

FILE NO. 090008

1 [Public, Education and Government Cable Access System]

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3 **Resolution Requesting San Francisco's Congressional and State Legislative**
4 **Delegations Reform Laws Governing use of Public, Education and Government Cable**
5 **Access System Funds.**

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NOTE: Additions are single-underline italics Times New Roman;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

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WHEREAS, The Digital Infrastructure and Video Competition Act OF 2006 (DIVCA)
11 removed cable television franchising from the jurisdiction of local governments and
12 transferred that authority to the California Public Utilities Commission thereby subverting local
13 authority to guarantee resources to produce programming for the benefit of and directly
14 addressing the specific issues, needs and concerns of local communities; and

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WHEREAS, The opportunity for municipalities to negotiate future operational funding
16 for the Public, Education and Government (PEG) cable access system in San Francisco and
17 California is prohibited by DIVCA; and,

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WHEREAS, The Federal Communications Act of 1934 and DIVCA permit franchising
19 authorities to require capital funds for PEG channels, but prohibits these funds from being
20 used for providing video and electronic media training to the public and as well as support for
21 the necessary operations of PEG access channels; and,

22

WHEREAS, As a result of the these restrictions under the Federal Communications
23 Act of 1934 and DIVCA, significant operational funding for public access television in San
24 Francisco will be eliminated with the expiration of the Comcast Cable Franchise on ~~June~~
25 30December 31, 2009; and,

1 WHEREAS, These restrictions gravely threaten the very existence of public access
2 and the PEG access in not only San Francisco, but across the State of California as well; and

3 WHEREAS, PEG, access channels and community media centers that provide
4 electronic media tools and training in how to use those tools exist as a result of the regulatory
5 frame work for cable television that has been in place at the federal level for over 30 years;
6 and

7 WHEREAS, PEG access is and has been an essential component in our public media
8 "greenspace" where community issues and concerns can be discussed and debated without
9 the interference of commercial values; and

10 WHEREAS, Electronic media remains at the core of all information delivery and
11 exchange; and

12 WHEREAS, Civic participation on the part of the underserved is greatly aided by
13 gaining access to locally managed opportunities; and,

14 WHEREAS, Public access television and the PEG system is a valuable
15 telecommunications resources for the citizens and government of the City and County of San
16 Francisco; and,

17 WHEREAS, The City and County of San Francisco could lose millions of dollars worth
18 of production facilities and cable channel capacity without funding for operations of said
19 facilities; and

20 WHEREAS, Public access channels and access training and services in San
21 Francisco are managed by a nonprofit organization called the San Francisco Community
22 Television Corporation (CTC), doing business as "Access SF"; and

23 WHEREAS, Access SF annually provides over 2,500 hours of local, grassroots,
24 community-based programming for, by and about San Franciscans as well as providing
25

1 training, community media services and specialized workforce development to local
2 nonprofits organizations and the public; and,

3 WHEREAS Educational access channels are operated by the San Francisco
4 Community College District as "EATV"; and

5 WHEREAS EATV provides innovative educational programming to meet the changing
6 needs of the diverse San Francisco community, as well as City College of San Francisco and
7 San Francisco Unified School District students, faculty, families, staff, administrators, and
8 their Boards; and

9 WHEREAS EATV serves a larger educational mission for San Francisco by providing
10 information about community resources; by being an outlet for student video, film and
11 multimedia productions; by providing training and internship opportunities; by broadcasting
12 San Francisco Unified and Community College Board meetings; and, by offering access to
13 information and education to those who are physically challenged or housebound; and

14 WHEREAS Government access channels are operated by SFGTV within the City's
15 Department of Technology; and

16 WHEREAS SFGTV provides live cablecasts of all of the Board of Supervisors
17 meetings, City commission meetings, Mayoral Press conferences as well as many other
18 community events and video programming that provides essential information about City
19 government services and programs; and

20 WHEREAS Access SF, EATV and SFGTV remain the only alternatives for cable
21 television viewers that offer exclusively local, noncommercial, and diverse programming about
22 San Francisco and San Franciscans; and,

23 WHEREAS, January 6, 2009 has been proclaimed "San Francisco Community
24 Television Corporation Day" by Mayor Gavin Newsom in recognition of its 20th Anniversary;
25 now, therefore, be it

1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
2 requests that its United States Congressional Delegation initiate reform legislation that would
3 allow states and their municipalities to determine the best use of PEG support – whether for
4 people, facilities or equipment and eliminate an outdated unnecessary distinction in the
5 Communications Act of 1934; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
7 Francisco submits that the necessary changes to the Federal Communication Act of 1934, as
8 amended, which would address this issue are simple legislative changes to 47 U.S.C. 542
9 specifically amending Section 542(g)(2)(B) by striking the words in: “in the case of any
10 franchise in effect on October 30, 1984”; by striking Section 542(g)(2)(C) in its entirety, and by
11 renumbering the subsequent sections as appropriate; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
13 Francisco requests that its California State legislative delegation initiate hearings on the
14 failure of DIVCA to protect, and do no harm, to the PEG system in California and to reform
15 DIVCA to in a manner that would not in any way restrict the use of PEG support in the event
16 that the proposed changes in federal law are enacted ~~remove restriction regarding the~~
17 ~~permissible uses of PEG funding derived from video providers in California~~; and, be it

18 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
19 to transmit a fully conformed copy of this resolution to both the United States Congressional
20 and California State legislative delegations representing the City and County of San
21 Francisco.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 090008

Date Passed:

Resolution requesting San Francisco's Congressional and State Legislative Delegations reform laws governing use of Public, Education and Government Cable Access System Funds.

March 3, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

March 3, 2009 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090008

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on March 3, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

3-13-09

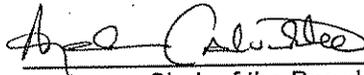
Date Approved

UNSIGNED

Mayor Gavin Newsom

Date: March 13, 2009

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

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