



Legislation Text

File #: Res 0460-2006, **Version:** A

Proposed Res. No. 460-A

Resolution calling on the New York City Delegation and all other members of the New York State Legislature to oppose A1423 (S744), a bill that establishes a new state-wide cable television franchise scheme, thus eliminating the franchising authority that currently resides with municipal governments throughout the state, and undermines community programming and the implementation of universal affordable broadband access.

By Council Members Fidler, Brewer, Comrie, Gennaro, Koppell, Nelson, Sanders Jr., Katz and Sears

Whereas, Public, educational, and governmental ("PEG") access provides thousands of hours of local programs each week to New York City residents, such as City Council meetings and hearings, community and neighborhood events and forums, foreign language programming, health care information, school sports, services for houses of worship, and legislative updates, and public access channels in all five boroughs allow New York City residents to exercise their First Amendment Rights and to create opportunities for non-commercial communication, education, artistic expression on an open and equitable basis; and

Whereas, Local cable franchising allows municipalities around the State to exercise local authority and receive franchise fees for the use of public rights-of-way in order to meet the specific public access, community programming, consumer protection, public safety, and technology needs of residents and businesses in a manner suited to the individual needs of the community; and

Whereas, Existing law enables New York City (through local franchise agreements with cable television companies) to offer City residents vibrant and diverse local programming, Public Access channels in all five boroughs, and the City run Educational and Governmental channels; and

Whereas, Existing Federal law supports the objectives of localism and universal service by providing states and municipalities sufficient rights to manage local build out of services and determine local public access needs; and

Whereas, Proposed legislation in Congress might prevent New York City and other municipalities around the nation from requiring Multi Channel Video Providers (including cable or telecommunications companies) from having to obtain a franchise from the City for the use of City rights-of-way, thus impeding each municipality's ability to (i) control the use of its own resources, and (ii) determine what is required to meet local access needs; and

Whereas, A1423 (S744) imposes statewide franchising that would remove local franchising authority, violates principles of Home Rule, undermines local protection for consumers and transfers effective local franchise enforcement to the State or the courts; and

Whereas, These federal and State bills may eliminate any build-out requirements for any video service provider, allowing providers to "red-line" and discriminate based on the wealth of the local neighborhoods they choose to serve; and

Whereas, These legislative efforts at the national and State level could substantially reduce the City's compensation for use of its rights of way by private companies and also reduce financial and operational support for PEG access; and

Whereas, Although these bills contain some provisions that require companies to dedicate channel capacity to PEG access, they could lower the number of required PEG access channels and limit or eliminate support for public infrastructure like the I-Net (Institutional Network), which supports public safety, schools, emergency services and municipal communications; and

Whereas, Although these bills contain some provisions that require PEG access, a statewide one-size-fits-all approach to public access does not serve the public interest in New York City because it does not take into account the local needs and circumstances that are unique to the City; and

Whereas, Passage of these bills paves the way for the cable and telecommunications companies that have existing local franchise agreements with municipalities to lobby the State Legislature to amend existing law to exempt them from local franchise obligations; and

Whereas, these bills are unnecessary to facilitate competition or to ease entry to the video market by telephone companies, which under current law may enter the video market in a number of ways, including as cable television service providers by adopting the terms of existing franchises (for accelerated entry) or by negotiating franchises that are specific to their own interests, and are already negotiating and obtaining franchises to provide video services; and

Whereas, There is no evidence that municipalities have acted unreasonably to slow entry, but rather to the contrary, all evidence is that municipalities are acting with unprecedented speed to grant local franchises to allow competitive entry with new franchises, or under the same franchises as were granted to existing cable companies; now, therefore, be it

Resolved, That the New York City Council urges the New York City Delegation and all other members of the State Legislature to oppose A1423 (S744) and any other similar legislative proposals in Congress or in Albany that are intended to or might have the effect of limiting, altering, or eliminating the exercise of local franchise authority in connection with the provision of cable television or similar services.

LS #1292
08-08-06
CJS