



City of Cambridge

47.

IN CITY COUNCIL

April 22, 1996

COUNCILLOR TRIANTAFILLOU
VICE MAYOR BORN
COUNCILLOR DAVIS
COUNCILLOR DUEHAY
COUNCILLOR GALLUCCIO
MAYOR RUSSELL
COUNCILLOR SULLIVAN

WHEREAS: The Telecommunications Act of 1996 includes language requiring the provision of PEG (public, educational and governmental) access and the mandating of franchise fees from any OVS (open video service) provider; and

WHEREAS: This provision is critical to CCTV and the City, as a franchising authority to at least maintain the current level of revenue; and

WHEREAS: Some companies are planning to utilize microwave in its service delivery to Cambridge; thereby sidestepping local regulatory authority; and

WHEREAS: The specifics of the access and fee requirements is being left to FCC rulemaking, it is critical to favorably influence the FCC at this time; now therefore be it

RESOLVED: That the City of Cambridge urge its Congressional delegation to become involved with the FCC rulemaking process and to act in the best interests of the citizens of Cambridge to preserve the public, educational and governmental access intended by the enactment of the Telecommunications Act of 1996.

In City Council April 22, 1996

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

rephase 47.

Whereas, The Telecommunications Act of 1996 ^{include} contains language requiring the provision of PEG (public, educational, and governmental access) and the mandating of franchise fees from any OVS (open video service) provider;

Whereas, this provision is critical to CCTV and the City, as a franchising authority to at least maintain the current level of revenue

Whereas, some companies ~~may~~ are planning to utilize microwave in its service delivery to Cambridge, thereby sidestepping local regulatory authority

Whereas, the specifics of the access fee requirement is left to FCC rulemaking; ~~therefore~~ ⁺ it is critical to favorably influence the FCC at this time; therefore be it

Resolved, That the City of Cambridge ^{urge} ~~urge~~ ~~go~~ ~~forward~~

Resolved, That the City of Cambridge urge its Congressional delegation to become involved in the FCC rulemaking process + to act in the best interests of the citizen of Cambridge to preserve ^{the} public, educational + governmental access

intended by the enactment of the Telecommunications Act of 1996



KT
**Cambridge
Community
Television**

675 MASSACHUSETTS AVENUE • CAMBRIDGE, MASSACHUSETTS 02139 • 617-661-6900 • FAX 617-661-6927

4/17/96

To: Robert Healey
Richard Rossi
Jim Ares
Anthony Galluccio
Katherine Triantafillou
Ellen Semanoff

Re: Important information about the Telecommunications Act of 1996 and FCC rulemaking that will impact Cambridge

As you may be aware, the Telecommunications Act of 1996 includes language requiring the provision of PEG (public, educational, and governmental) access and **the mandating of franchise fees** from any OVS (open video service) provider, for example, NYNEX. This language is intended to impose upon any provider the same requirements that are currently imposed upon cable operators. This provision is critical to both CCTV and the City, as a franchising authority, to at least maintain the current level of revenues.

To clarify:

- 1.) The Act allows those providing video to the home to be classified as Open Video Systems. OVS' will be required to provide PEG access, and to pay franchise fees, **if they are using public rights of way**. How much access, and how it will be provided, are to be determined by the FCC's rulemaking.
- 2.) As the franchised cable system begins to face competition, it is likely that its revenues will go down, which will have a negative impact on the franchise and access fees that it pays. This shortfall **may** be made up by fees paid by the OVS competitor. However, NYNEX is planning to utilize microwave in its service delivery to Cambridge, thereby sidestepping

local regulatory authority. As Continental's revenues fall due to competition, so will franchise and access fees to the City and CCTV.

3.)The specifics of the access and fee requirements is being left to FCC rulemaking. Therefore, it is critical to favorably influence the FCC at this time. Although the FCC is not inclined to be swayed by public opinion, it is possible to influence the rulemaking through our congressional representatives.

The National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Association of Telecommunications Officers and Advisors, and individual cities and towns have filed regulatory comments urging the FCC to consider their best interests in the rulemaking process. I encourage the City of Cambridge to become involved at this time by urging our congresspeople to write to the FCC. Enclosed are sample letters drafted by the Alliance for Community Media.

As always, I look forward to working with you to ensure the continuation of a high level of PEG access for the residents of Cambridge.

Sincerely,



Susan Fleischmann
Executive Director

Attachment #1: Sample letter to Congress regarding FCC regulations on OVS

Dear Representative/ Senator _____

Thank you for your work on the Telecommunications Act of 1996. Your continued interest in this issue is much appreciated. I am associated with a local public, educational and governmental ("PEG") access center in **[your community]**. As you may know, PEG channels on cable television serve elementary and secondary schools, churches, synagogues, Little Leagues, Rotary and Kiwanis Clubs, local political party organizations, universities and libraries.

PEG access centers exist because local franchise authorities often provide for such capacity, services, facilities and equipment as partial compensation for cable companies' use of state and local rights of way. Through PEG access centers, thousands of community groups and over one million individuals produce more than 20,000 hours of new local programming each week -- more than all programs produced by NBC, CBS, ABC, PBS and Fox combined. PEG access is popular -- and it works to inform, educate, serve and promote charitable services, distance learning programs for our children and local economic development.

The Federal Communications Commission (FCC) is currently considering how best to regulate "Open Video Systems" ("OVS"), created by Section 302 of the Telecommunications Act. These provisions allow telephone companies to provide a platform for both their own video offerings and those of unrelated third-parties, subject to minimal legal restrictions.

Your intervention is required to ensure that Section 302 meets the needs of our children, our schools, our churches and

synagogues, and our community institutions. Without your help, OVS will only end up as a way for telephone and cable companies to avoid their responsibilities to the communities in which they do business. Without proper regulation, OVS will lead to significantly less access to video platforms for unaffiliated and non-profit television programmers and producers. We urge you to send the enclosed letter to the members of the FCC. The letter asks the Commission to protect the future of OVS by: *Continued...*

- requiring platform operators to provide and/or support local PEG access facilities fully and in good faith;
- ensuring that access to video platforms by third parties is readily available, by exercising reasonable supervision over rate and regulatory structures governing access to the platform; and
- following the clear intent of Congress in creating OVS as a means of encouraging telephone companies to enter the video services market, by prohibiting cable operators who are already in the video market from converting to the OVS regulatory system.

The Telecommunications Act could potentially open up new vistas for meaningful electronic expression by schools, nonprofits, churches, community support organizations, and governmental bodies and agencies, if the Commission adheres to Congress' intent. Please help us to ensure that Congress' will is carried out by the FCC.

Sincerely, **[Your name & home address]**

Attachment #2: Sample letter from Member of Congress to FCC regarding OVS regulations

Dear Commissioner:

As you may know, the Cable Services Bureau of the Commission is currently in the process of promulgating rules implementing the "Open Video Systems" provisions of the Telecommunications Act of 1996, P.L. 104-104, § 302 (1996). The statute requires the Commission to promulgate any rules under this section (including any reconsideration) no later than August 8, 1996.

I believe that the Commission should act with circumspection in promulgating rules for OVS. Congress' intention in passing this provision was to allow voices that currently have limited or no access to a video platform, whether broadcast, cable, DBS, or "wireless cable," to create and show television programming subject to terms, rates and conditions that are fair and reasonable. These voices include those of elementary and secondary schools, churches and synagogues, charitable institutions, local governing bodies and state and local agencies.

Constituents of mine who are associated with public, educational and governmental ("PEG") access centers in my district have contacted me with their concerns that OVS regulations not violate the spirit of the OVS provision. They have asked me to give your most favorable consideration to regulations that:

- With regard to PEG access on OVS systems, produce a *result* that at least equals the level of access, services, facilities, equipment and support available to PEG access centers on cable systems;
- Ensure that access to video platforms by programmers unaffiliated with the OVS platform operator is readily available, by exercising the Commission's statutory authority to impose some level of rate and regulatory structuring of platform access; and,
- Follow the clear intent of Congress in creating OVS as a means of encouraging *telephone companies* to enter the video services market, by prohibiting cable operators who are already competing in the video market from converting to the OVS regulatory system.

Like you, I am optimistic that the 1996 Telecommunications Act will potentially open exciting new vistas for meaningful electronic expression by schools, nonprofits, churches, community organizations, and government agencies. I believe, however, that this will only happen if the Commission heeds Congress' intent. I therefore urge you to give special attention to the regulatory comments of the Alliance for Community Media, Consumer Federation of America, People for the American Way, et al., in this rulemaking, and to approve only those regulations which guarantee meaningful opportunities for access to the OVS platform by all Americans.

Sincerely,

Member of Congress



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COUNCILLOR TRIANTAFILLOU

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Born, Davis, Duhey, Galluccio
Consent Order #47 Russell, Sullivan

Councillor Triantafyllou re: City
Council go on record in opposition
to the provision that mandates S-221
franchise fees for OVS be the same
as cable operations in the Tel-
communications Act of 1996.

In City Council April 22, 1996

Order adopted