

October 15, 2009

TO: Iowa City Telecommunications Commission
FM: Bob Hardy, Cable Administrator
RE: The "CAP" Act.

The Alliance for Community Media and NATOA have called for the support of current proposed legislation designed to "protect and preserve community access." The **Community Access Preservation (CAP) Act** has been filed by Congressman Tammy Baldwin of Wisconsin, a two-page summary of which is attached. This legislation would amend the Communications Act on the following key points:

- ... clarification of "long-standing federal standards for cable operator carriage of capacity and channels for PEG use"
- ... direction for "the FCC to submit a report to Congress on the impact of state video service franchising laws since 2005 on PEG use of cable systems."
- ...a requirement "that in states that have enacted state-level franchising laws since May 31, 2005, PEG channels would continue to receive financial and infrastructure support and channel capacity based on the support historically provided by the cable provider."
- ... language to "make clear that financial support provided for PEG is not to be counted, or offset, against the franchise fee, whether used for PEG capital or operating costs" reversing a position taken by the FCC on this issue.
- And, an amendment of "... Section 602(6) of the Communications Act to clarify that the definition of cable service is technology and transmission-protocol neutral."

I believe that this proposed legislation is both relevant to cable access activities in Iowa City and worthy of the City's support. If the Commission agrees, then it is recommended that you take the following action:

1. Adopt the attached resolution at the meeting of October 26 2009 to be sent to Iowa representatives and senators.
2. Pass a motion to recommend to City Council that it either (Council's choice) a) adopt the same resolution or b) request the Mayor write letters of support for the CAP Act to Iowa representatives and senators, referencing the ICTC's action. Model letters have been provided by ACM and NATOA.

If you have questions or would like a complete copy of the CAP legislation (4 pages) please let me know.

cc: Dale Helling