

Massachusetts Municipal Association

Annual Meeting and Trade Show

January 24th & 25th, 2020

www.mma.org/workshops

Saturday, January 25

2:00 p.m.



Newest FCC Preemption: Cable Franchising Fees

New FCC rules threaten:

- Local Public, Educational and Governmental (PEG) access providers,
- Affect existing cable franchising agreements and
- Strip power from local governments to control use of the rights of way.

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NATOA ENDORSES THE PROTECTING COMMUNITY TELEVISION ACT

Contact: Nancy Werner, (703) 519-8035

FOR IMMEDIATE RELEASE -- January 21, 2020 -- The National Association of Telecommunications Officers and Advisors (NATOA) applauds Senator Ed Markey (MA) and Representative Anna Eshoo (CA) for introducing the “Protecting Community Television Act of 2020 (HR5659 & S3218), which will restore the long-standing protections in federal law designed to ensure that local communities, especially local media, are not trampled by cable operators.

When Congress passed the Cable Act in 1984, among its stated purposes for the legislation were to ensure that cable companies were “responsive to the needs and interests of the local community” and “provide the widest possible diversity of information sources” to the public. In August 2019, the Federal Communications Commission voted to reinterpret the Act to undermine both of these purposes by allowing cable companies to assign a value to commitments they made in negotiated cable franchise agreements—including support for local programming and cable services to schools and libraries—and then deduct that value from their franchise fees, which is the rent they pay municipalities for use of public property. The result of this new interpretation of a decades-old statute is to force local governments to choose whether to retain the community benefits and protections negotiated in the cable franchise or to reduce franchise fee payments, which support critical public services like police, fire and libraries.

NATOA enthusiastically endorsed the Protecting Community Television Act, which is necessary to rein in the Commission’s windfall to cable operators at the expense of local media and, ultimately, local taxpayers. We thank Senator Markey and Representative Eshoo, as well as the many co-sponsors of this legislation, for their efforts on behalf of local governments and local media.

Additional Congressional Telecom Items of interest to Massachusetts communities

Accelerating Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530) – Bill states that the FCC’s August moratorium order and September small wireless order would have no force or effect. Introduced by Rep. Eshoo; 53 co-sponsors to date.

Don’t Break Up the T-Band Act (S. 2748) (H.R. 451) – Refiled in the Senate on 10/30; repeals provision of the Middle Class Tax Relief and Job Creation Act of 2012 that requires public safety users to relocate from the T-Band spectrum by 2021.

Broadband Speed Act (H.R. 4641) – Requires broadband providers to annually report to the FCC broadband speeds with data to demonstrate that the provider is capable of performing at the speed reported to the Commission on Form 477; also requires any broadband infrastructure built with USF funds provide broadband service with a download speed of at least 100 mbps.

Mass Bill H.4045 -- An Act relative to digital entertainment on public rights of way

By Rep. Paul McMurtry of Dedham (and others - see co-sponsors below).

malegislature.gov/Bills/191/H4045/BillHistory

or

www.massaccess.org/

A petition (subject to Joint Rule 12) for legislation to establish a comprehensive statewide policy concerning streaming entertainment services and the recovery of municipal costs for the management and maintenance of digital infrastructure.

Status: Referred to Joint Committee on Telecommunications, Utilities and Energy

History:

8/5/2019 House Referred to the committee on House Rules
8/8/2019 House Reported, referred to the committee on Joint Rules, reported, rules suspended and referred to the committee on Telecommunications, Utilities and Energy
8/12/2019 Senate Senate concurred
1/7/2020 Joint Hearing scheduled for 01/14/2020 from 01:00 PM-05:00 PM in A-2
1/14/2020 Hearing

Hearing notes (MassAccess, which represents more than 130 community media organizations, testified in support of H 4045 that would impose a 5 percent fee on digital streaming providers already using the public rights of way and proportionally allocate the revenue to cities and towns, access media centers and the state.

Name	District/Address	Name	District/Address
Paul McMurtry	11th Norfolk	Jonathan Hecht	29th Middlesex
Josh S. Cutler	6th Plymouth	Steven S. Howitt	4th Bristol
Mathew J. Muratore	1st Plymouth	Shaunna L. O'Connell	3rd Bristol
Jason M. Lewis	Fifth Middlesex	Jennifer E. Benson	37th Middlesex
James Arciero	2nd Middlesex	Tricia Farley-Bouvier	3rd Berkshire
Viriato M. deMacedo	Plymouth and Barnstable	Kay Khan	11th Middlesex
John H. Rogers	12th Norfolk	Daniel J. Ryan	2nd Suffolk
Kathleen R. LaNatra	12th Plymouth	James B. Eldridge	Middlesex and Worcester
Nika C. Flugardo	15th Suffolk	Carmine Lawrence Gentile	13th Middlesex
Daniel M. Donahue	16th Worcester	Tackey Chan	2nd Norfolk
David Allen Robertson	19th Middlesex	Claire D. Cronin	11th Plymouth
Ruth B. Balse	12th Middlesex	Tami L. Gouveia	14th Middlesex

Donald H. Wong	9th Essex	Susannah M. Whipps	2nd Franklin
William C. Galvin	6th Norfolk	Thomas M. Stanley	9th Middlesex
Michelle L. Ciccolo	15th Middlesex	Patrick M. O'Connor	Plymouth and Norfolk
Paul R. Feeney	Bristol and Norfolk	Edward F. Coppinger	10th Suffolk
Michael O. Moore	Second Worcester	Lori A. Ehrlich	8th Essex
Kate Hogan	3rd Middlesex	David F. DeCoste	5th Plymouth
David K. Muradian, Jr.	9th Worcester	Paul F. Tucker	7th Essex
John J. Lawn, Jr.	10th Middlesex	Paul Brodeur	32nd Middlesex
Shawn Dooley	9th Norfolk	Richard M. Haggerty	30th Middlesex
Bruce J. Ayers	1st Norfolk	Elizabeth A. Malia	11th Suffolk
Natalie M. Blais	1st Franklin	Kenneth I. Gordon	21st Middlesex
Patricia A. Haddad	5th Bristol	Susan Williams Gifford	2nd Plymouth
John F. Keenan	Norfolk and Plymouth	Alyson M. Sullivan	7th Plymouth
Walter F. Timilty	Norfolk, Bristol and Plymouth	Louis L. Kafka	8th Norfolk
Michael J. Soter	8th Worcester	Angelo M. Scaccia	14th Suffolk
Dylan A. Fernandes	Barnstable, Dukes and Nantucket	Sean Garballey	23rd Middlesex
Danielle W. Gregoire	4th Middlesex	Patrick Joseph Kearney	4th Plymouth
Brian M. Ashe	2nd Hampden	Joan Meschino	3rd Plymouth
Eric P. Lesser	First Hampden and Hampshire	Jon Santiago	9th Suffolk
Hannah Kane	11th Worcester	Dean A. Tran	Worcester and Middlesex
Aaron Vega	5th Hampden	Peter Capano	11th Essex
Tram T. Nguyen	18th Essex	Paul K. Frost	7th Worcester
Elizabeth A. Poirier	14th Bristol	David T. Vieira	3rd Barnstable
Anne M. Gobi	Worcester, Hampden, Hampshire and Middlesex	Christopher M. Markey	9th Bristol
David M. Rogers	24th Middlesex	William M. Straus	10th Bristol
Barry R. Finegold	Second Essex and Middlesex	Natalie M. Higgins	4th Worcester
Lindsay N. Sabadosa	1st Hampshire	James M. Kelcourse	1st Essex
Norman J. Orrall	12th Bristol	Michelle M. DuBois	10th Plymouth
Christina A. Minicucci	14th Essex	Bradford Hill	4th Essex
Thomas P. Walsh	12th Essex	Julian Cyr	Cape and Islands
Maria Duaine Robinson	6th Middlesex	Lenny Mirra	2nd Essex

The Massachusetts Department of Telecommunications and Cable Seeks Pause of Effective Competition Petitions

CABLE | 15 Jan 2020 | Ref: 2001140050

The Massachusetts Department of Telecommunications and Cable asked the FCC to pause consideration of Cox's and Comcast's effective competition petitions for various Massachusetts markets (see [1912190070](#)). In a nearly identical docket 20-10 [posting](#) and docket 19-385 [posting](#) Monday, MDTC said the abeyance wouldn't hurt Cox or Comcast. Without one, the state agency would be litigating both petitions before the Media Bureau while pursuing the same issues before the 1st U.S. Circuit Court of Appeals. That's where the FCC effective competition finding for Charter Communications in 32 Massachusetts franchise areas is being challenged (see [1912230063](#)). Comcast outside counsel and Cox didn't comment Tuesday.