

Naperville Area Homeowners Confederation

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November 7, 2009

Congresswoman Judy Biggert
6262 South Route 83, Suite 305
Willowbrook, IL 60527

RE: Public, Educational, Government Cable TV Channel Challenges

Dear Congresswoman Biggert,

On October 7th, Representative Tammy Baldwin (D-WI) introduced the Community Access Preservation (CAP) Act of 2009 (H.R. 3745). This bill, subsequently assigned to the House Committee on Energy and Commerce, addresses the challenges faced by public, educational, and governmental (PEG) TV channels and community access television stations.

Historically, the funding for and broadcast of PEG channels have been negotiated as part of local franchise agreements between cable companies and local franchise authorities. However, twenty-three states, including Illinois, have enacted new telecommunication laws that establish state-level franchise authorities. As a result of these recent state-wide agreements and a lack of adequate federal protection, some PEG channels now face significant broadcast and funding obstacles.

PEG channels connect residents with their local government in much the same way C-SPAN connects people to activities in Congress. Within the City of Naperville, the Naperville Area Homeowners Confederation utilizes the City's PEG channel, WCNC, to broadcast our pre-election local candidate forums as well as other presentations including the March 8th, 2008, Legislative Issues forum in which you participated.

PEG stations and channels are locally funded, produced, and viewed and current federal law and a number of state laws are silent as to the basic requirements for PEG broadcasts or do not require dedicated funding beyond an "adequate assurance of financial support." Some franchised cable operators, including AT&T in Naperville, carry PEG channels differently than commercial channels, broadcasting them in reduced resolution and displaying them in menu-format so that they are inaccessible to channel surfers. In some markets these channels are being moved to a digital-only tier where they are inaccessible to analog cable customers. In these cases, customers must now pay extra fees in order to receive PEG channels across their television sets. In other cases, operators are refusing to pass through PEG closed captioning unless a special request is made. This treatment undervalues PEG channels and their viewers.

The Community Access Preservation (CAP) Act would address the immediate issues facing PEG channels by:

- Allowing PEG fees to be used for any PEG-related purposes;
- Requiring PEG channels to be carried in the same manner as local broadcast channels;
- Requiring the FCC to study the effect state video franchise laws have had on PEG channels, and requiring operators to provide the greater of the support required under state laws, or the support historically provided for PEG; and
- Making cable television-related laws and regulations applicable to all landline video providers.

The Board of the Naperville Area Homeowners Confederation strongly supports efforts that will ensure that PEG channels continue to be made available to cable television subscribers in a manner similar to that used for commercial channels. Additionally, we want to ensure that all cable providers, whether holding a local or statewide franchise, be held to the same standards of PEG funding. Your efforts within Congress to help ensure the ongoing availability and funding of these valuable resources are greatly appreciated.

Sincerely,
On Behalf of the NAHC Board



Dr. Robert Buckman
President
Naperville Area Homeowners Confederation

C: Mr. Dan DiSanto, City of Naperville
Ms. Lisa Madigan, Attorney General, State of Illinois