



## **Congressman José E. Serrano**

Chairman, House Appropriations Subcommittee on Financial Services and General  
Government

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### **Opening Statement of Chairman José E. Serrano Hearing on Public, Educational, and Governmental Access to Cable Television September 17, 2008**

I welcome you to this hearing of the Financial Services and General Government Subcommittee. Today the subcommittee will hear testimony on the subject of public, educational, and governmental, or PEG, access to cable television. Our witnesses represent a broad range of knowledge and perspectives on this topic, so we look forward to a spirited and informative discussion.

By way of background, under Federal law, local entities may grant franchises to cable operators and may require the designation of PEG channels as part of these franchising agreements. These local franchising authorities may also require cable operators to provide services, facilities, or equipment in support of PEG broadcasting. The intent of this Federal law is to provide the opportunity for cable operators to give back to the community in exchange for being granted the valuable right to serve that community and to use public rights-of-way to deliver those services.

By granting this authority, Congress recognized that PEG programming is in the public interest and essential to our communities as an outlet for free speech, local information and opinions, and emergency communications. PEG supports our democratic ideals by helping to develop a well-informed and well-educated society. It benefits all of us to support and encourage PEG programming.

Unfortunately, it is not always easy for a PEG broadcaster to get on the air, and, at times, it is not easy for a viewer to view PEG programs. There appear to be many reasons for this. Technological and financial challenges for PEG broadcasters are often imposing, and new technical challenges are becoming apparent as we move toward 100 percent digital television.

Barriers to PEG programming may be related to whether or not cable operators continue to make PEG channels as accessible as they have been in the past. For

example, in some areas of the country, cable providers have proposed to move PEG channels to digital format well in advance of next February's transition date, which means that PEG channels may be harder to find on the channel dial, and viewers who still rely on analog signals must rent or buy converter equipment now if they want to continue to receive the same level of access to PEG channels.

As another example, AT&T is offering all PEG channels at a single channel location where they would be accessed through a menu using web-based technology. Many concerns have been raised that this approach makes the channels more difficult to view, offers inferior quality, and results in the loss of features such as closed captioning.

I want the subcommittee to know that AT&T was invited to testify at this hearing, but they told us less than a week ago that they couldn't find someone to testify. I, frankly, find it incredible and disappointing that a company the size and stature of AT&T can't find – or won't find – a suitable witness for a hearing on this important public policy issue. AT&T's recent actions relating to PEG channels go to the heart of many of the concerns that will be raised today. Let the record show that I consider their decision not to send a witness to be indicative of the company's apparent disregard of the importance of PEG to local communities.

Moving on, regulatory issues have also raised questions relating to support for PEG access. Recent Federal Communications Commission cable franchising rules affect the terms by which local franchising authorities can establish cable operator obligations for PEG programming. These rules could make it harder, for example, to require cable operators to help local governments or colleges operate TV production facilities. I look forward to hearing what the FCC and other witnesses have to say about these recent regulatory actions.

Finally, I think it is extremely important to note the current trend away from local authority over cable franchises and toward statewide franchise laws. These statewide laws, in many cases, override local franchising authorities, including the franchise agreements relating to PEG access. As a result, cable operators may reduce their support for PEG or even close PEG facilities. In fact, a recent survey by the Alliance for Community Media indicates that many PEG centers have experienced reductions in funding and other forms of support under statewide franchising. This is troubling, as I am sympathetic to the importance of local community influence over PEG access requirements. These local authorities have the most thorough understanding of the needs of their communities and of how PEG can help address those needs.

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*Congressman José E. Serrano has represented the Bronx in Congress since 1990. He is the Chairman of the House Appropriations Subcommittee on Financial Services and General Government.*