

SENATE BILL REPORT

SB 5241

As of February 2, 2009

Title: An act relating to public, education, and government access channels.

Brief Description: Concerning public, education, and government access channels.

Sponsors: Senators Oemig, Pridemore, Kline, Kohl-Welles and Shin.

Brief History:

Committee Activity: Government Operations & Elections: 2/02/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Aaron Gutierrez (786-7448)

Background: Title 47 of the United States Code Service (USCS), section 531 allows state governments to require a cable operator to provide channels designated for public, educational, or governmental use.

Title 47 USCS, section 522 has the following definitions:

- "Franchise" is defined as an initial authorization (or renewal) authorizing the construction or operation of a cable system.
- "Franchising authority" is defined as any governmental entity empowered by Federal, State, or local law to grant a franchise.
- "Cable service" means:
 - a. the one-way transmission to subscribers of video programming, or other programming service; and
 - b. subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Summary of Bill: Any government entity that grants a franchise for cable television must include the following requirements in the franchise agreement:

- public, education, and government access channels must be carried on the lowest-cost tier of service;
 - public, education, and government access channels must not be separated numerically;
 - once designated, these channels cannot be changed without agreement of the franchising authority; and
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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- weekly aggregate viewership data for the public, education, and government access channels must be submitted to the franchising authority.

"Cable television service" has the same meaning as "Cable service" under federal law.

"Franchise" and "franchising authority" have the same meaning as in federal law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The PEG channels (public, education, and governance) are a community resource. The intent of the bill was to demonstrate who is watching those channels, and to make sure people can find them.

CON: This is a decision best kept at the local level. Current channels would need to be relocated. It is not possible to produce aggregate viewership data without passing the cost on to the consumer, and supplying it weekly is too often. Sections 2(a), 2(b), and 2(c) are federally pre-empted, and this decision is explicitly reserved for local governments.

Persons Testifying: PRO: Senator Oemig, prime sponsor

CON: Jeff Lueders, City of Tacoma; Ron Main, Broadband Communications Association; Dan Youmans, AT&T.