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Gale A. Brewer, Borough President

**Testimony of Gale A. Brewer, Manhattan Borough President
Regarding the FCC's Second Further Notice of Proposed Rulemaking 18-131
New York City Council Committee on Technology
December 5th, 2018**

My name is Gale Brewer, and I am the Manhattan Borough President. I want to thank Chairman Koo and Councilmember Moya for sponsoring Resolution 620 that urges the Federal Communications Commission (FCC) to reject the rules put forth by the Second Further Notice of Proposed Rulemaking 18-131.

As you may know, the new restrictions proposed by the FCC would count services the City negotiated for in cable franchising agreements and fees which fund our public, educational, and governmental access channels (PEGs) towards the existing five percent cap on cable franchising fees. This is yet another attack on local governance by Ajit Pai's FCC and the Trump administration as they look to line the pockets of cable companies at the expense of important services.

New York City PEGs provide immense value to the community. These organizations train nearly 10,000 people a year in video production, editing, graphics, sound and lighting. They provide facilities, technical support, equipment, and free channel time, and they give people representing diverse communities an audience and a voice. Manhattan Neighborhood Network (MNN) alone is the largest media educator in New York City, serving more than 1,200 media students every year. MNN is also the single largest cable-caster of original content in the United States, airing more than 15,000 hours from some 1,000 producers. The majority of PEG's funding comes from the rates negotiated in cable franchising agreements. These revised rules would have a significant impact on a PEG's budget and ability to provide a much needed service to the community.

The new restrictions would also prevent local franchising authorities from negotiating for a percentage of revenue generated by the internet services that cable corporations provide, which further endangers the future of PEGs as cord cutting becomes more and more common. Between July and September of 2018, nearly 1.1 million people cancelled their subscriptions with cable and satellite TV providers according to MoffetNathanson, a media and telecommunications research firm based here in Manhattan. The Leichtman Research Group has reported 12% of American households have 'cut the cord' since 2013. Clearly, cable revenues will suffer in the future as internet streaming becomes more popular. In order to ensure the future of PEGs, we must be able to tap into the growing revenues cable corporations generate from internet service which relies on the same hardware and public property as their pay-TV packages.

Restricting local government's ability to regulate non-cable services is not only a direct threat to the future of PEGs, it also impacts the City's ability to protect New Yorkers. The City must be able to pass laws that provide constituents with privacy and consumer protections that apply to internet service providers. Large corporations have repeatedly mishandled and misused consumer data. Data breaches at Marriott, Dunkin Donuts, and Dell compromised well over 500 million consumers just in the past few months.

Despite the FCC's claim that these rules would reduce barriers to entry and promote competition, they intentionally and significantly reduce costs for incumbent cable TV operators and I firmly believe these proposed rules will more firmly entrench existing companies and dissuade competition.

From my perspective, there is nothing in these proposed rules which provides any measurable benefit to New Yorkers and they threaten to destroy one of the most important ecosystems of small, local, original programming, and information services to underserved communities.

Public Statement By:

BronxNet

*The Public Access & Community Media Center
Serving the Borough of the Bronx*



December 5, ,2018
250 Broadway - Committee Rm, 14th Fl.

In the Matter of:
FNPRM

My name is Audrey Duncan and I am the Director of Training and Special Projects at BronxNet. I have worn many hats at BronxNet over the past two decades and I am here, on behalf of BronxNet, to thank the members of the city council and voice our support for resolution no. 0620-2018. BronxNet provides public services, with current studios and network operations on the beautiful campus of Lehman College, and our constellation site in the East Bronx at Mercy College at the Hutch Metro Center. BronxNet's multi-media production studios in the South Bronx are currently being constructed as part of La Central, in the Hub. Through BronxNet's public access facilities we train the public in media production by providing television studio and field production workshops and enabling access to technology as well as the acquisition of valuable workforce development skills. People completing the training can utilize media production equipment, at no cost, to produce programs and share diverse, ultra-local content that contributes to community development through media.

Bronxnet strongly opposes the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. Using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions and would have adverse effects on our budget and, ultimately, our ability to serve the people of the Bronx the way that we do now. The programming that you find on BronxNet you will not find anywhere else on your cable channel lineup.

So far, the utilization of public access media in the Bronx through BronxNet includes the following outcomes:

- Over 350,000 broadcasts of independent programs have been produced by Bronx residents and, in most cases, the programs were produced with equipment and facilities provided by BronxNet.
- Over 5,000 Bronx residents have been trained to produce studio and field-based programs through our intensive, eight-week certification workshops.
- Over 3,000 high school and college students gained experience and were trained in media production, management and engineering through formal internships and fellowships, with many hundreds acquiring competitive positions at scores of national and local media outlets and hundreds more in communications related fields.
- Many hundreds of Bronx organizations, and hundreds more across NYC, have utilized BronxNet's signature public affairs programs as platforms to share important information about services, activities and issues that are important to Bronx families and communities.
- BronxNet provides coverage of arts and culture along with innovative local arts programming. BronxNet also helps local artists and arts organizations build support and audiences, while fueling economic engines and contributing to the creative economy.

As times and technology change, BronxNet works to stay cutting-edge as we enhance our public services in the Bronx:

- We are building on our strong record of providing high school and college students with training that prepares them as they take positions in the media industry or as they follow any career path. High School students interning at BronxNet have

demonstrated improved academic achievement and have chosen to pursue higher education, and we recently started working with junior high school students to help them prepare for a world of possibilities they may not have imagined.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, BronxNet provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite, including programs that allow residents to remotely participate in live discussions on important community topics.. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

It is important to consider how media literacy, access to broadband and technology, along with the related skills are increasingly more essential for participation in contemporary civic and economic life, and how community access organizations, like BronxNet, are anchor institutions serving a critical role in the technology future of the Bronx and our great City. Thank you.

FOR THE RECORD



FOR THE RECORD

QUEENS PUBLIC TELEVISION

Statement to the New York City Council: Joint Meeting of the Subcommittee
on Zoning & Franchising and the Committee on Technology

December 4, 2018

Re: The Need for Continued Support of Public Access Television

Technological advances in television have changed the way content is delivered to our homes. In today's world, many people watch TV over the Internet via their computers or their smart phones. Some would suggest that this changes the relationship between the Cable Company and public access television, but I do not believe it does.

The most important aspect of public access television (community television) is not how the signal is brought to the home of the consumer. Public access stations are community-learning centers and, in many instances, serve as the hub for that community. These learning centers offer the community an opportunity to learn how to use state of the art technology to communicate their message to their neighbors. As such, community television has been a strong defender of the First Amendment and freedom of expression, a right that's being challenged in some parts of the world today. Key to the services that we provide to our community is media literacy.

My Borough of Queens, New York is the most ethnically diverse community in the United States. There are nearly two hundred languages and dialects spoken here. Travel from neighborhood to neighborhood and you can hear Italian, Urdu, Russian, Hebrew, Polish, Spanish, Cantonese, Hindi, Portuguese, Farsi and Tagalog to name but a few. There are many mainstream cable channels, yet it is still difficult to find programs in the many languages that are spoken by the residents of this community. When these communities need information concerning voter registration, free healthcare screenings and immigration policy updates, the only place where they can find that information, in their own language, is on Queens Public Television. If these multilingual programs were to disappear, many of our viewers would be at a disadvantage. Public television is an oasis for people seeking information about *their* community in *their* language. Mainstream television cannot cater to

the needs of such a diverse community; therefore, it is up to local independent producers to create such programming. Producers create programs that both inform and entertain. Foreign language viewers can keep abreast with what is going on locally and with news about what's going on in their country of origin. Without these multilingual programs, many of our viewers would lose their connection to the larger community and the services that are available for them. This is one of the many reasons why community television needs your support. For thirty years, QPTV has provided an opportunity for the residents of Queens to break bread together through the medium of television. We are a community learning center empowering people to be more civic minded and to have the power to improve their community.

Although services like YouTube allow for wider distribution of material, YouTube does not provide training for its users nor does YouTube, or similar services, provide equipment to the community so that they may exercise their First Amendment right to freedom of expression. If cable television, as we know it, were to disappear from the landscape tomorrow, there would still be a need to support local community television with funding, equipment and training. The device that we choose to watch programming is not key to the question, continued support for our community television learning centers is.

Queens Public television Cablecast hours: 2017 and 2018 [*Projected*]

Video Programming:

Monday-Sunday (10am -12am)

14 hours per day x 4 channels = 56 hours daily

56 hours per day x 7 days per week = 392 hours weekly

392 hours per week x 4 weeks = 1,568 hours monthly

1,568 hours monthly x 12 months = *18,816 yearly*

Electronic Community Bulletin Board:

Monday-Sunday (12am – 10am)

10 hours per day x 4 channels = 40 hours daily

40 hours per day x 7 days per week = 280 hours weekly

280 hours weekly x 4 weeks = 1,120 hours monthly

1,120 hours monthly x 12 months = *13,440 hours yearly*

Grand Total for Video Programming & Electronic Bulletin Board: 2014/2015: *32,256 hours yearly*

Clifford Jacobs

Programming & Access Services Manager

Queens Public Television (QPTV)

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STATEMENT IN SUPPORT OF
NEW YORK CITY RESOLUTION NO. 0620-2018
BY THE MANHATTAN NEIGHBORHOOD NETWORK

My name is Greg Sutton, the Managing Director of Access Services of the Manhattan Neighborhood Network (MNN) and I thank the members of the City Council for the opportunity to voice MNN's support for Resolution No. 0620-2018. MNN agrees wholeheartedly that the actions proposed by the Federal Communications Commission, if adopted, would significantly harm the public access programming serving the people of the City of New York with no offsetting public benefits. Last month, MNN filed comments with the FCC in strong opposition, and we thank the City of New York for also filing comments opposing the FCC's misguided proposals.

As this Council may be aware, MNN operates the public access channels in Manhattan and it is currently one of the largest cablecasters of original video programming in the United States. MNN's vision is to empower local voices and diverse views of New Yorkers from all political, socioeconomic, and cultural perspectives. Its programming is in multiple languages and serves the gorgeous mosaic that is New York City. It does so by offering media distribution services, video production facilities, and media education to Manhattan residents and community-based organizations who deliver high-quality and hyper-local programming to Manhattan's cable subscribers. MNN collaborates with many other video content providers. Our NYXT.NYC cable and digital

channel highlights local community groups that are changing lives and making a difference. They include the Alvin Ailey American Dance Theater, Big Brothers Big Sisters of New York City, the Children's Museum of the Arts, Girls Who Code, the East Side the Harlem Arts Festival, the Lower East Side Girls Club, the National Alliance on Mental Illness, and the New York Anti-Trafficking Network. But for the MNN public access channels, many cable subscribers -- especially who are physically challenged or lack the financial means -- would have no access this vital City programming. There is no other outlet that can accommodate the broad range of ethnic, religious and cultural programming that is presented on the public access channels at no cost to the producers.

MNN also invests in training residents and local community organizations in all aspects of video production and provides low-cost access to production equipment and facilities. MNN educates more than 1,200 media students annually in courses ranging from digital editing, field camera, and studio production. Many of the MNN video producers are from communities that have no access to high quality media equipment and services. MNN public access programming gives voice to diverse perspectives that cannot be found anywhere else on today's commercial cable TV channels.

The FCC's proposals threaten to gut funding for public access in this City and in cities and communities across the country. The effects of its proposed ruling would be a devastating blow to diversity, inclusion, and freedom of expression. And, the FCC proposes to do so by illegally stripping this City of the statutory authority given to it by Congress in Section 621 of the Communications Act. In 1984, Congress deliberately chose to provide local franchising authorities -- not the FCC -- with the authority to

require cable TV operators to support public, educational and governmental access programming as a condition of granting the valuable privilege of holding a City cable franchise. Decades after Congress enacted that law, however, the FCC seeks to rip that authority away from the City.

I will not repeat here the many legal arguments raised by MNN, the City, and associations and individuals across the country as to why the FCC's proposed actions would violate the federal Communications Act. I will note, however, that the FCC essentially misinterprets the plain meaning of statutory phrase "franchise fee" to sweep in for the first time all costs of PEG access within the five-percent statutory cap. But, as the FCC itself has conceded, not all franchise obligations are "franchise fees." Like a franchise build out obligation, the PEG obligations give back to the subscribers directly with valuable local programming, they add value to the cable network itself, and they enhance the market demand for the cable operator's channel line-up. The FCC turns a blind eye to these critical facts.

Why did the FCC do this? How did it get this so wrong? It's not clear. What is very clear from over 2,000 comments already filed with the FCC is how completely wrong it got the law and the policy, with no offsetting "benefit" other than to increase the cash profits of NYC's cable franchisees.

Access to television for public, educational, and government groups is vital to an informed populace.

Community programming provides a forum for hyperlocal news and fills the lack of information gap created by TV News.

Governmental programming is equally important as the demand for more transparency in government continues to grow stronger. The broadcast of live hearings, resolutions, and political testimony lend a window into the inner workings of the political process. This helps to educate the public in not only voting decisions but how to comprehend the process of legislation itself.

We live in an era of information bombardment. Social media competes and even outpaces broadcast TV News in many instances. But social media is also unvetted and has shown to be a factory of misinformation and propaganda.

Public access television can serve as an alternate information source.

Seward

Eye on the Radio

1460AM

Ardina

Westchester

WVOX

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 620

in favor in opposition

Date: 12/5/18

(PLEASE PRINT)

Name: Clifford JACOBS

Address: QPTV 41-61 Kissena Blvd

I represent: Queens Public Television

Address: _____

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in favor in opposition

Date: 12/5/18

(PLEASE PRINT)

Name: Gale Brewer

Address: 1 Centre Street

I represent: Manhattan Borough President

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 620

in favor in opposition

Date: 12/5/18

(PLEASE PRINT)

Name: Greg Sutton

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I represent: Manhattan Neighborhood Network

Address: 537 West 59th St 10019

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THE CITY OF NEW YORK**

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Name: ANTHONY RIDDLE

Address: 647 Fulton St BKLYN

I represent: BRIC

Address: SAME

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 620

in favor in opposition

Date: _____

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Name: Audrey Duncan

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