

Suggested DRAFT letter to you Representative (or Senator) re:

**Co-sponsorship of the “Protecting Community Television Act (2020)  
HR 5659 & S 3218**

\* If sending to your Senator, invite your Senator to please contact the lead staff in Sen. Markey’s office, Bennett Butler ([Bennett\\_Butler@markey.senate.gov](mailto:Bennett_Butler@markey.senate.gov)) instead.

Dear Congressman/Congresswoman:

I write to request your leadership in co-sponsoring the Protecting Community Television Act 2020 legislation introduced by both Senator Ed Markey (MA) and Congresswoman Anna G. Eshoo (CA-18) as HR 5659 & S 3218.

This elegant legislation seeks to protect benefits consistent with the Cable Act and cable franchising principles since 1984 by amending the Communications Act of 1934 to modify the definition of franchise fee.

In 2019, the FCC issued an order empowering the cable industry to reduce the franchise fees owed to our community in an amount equivalent to the fair market value of “in-kind” cable-related obligations. The types of services subject to these FCC-mandated offsets include courtesy cable connections to schools, libraries and discounts we have negotiated for veterans, seniors or low income families. The FCC order breaks from 35 years of franchising practice and good faith negotiations between communities and the cable operators.<sup>1</sup>

Moreover, the FCC has stated that within the year it may extend the offset to include the channels that we need to broadcast our public, educational and governmental programming.

I’m confident that the legislation will clarify that franchise fees are, indeed, cash payments and thereby thwart efforts by the FCC to broaden the scope and definition and otherwise harm localities and Public, Educational and Governmental (PEG) community media.

(optional if you have joined the litigation)

Our community/PEG media center has joined with hundreds of others to challenge this FCC order in Court.

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<sup>1</sup> Since 1984, cable franchises include requirements designed to ensure that cable systems serve the needs and interests of the community. In addition, franchises require cable operators pay a (street) rent for use of public property in the form of a franchise fee of up to five (5%) percent of the cable operator’s gross revenues from providing cable services.

Congress made it very clear that franchise requirements “for the provision of services, facilities or equipment” should not be treated as franchise fees.

The Federal Communications Commission has overturned this longstanding practice and precedent, and declared that, with a few exceptions, localities must either eliminate their negotiated franchise requirements, or allow the operator to deduct the “fair market value” of the requirements from the franchise fee owed. For example, if an operator voluntarily agreed to a senior, or veteran’s or low income rate discount, the locality must either allow the operator to eliminate the discounts or pay the operator the value of the discount -- as defined by the operator. The same is true to long-required courtesy connections provided to school districts and libraries. New York City and the State of Hawaii have submitted sworn statements showing that the FCC ruling could have significant and immediate adverse impacts on public safety services.

Please support this legislation and contact Congresswoman Eshoo's office, (Asad Ramzanali [asad.ramzanali@mail.house.gov](mailto:asad.ramzanali@mail.house.gov) ) to add your name to this vitally important legislation.

Thank you.

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**RE: Congresswoman Eshoo's House bill: "HR 5659 Protecting Community Television Act"**

(Seeking co-sponsorship)

116TH CONGRESS

2D SESSION

*H. R. \_\_\_\_*

*To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.*

*IN THE HOUSE OF REPRESENTATIVES*

*Ms. ESHOO introduced the following bill; which was referred to the Committee on -----:I*

*A BILL*

*To amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

*SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Protecting Community Television Act".*

*SEC. 2. MODIFYING THE DEFINITION OF FRANCHISE FEE.*

*Section 622(g)(1) of the Communications Act of 1934 (47 U.S.C. 542(g)(1)) is amended—*

***(1) by striking "includes" and inserting "means"; and***

***(2) by inserting "other monetary" before "assessment".***