

RESOLUTION NUMBER 274

Resolution in Support of HR 1746, the Community Access Preservation Act (CAP)

WHEREAS, public, educational and government (PEG) access channels are one of the last surviving sources for local television programming across the country, and PEG access channels play a significant role in the City of St. Louis; and

WHEREAS, the government access television studio under the Communications Division has been producing public service television since 1991, and the public access and educational access channels in the city televise a wealth of programming focused on our communities and needs within the community; and

WHEREAS, "Information is as vital to the healthy functioning of communities as clean air, safe streets, good schools and public health", according to the Knight Commission Report, On the Information Needs of Communities in a Democracy, (2009); and

WHEREAS, government channels play a major role in the transparency of government by keeping the electorate informed through the weekly televising of the Board of Aldermen meetings, committee meetings and hearings, town hall meetings, Mayoral press events, Ward news and events, and the promotion of city services serves as a critical resource of information for residents; and

WHEREAS, public access channels televise hundreds of programs every year produced by more than 50 local residents and/or groups who use public access channels to get their message out to the public, providing a window through which viewers can experience the diversity of culture and entertainment, recreational activities, community events, faith based programming and artistic endeavors in their local community...creating television for the people and by the people; and

WHEREAS, the movement of PEG channels from low accessible channels on the dial and placing them on higher number channels limits public access by placing an unnecessary barrier to watch these resource channels. Customers are blocked from accessing these PEG channels unless they purchase monthly digital box services or buy a digital television; and

WHEREAS, it is critical to a well-informed and participatory democracy that we assure equal access to PEG channels and preserve service provider funding for PEG channels, so that these channels continue to be available to the entire community and to serve the residents of the City of St. Louis in the manner in which they have become accustomed; and

WHEREAS, there is currently pending before Congress H.R. 1746, which would establish the Community Access Preservation (CAP) Act; and

WHEREAS, the CAP Act would amend the Communications Act of 1934 to provide for carriage and display of PEG channels without additional charges, and via channels whose quality, accessibility, functionality and placement is consistent with commercial channels; and

WHEREAS, the CAP Act would preserve PEG channels and the much needed funding for PEG facilities and operations, and ensure that the channels continue to be available to the entire community; and

WHEREAS, the CAP Act would provide important solutions for critical and immediate financial needs of PEG channels and facilities by unrestricting the use of PEG franchise fees for any PEG related purpose; and

WHEREAS, the CAP Act would require the Federal Communications Commission to submit a report to Congress relative to the impact of state video service franchising laws on PEG cable systems and channels since 2005; and

WHEREAS, in states that have enacted state level franchising laws since May 31, 2005, the CAP Act would require each cable operator to continue to provide financial and infrastructure support and channel capacity based on the support historically provided by the cable operator; and

WHEREAS, the CAP Act ensures technological neutrality by applying PEG requirements to all landline video service providers, regardless of the transmission protocol; and

WHEREAS, HR 1746, the Community Access Preservation (CAP) Act, provides important solutions for critical and immediate threats to PEG channels and facilities across the country by removing use restrictions on Public, Educational and Government (PEG) access fees, restoring PEG revenue streams, and ending cable operators' discriminatory treatment of PEG channels.

NOW THEREFORE BE IT BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, that we pause in our deliberations to support H.R. 1746, which would establish the Community Access Preservation (CAP) Act and amend the Communications Act of 1934 to provide for carriage and display of public, educational, and governmental (PEG) channels in a manner consistent with commercial channels. We further urge our U.S. Congressional Delegation to take all possible actions in support of the passage of H.R. 1746, including but not limited to endorsing, co-sponsoring, working for rapid passage, and voting for H.R. 1746. We further direct the Clerk of this Board to prepare a copy of this Resolution and mail it to each member of our U.S. Congressional Delegation: Senator Roy Blunt, Senator Claire McCaskill, Representative William "Lacy" Clay and Representative Russ Carnahan.

Introduced on the 9th day of December, 2011 by:

Honorable Dionne Flowers, Alderwoman 2nd Ward

Honorable Terry Kennedy, Alderman 18th Ward

Honorable Craig Schmid, Alderman 20th Ward

Adopted this the 9th day of December, 2011 as attested:

David W. Sweeney
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen