

City of Biddeford
Cable T.V. Committee
February 12, 2018 4:30 PM

- 1. Roll Call**
- 2. Welcome Guests**
- 3. Approval of Minutes**
- 4. New Business**
 - 4.1. Election of Chair
 - 4.2. Non-Discrimination Bill - Charter "Channel Slamming"
[MMA Article](#)
[Bristol Selectmen letter from October 2017](#)
[PEG Non-Discrimination Bill](#)
- 5. Old Business**
- 6. Other Business**
- 7. Next Meeting Review - - *Tentative date of Monday, March 12, 2018***
- 8. Adjourn**

Where are the municipal meetings?

That's what Charter Communications cable subscribers and municipal officials will soon be asking as the Corporation rolls out its "digital encryption" project across the state. For 30 years, the local community television channels have occupied the single digit channel numbers adjacent to the commercial network channels and PBS. Charter is now moving them to the 1300 block of channels. Charter, whose cable television, internet and phone services are known as "Spectrum" for branding purposes, maintains that this move is necessary to "better maintain the integrity of its network and offer more enhanced features." Corporate public relations spokesperson Andrew Russell confirmed this statement with reporter Phil Blampied of Today River Valley on January 2nd but did not say why the local commercial channels or PBS were not also going to be moved to the 1300 block.

On October 13th of last year, Charter issued a notice to the Town of Bristol to this effect. The Selectmen subsequently issued a letter to Charter protesting that "[t]his high number (channel 1301) makes it effectively impossible to find the station by running through the channels. Keeping the channel in the vicinity of our local broadcast channels allows easy access for all viewers. We feel this is a betrayal of the principles behind our new franchise award to Charter Communications for service to the Town of Bristol."

Municipal meetings are typically carried on the basic tier of the local cable system along with Educational channels from the local schools and Public Access channels from non-profits and the community at large. Federal Statutes designate these as "PEG" channels for the Public, Educational and Governmental programming they provide. There are 72 PEG channels in Maine and most are operated by volunteers or employees of the Towns and school districts.

Tom Handel, Executive Director of the Portland Media Center said recently “These PEG channels have always been on the lowest tier, next to other local commercial channels for the convenience of their viewers, particularly homebound seniors who watch for municipal meetings and events. Moving them to the 1300 block is an affront to democracy and a great disservice to viewers’ ability to watch locally produced PEG programming.”

Melinda Kinney of the Charter Communications Portland Office claimed that by moving the channels to the 1300 block, it will be "consistent statewide and nationally."

Further research indicates that Charter has already made this move in other States, seemingly without regard to the needs of the community, prompting the term "channel slamming." In addition, Charter has been accused of violating Franchises in Massachusetts that specifically assign PEG channels to certain numbers where they have been located for more than 25 years.

<http://acomunitytv.org/2014/10/charter-slams-northbridge-massachusetts-peg-channels-in-violation-of-franchise-agreement/>

Written testimony from PEG station managers in Massachusetts that have been affected by this move by Charter has been independently verified by the Community Television Association of Maine (CTAM), www.ctamaine.org, an affiliate of Maine Municipal Association.

Speaking for CTAM, Secretary Brian Knoblock said that “Charter considers the 1300 block of channels as part of their ‘basic’ tier, which seems illogical, since you will not be able to see the PEG channels no matter what kind of a TV you own unless you rent a cable box from them and know where to locate the channel. We already know there will be a loss of viewership as demonstrated several years ago when many areas across the State became all digital with Time Warner. They moved

the PEG channels to the 121 block which impacted people without a cable box. Folks didn't know where to find the local channels and even if they knew the number, i.e. 121-1, most seniors could not navigate to it before the TV defaulted back to the channel they were on" Knoblock said.

Patrick Bonsant, Manager of Saco River Community Television in Hollis noted that "Of the four plans offered by Charter, the basic tier offering about 20 channels is the most affordable option. For around \$30, subscribers get about 20 channels, and in our service area, SRC-TV has always tried to make this most affordable cable package the best value possible by offering not just municipal and school meetings but a wide variety of community profiles, documentaries, local talent forums, historical society presentations, public service announcements, graduation ceremonies, sporting events, fishing and gardening shows, church services, political opinion programs and local musical talent showcases among many other offerings. Now we're being slammed into the 1300 series and I believe this is a deliberate attempt to stifle the public interest and marginalize our community channels in the name of corporate profit. By requiring a box, Charter is improving yet another source of revenue from those who can least afford it, at the same time making the lucrative single digit channel slots formally occupied by PEG channels, available for lease to the highest bidders such as QVC" Bonsant said.

Another concern raised by Sally Hebert, President of CTAM, is that "all the commercial channels on their 'basic' tier are easily received by any 'Smart' flat screen TV but not the PEG channels in the 1300 block, so there may be cause for discriminatory action there as well." Tony Vigue, retired manager of South Portland Community Television, has contacted Melinda Kinney at Charter on behalf of CTAM but she has not responded to this discrimination inquiry as of the date of publication.

"A bill will be proposed to the legislature that would prevent this from happening statewide," Hebert said, "and we are hoping the legislature

will make it retroactive in the next session. Basically, the proposed bill would duplicate the wording which is in use by the States of California and Illinois to prevent this regrettable action by Charter. Further, it will be recommended that this paragraph be added to Maine State Statute Title 30-A §3010, Paragraph 5. Several Representatives and Senators have been contacted and are receptive to this initiative,” Hebert said.

Randy Visser, Co-Founder of CTAM, remarked “For the past thirty years we've been working to de-commercialize the television medium and introduce the concept of locally produced, community-based content that is unique to the places we live. This move will make it more difficult, and impossible in some cases, for seniors and working families to find these channels to watch their local meetings and community events. We should be treating these providers like the common-carrier utilities they've become. Cable companies use the same public right-of-ways the telephone industry uses. It's all data now. Why can't the State of Maine hold these powerful companies accountable in situations like this? We need to convince enough legislators that this action by Charter is not only detrimental to the municipality's ability to communicate with its citizens, but it also impacts the culture of the community," Visser said. He continues, "I travel around the country visiting these channels for my work as a video engineer. When the channels are properly funded and managed, the impact is huge. People understand that there is a neutral, non-commercial communication platform that is accessible to everyone. It keeps the political system, and the people managing our governmental systems, accountable. Video coverage neutralizes the traditional power-base and gives average people a voice. Local channels are becoming the real vanguard of our future communications democracy. It's time we began to pay attention to these important local conduits.” Visser said.

Vigue also said in a recent interview at the Portland Media Center, “folks have relied on these channels being adjacent to the local commercial channels for 30 years and seniors are the primary viewers. They will be the last to know where to look for their municipal and

school board meetings. Charter garners no revenue from their legal requirement to carry PEG channels so they are moving them to the least desirable location. It's simple economics. The back story is, the fewer people that watch these channels, the less likely the towns will require increased franchise fees for operational funding and capital grants for programming equipment from the cable operator at franchise renewal time. PEG channels also provide free advertising for non-profits who provide valuable services in the community. That is considered to be 'lost revenue' to the cable operator who could be charging them for the ads. It is in their best economic interest to marginalize and minimize the importance of these sources of local non-commercial information in the community. For the most part, municipalities do not have the legal or monetary resources to challenge this action in court."

Municipal Office, Town of Bristol, Maine

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Shelley Winchenbach
Director, Government Affairs – New England
Charter Communications
400 Old County Road
Rockland, ME 04841

October 24, 2017

Dear Ms. Winchenbach,

Thank you for your letter to Municipal Officials of October 13th, outlining the changes to Charter Communications' cable television service in this community.

As a Town that relies heavily on Public Access Channel 7 to reach out to our citizens, and in particular to the elderly and housebound, we the Selectmen of Bristol wish to protest in the strongest possible terms to the change of Channel 7 to Channel 1301. This high number makes it effectively impossible to find the station by running through channels. Keeping the channel in the vicinity of our local broadcast channels allows easy access for all viewers.

We understand that you may consider channel numbering to be a technical matter between you and Channel 7, but we feel that this is a betrayal of the principles behind our new franchise award to Charter Communications for service to the Town of Bristol. We believe that such action would have been unthinkable by the former Time Warner cable prior to its acquisition by Charter, and that it reflects poorly on your management's stewardship of the public monopoly you have been granted. We urge you to reconsider this decision.

Yours sincerely,

Chad Hanna
Chairman

Paul Yates
Selectman

Harry Lowd III
Selectman

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Insure Non-Discriminatory Treatment of Public, Educational and Governmental Access Channels by the Cable Operator

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §3010 is hereby amended to insert Paragraph 5A after Paragraph 5 as follows:

"For the purposes of this section, a cable television operator shall include multichannel video programming distributors as defined by federal law in 47 USC section 522(7) and the "local unit of government or the entity to which the local unit of government has assigned responsibility for managing PEG access channels" shall hereinafter be designated as the "PEG Originator".

Public, Educational, and Governmental channels hereinafter referred to as "PEG" channels shall be carried on the cable operators' basic cable or video service offerings or tiers. To ensure continuity of service to the subscriber, the PEG channels shall not be separated numerically from other local broadcast channels carried on the cable operators' basic cable or video service offerings or tiers and the channel numbers for the PEG channels shall be the same channel numbers used by the incumbent cable operator, unless prohibited by federal law. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the PEG Originator, unless the change is required by federal law. This law shall be retroactive such that any PEG channels that have been moved without the consent of the PEG Originator will be restored to their original location and number."

Sec. 2. 30-A MRSA §3010 is further amended to insert Paragraph 5B after paragraph 5A as follows:

"PEG channels shall be afforded the same quality format as provided to other local broadcast channels on the basic cable or video service offerings or tiers. That is, if a high definition or current technology signal is sent to the cable operator by the PEG Originator, the cable operator shall not diminish, down convert or otherwise tamper with the signal quality or format provided to them. Said channel signals as delivered to the subscriber shall be of equivalent quality and format to the primary local broadcast signals carried on the system if provided as such by the PEG Originator. All cable television operators shall simultaneously carry each PEG access channel in both a high definition format and a standard digital format in the same manner as the primary local broadcast channels are provided, unless prohibited by federal law."

"Further, all cable television operators, when requested, shall not prohibit and shall assist in providing the PEG Originator with access to the entity that controls the Electronic Program Guide (EPG) so that subscribers may view, select and record PEG access channels in the same manner as local broadcast channels. In addition, PEG channels on the EPG will be identified in the same manner as local broadcast channels."

SUMMARY

This bill requires all cable operators in Maine to carry Public, Educational and Governmental (PEG) channels on the basic cable or video service offerings or tiers and such channels shall not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing PEG access channels (the PEG Originator), unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable operator shall be retained. This law shall be retroactive such that any PEG channels that have been moved without the consent of the PEG Originator will be restored to their original location and number..

Secondly, this bill requires all cable operators in Maine to work with the PEG Originator to insure that the signal sent from the point of origination to the cable operator and delivered to the cable subscriber is of the same quality and format as originally created without exception.

Third, this bill requires all cable operators to provide PEG operators access to the entity that controls the electronic programming guides in the same manner as the local broadcast channels if requested by the PEG Originator.