educational and Government (PEG) Access Television are those local cable channels that air city and county council meetings; educational programming and distance learning; programming by nonprofits, local businesses and civic groups; religious and individual programming.

## **How many PEG Access Television channels are there?**

It is estimated there may be as many as 5,000 PEG Access Television channels nationwide.

## **How do local communities get PEG Access Television channels?**

Traditionally, the PEG channels have been part of a "cable franchise agreement" with the local municipality. Since cable operators use the local public rights of way (streets, sidewalks, easements) to conduct their business, the PEG channels have been part of the cable operator's rent to local government for occupying public rights of way.

## **How did statewide/state issued franchising laws change the way PEG Access Television channels are treated?**

In four states PEG Access Television funding was completely eliminated. In six states PEG funding will be eliminated by 2012. We estimate that as many as 400 channels in those states could go dark; as a result thousands of jobs could be lost. As important, local communities will no longer have PEG channels for communicating with their residents. Additionally, PEG channels are being "slammed" into a digital stratosphere where many cable subscribers cannot receive them without having to pay for special equipment.

## **Why are PEG Access Television channels important?**

In many communities, PEG channels are the only source of televised local information; this is especially true for smaller, rural communities. Additionally, media consolidation in television and radio has diminished the amount of time media outlets give to local news and information.

PEG channels bring local government programming into the residents' living rooms, providing greater transparency and important information from police departments, fire departments, health departments, etc.

PEG channels provide local information on what is happening in the schools by showing school board meetings, athletic and academic competitions, youth and homework programming. PEG channels in colleges and universities frequently provide distance learning and GED opportunities.

In many communities, religious programming is an important part of the PEG channel's line up. One can view almost every type of religious service available in a community by tuning into their local PEG channel. This is extremely important for people who are shut in, disabled or elderly.

Additionally, PEG channels provide programming by local nonprofits or civic groups, such as the Red Cross or the Chamber of Commerce. And, PEG channels provide the opportunity for individuals to air programming and this provides a voice to various ethnic groups (and a wide variety of languages), persons with disabilities, the elderly, the young, etc. For instance there is a show in Chicago that is produced by persons with developmental disabilities. The show discusses everyday challenges faced by people with developmental disabilities, such as budgeting, bus routes, health and wellness, personal safety, shopping, and so on. Without PEG Access Television, that programming would never air.

For more information on the importance of PEG Access Television to local communities, contact any of the groups on the cover of this briefing sheet.