

**TO THE COUNCIL OF THE  
CITY OF LOS ANGELES**

Your **INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE**

**reports as follows:**

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to the City's future cable Public, Educational and Governmental Access (PEG Access).

Recommendation for Council action:

APPROVE Option No. 1 as detailed in the June 16, 2008 Joint Board of Information Technology Commissioners/Municipal Access Policy Board report and attached to the Committee report.

Fiscal Impact Statement: Neither the City Administrative Officer (CAO) or the Chief Legislative Analyst (CLA) has completed a financial analysis of this report.

Community Impact Statement: Yes  
For Proposal: Greater Valley Glen Neighborhood Council

**SUMMARY**

On November 18, 2008, your Committee considered a Joint Board of Information Technology Commissioners/Municipal Access Policy Board (BITC/MAPB) report relative to the City's future PEG Access. According to the BITC/MAPB, in 1984, Congress gave local franchising authorities the legal power to require cable television operators (cable operators) to; (a) set aside cable channels for Public, Educational and Governmental (PEG) Access use; (b) provide facilities and equipment to enable PEG Access users to create programming for these channels; and, (c) pay up to a 5% franchise fee to the franchising authority on all of the cable operator's gross annual revenues (cities could use these franchise fees for any purpose). Congress however, did not give cities the power to require cable operators to set aside funds to manage and facilitate the PEG Access channels and services. As a result, many franchising authorities, including Los Angeles, negotiated with cable operators and gave them certain benefits (e.g., longer franchises) in exchange for voluntary agreements that would provide capital and operating expenses for production studio facilities for PEG Access use over the life of the franchise.

In 1987, the City entered into franchise agreements with local cable operators. The cable operators agreed to set aside six PEG Access channels: two channels to be dedicated for Public Access use; two for Educational Access use; and, two for Governmental Access use. Ultimately, the City utilized two of the six access channels as City-wide interconnected channels and two in each local franchise area. The two interconnected channels, LA CityView channel 35 (LA CityView) and the Los Angeles Cable Television Access Corporation, channel 36 (LA36), are wholly (LA CityView) and partially (LA36) financially supported by the City, whereas the two local area access channels utilized for Public and Educational Access purposes are solely supported and operated by the City's cable operators.

On January 1, 2007, the California Digital Infrastructure and Video Competition Act (DIVCA) took effect.' It directly affects the facilities and the amount of money available to the City for PEG Access,

and also limits how the City can use the funds it receives under DIVCA. Under DIVCA, the City is entitled to receive an additional 1% gross revenue fee (1% fee) from its cable and video TV operators franchised by the State that operate within the City, to be used for PEG Access. Pursuant to state and federal law, the City may utilize the 1% fee solely for PEG Access capital costs. ITA estimates that by January 1, 2009, the 1% fee paid annually to the City for PEG Access capital costs will be approximately \$5 million. Some of the operators take the position that these monies do not need to be paid until mid-2009; however, the City disagrees strongly with this position.

In addition, the City currently collects, and is entitled to continue to collect, a 5% gross revenue franchise fee which in 2007 was approximately \$25 million from which current Educational and Governmental Access operations and facilities are supported in the amount of approximately \$3.6 million. It is unclear whether the City may enter into agreements with the video TV providers to permit the City to utilize the 1% fee for operational support (programming staff salaries and other on-going operational costs) notwithstanding current federal law that may impede the City's use of the 1% fee for such costs. According to the City Attorney, due to DIVCA's novelty, it is unlikely that current examples of such agreements under DIVCA can be found, and there are few precedents from other jurisdictions outside California. The appropriateness of such agreements may hinge upon whether those agreements are considered "voluntary" under federal law. Although the risk of a lawsuit from a third party (such as a subscriber) to the use of such agreements is low, there may be some small potential for the invalidation of such agreements. A judgment unfavorable to the City in such a suit could prospectively limit the City's use of PEG fees to capital costs or (in the worst case) involve a refund from the City for past PEG fees.

For more than twenty years, the City, pursuant to local franchises issued to its cable television operators, has required the City's cable operators to provide at their own expense, Public Access facilities and channel carriage, on a "first-come, first-serve basis" to the City's residents. The "first-come, first-serve" rule also applies to the City's Educational Access channels for educators and non-profits. At that same time the City augmented the Public and Educational Access services with the creation of a City-wide Governmental Access channel managed by the City, financed through cable-television franchise fees, with programming oversight provided by the Municipal Access Policy Board (MAPB).

Following the creation of the City-wide Governmental Access channel, LA CityView, the City then assisted with the formation of a new non-profit organization that was given the responsibility to operate and manage a new City-wide Educational Access channel, LA36. LA36 is operated by an independent board of directors, the Los Angeles Cable Television Access Corporation, or LACTAC. By 1996 12 local Public and Educational Access facilities throughout the City were fully operational, and two city-wide interconnected access channels were fully functioning. Currently, most of the City's Public Access systems are seen by their users as being in decay, as the incumbent cable operators have allowed them to decline in anticipation of the reduced requirements under DIVCA. The Public Access systems remain wholly supported and operated by the incumbent cable operators as an in-kind service as required by the City's local franchise agreements.

The financial and in-kind support received by the City for PEG Access will change under the new requirements imposed by DIVCA. The City will have fewer facilities available for PEG Access under DIVCA, and new technological requirements will likely demand a larger piece of that funding. The central issues to which the City must face and resolve prior to January 1, 2009 are whether the City can continue the PEG Access system in its present form and, if not, what kind of PEG Access

system would best serve the needs of Los Angeles citizens within the financial constraints of DIVCA.

On January 1, 2009, the current incumbents will cease to provide the facilities, equipment and operations of the City's existing Public Access system. The cable and video TV providers must carry the City's PEG Access channels at no cost to the City on the providers' basic service tier under federal law and DIVCA unless the City agrees to a change to a different service tier for the channel designation of any of its PEG Access channels. Channels 35 and 36, the Government and Educational Access channels must be carried on their currently designated channel number by all video TV providers. Currently, the City is entitled to the use of a total of four PEG Access channels on the provider's basic service tier at no cost to the City. There is a legal argument that if the City does not use one or more of these channels, they could be lost.

Next, the BITC/MAPB detailed four policy options that the City could potential adopt in order to address the issues that have arisen with the advent of DIVCA (full details on each option are provided in the June 16, 2008 Joint BITC/MAPB report and is attached to the Committee report). The BITC/MAPB noted that each option is based in part on legal assumptions that remain unsettled and are being researched by the City Attorney's Office. The financial limitations on the use of the 1% PEG Access fee is of utmost concern and each of the four options presented presume that the City may be entitled to the use of the 1% PEG fee for operational and capital costs, where indicated, including maintaining, repairing or improving personnel costs for its PEG Access system under DIVCA.

Finally the BITC/MAPB stated that it strongly recommends that the City preserve a minimum of four PEG Access channels as these are property entitlements to the City. The recommendation is made with the understanding that the City's current financial situation would severely limit the City's ability to fund, wholly or in part, the Public or Community Access portion of the PEG Access system.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of Option No. 1 as contained in the June 16, 2008 Joint BITC/MAPB report. This matter is now submitted to Council for its consideration.

Respectfully submitted,

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
CÁRDENAS:	YES
PARKS:	YES
WESSON:	ABSENT

ARL  
11/19/08  
#062818C

ATTACHMENT

**- Not Official Until Council Acts -**

# City of Los Angeles

California

**RANDI LEVIN**  
GENERAL MANAGER  
CHIEF TECHNOLOGY OFFICER

**MARK P. WOLF**  
Executive Officer

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July 17, 2008

REF: SPP-248-08

Honorable Members of the City Council  
City of Los Angeles  
Room 395, City Hall  
Los Angeles, CA 90012

Subject: **REPORT AND RECOMMENDATIONS BY THE BOARD OF INFORMATION TECHNOLOGY COMMISSIONERS AND MUNICIPAL ACCESS POLICY BOARD REGARDING THE CITY OF LOS ANGELES' FUTURE CABLE PEG ACCESS FUNDING AND SERVICES DATED JUNE 16, 2008 (CF NO. 06-2818)**

Dear Councilmembers:

The attached Report and Recommendations by the Board of Information Technology Commissioners and Municipal Access Policy Board Regarding the City of Los Angeles' Future Cable PEG Access Funding and Services dated June 16, 2008 (CF No. 06-2818) is submitted for your consideration.

The Information Technology Agency supports the findings and recommendations contained in the attached report. Pursuant to new state law, the City's incumbent cable TV providers, Time Warner, Cox Communications and Charter Communications, will no longer be obligated to provide free in-kind services such as free internet and cable TV services to City Departments, facilities, libraries, and schools and operate and financially support Public Access TV studios.

The new state law requires that the City of Los Angeles assume financial responsibility for all such services commencing on January 1, 2009. Therefore, ITA recommends that the City take action as soon as possible to protect its interests prior to January 1, 2009.

If you have any questions, please feel free to call me or Mark Wolf at (213) 978-3311.

Respectfully,

Randi Levin  
General Manager and Chief Technology Officer

cc: Honorable Antonio Villaraigosa, Mayor  
Honorable Laura Chick, Controller  
Paul Wang, Deputy Chief of Staff, Mayor's Office  
Paul Smith, Office of the Chief Legislative Analyst  
Lonnie Eldridge, Office of the City Attorney  
Mark Wolf, Executive Officer, ITA

**INFORMATION TECHNOLOGY &  
GENERAL SERVICES**

**JUL 21 2008**



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**REPORT AND RECOMMENDATIONS BY  
THE BOARD OF INFORMATION TECHNOLOGY  
COMMISSIONERS  
AND  
MUNICIPAL ACCESS POLICY BOARD  
REGARDING THE CITY OF LOS ANGELES'  
FUTURE CABLE PEG ACCESS FUNDING  
AND SERVICES  
(COUNCIL FILE NO. 06-2818)**

**JUNE 16, 2008**

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## I. EXECUTIVE SUMMARY

This report presents the joint position of the Board of Information Technology Commissioners (BITC) and the Municipal Access Policy Board (MAPB) of the City of Los Angeles analyzing the Public, Educational and Governmental Access (PEG Access) issues that arise due to recent changes to local cable TV (video TV) franchising law enacted by the State Legislature. This report addresses the following items for review and consideration by the City Council and Mayor:

1. New state legislature-mandated changes to video TV law, their financial impact on the City and the possible effect of the FCC's 2007 Franchising Order.
2. The status of PEG Access in the City of Los Angeles.
3. The central issues for resolution by the City Council and Mayor regarding the future of the City's PEG Access system.
4. Public Access financial support concerns under state and federal law.
5. The carriage of Public Access channels, City-wide interconnection and new technologies to enhance, or as an alternative to, Public Access.
6. Funding for the City's Governmental Access channel in transitioning from an analog to digital platform.
7. The emerging Community Access model and Public Access.
8. BITC and MAPB's options and recommendations to the City Council and the Mayor on the future of the City's PEG Access system.

### Background:

In 1984, Congress gave local franchising authorities the legal power to require cable television operators (cable operators) to; (a) set aside cable channels for Public, Educational and Governmental (PEG) Access use; (b) provide facilities and equipment to enable PEG Access users to create programming for these channels; and, (c) pay up to a 5% franchise fee to the franchising authority on all of the cable operator's gross annual revenues (cities could use these franchise fees for any purpose). Congress however, did not give cities the power to require cable operators to set aside funds to manage and facilitate the PEG Access channels and services. As a result, many franchising authorities, including Los Angeles, negotiated with cable operators and gave them certain benefits (e.g., longer franchises) in exchange for voluntary agreements that would provide capital and operating expenses for production studio facilities for PEG Access use over the life of the franchise.

In 1987, the City of Los Angeles entered into franchise agreements with local cable operators. The cable operators agreed to set aside six PEG Access channels: two channels to be dedicated for Public Access use; two for Educational Access use; and, two for Governmental Access use. Ultimately, the City utilized two of the six access channels as City-wide interconnected channels and two in each local franchise area. The two interconnected channels, LA CityView channel 35 (LA CityView) and the Los Angeles Cable Television Access Corporation, channel 36 (LA36), are wholly (LA CityView) and partially (LA36) financially supported by the City, whereas the two local area access channels utilized for Public and Educational Access purposes are solely supported and operated by the City's cable operators.

Regarding regulation, the City funds, staffs and manages the operations of LA CityView, and administers and funds LA36's Grant Agreement. In the City's local franchise areas, the City regulates the operations of the 12 local Public and Educational Access studio facilities and the two local area access channels that are owned and operated by Time Warner Communications and Cox Cable. The City's authority to regulate the cable operators' local Public and Educational Access studios will expire on January 1, 2009.

Annually, the City collected approximately \$25 million from the cable television operators under local franchise agreements. Sixty percent of that amount (\$15 million) was placed into the City's general fund. The remaining 40% (\$10 million) was placed into the Information Technology Agency's (ITA) Telecommunications Development Fund (TDA). The TDA in turn supported various telecommunication projects such as LA CityView, LA36 and the City of Los Angeles' website in the amount of approximately \$3.6 million.

The following options and recommendations for the future of PEG Access contained in this report reflect the positions developed by BITC and MAPB at the request of the City Council and Mayor. (See Council File No. 06-2818.) One of the principal recommendations of BITC and MAPB in making its recommendations is that the City preserve its right to operate each PEG Access channel to which it is legally entitled (at least four channels) despite the current financial situation of the City. The following report presents three varied options addressing the future of Public, Education, and Government Access in the City of Los Angeles. Given the current budgetary constraints, BITC and MAPB recommend Option 1 on page 11.

In developing the options and recommendations set forth below, BITC and MAPB conducted six joint public community meetings throughout Los Angeles in March and April 2007, with the support of the City's Information Technology Agency (ITA), to solicit the views of City residents on the future of PEG Access under the new law. (See Appendix – Summary of Community Meetings.)



## **1. DIVCA AND THE FCC'S 2007 FRANCHISING ORDER – NEW FINANCIAL LIMITATIONS ON THE CITY'S USE OF PEG ACCESS FUNDING**

On January 1, 2007, the California Digital Infrastructure and Video Competition Act (DIVCA) took effect.<sup>1</sup> It directly affects the facilities and the amount of money available to the City for PEG Access, and also limits how the City can use the funds it receives under DIVCA.

Under DIVCA, the City is entitled to receive an additional 1% gross revenue fee (1% fee) from its cable and video TV operators franchised by the State that operate within the City, to be used for PEG Access. Pursuant to state and federal law, the City may utilize the 1% fee solely for PEG Access capital costs. ITA estimates that by January 1, 2009, the 1% fee paid annually to the City for PEG Access capital costs will be approximately \$5 million. Some of the operators take the position that these monies do not need to be paid until mid-2009; however, the City disagrees strongly with this position.

In addition, the City currently collects, and is entitled to continue to collect, a 5% gross revenue franchise fee which in 2007 was approximately \$25 million from which current Educational and Governmental Access operations and facilities are supported in the amount of approximately \$3.6 million.

It is unclear whether the City may enter into agreements with the video TV providers to permit the City to utilize the 1% fee for operational support (programming staff salaries and other on-going operational costs) notwithstanding current federal law that may impede the City's use of the 1% fee for such costs. According to the City Attorney, due to DIVCA's novelty, it is unlikely that current examples of such agreements under DIVCA can be found, and there are few precedents from other jurisdictions outside California. The appropriateness of such agreements may hinge upon whether those agreements are considered "voluntary" under federal law. Although the risk of a lawsuit from a third party (such as a subscriber) to the use of such agreements is low, there may be some small potential for the invalidation of such agreements. A judgment unfavorable to the City in such a suit could prospectively limit the City's use of PEG fees to capital costs or (in the worst case) involve a refund from the City for past PEG fees.

DIVCA provides that although PEG Access channels, "...shall be used only for noncommercial purposes .... [A]dvertising, underwriting, or sponsorship recognition may be carried on the channels for the purpose of funding PEG-related activities." [California Public Utilities Code Section 5870(b)]. The extent to which the City may utilize advertising, underwriting or sponsorship recognition as a funding source for PEG Access operational support should be maximized to the full extent permitted by state and federal law. The City Attorney's Office and ITA are currently exploring the

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<sup>1</sup> While DIVCA was under consideration in the legislature it was commonly referred to as "AB 2987," its State Assembly bill number. (CA PUC Code Section 5500, et seq.)

limitations of the City to utilize sponsors, underwriters, and advertisers in the financial support of the City's PEG Access operations and programming. It is strongly recommended that the City consider sponsorship and underwriting opportunities for the Government Access channels in partnership with City departments and the private sector, similar in nature to the Public Broadcasting Service (PBS) guidelines utilized by cities such as Tacoma, Washington and Charlotte, North Carolina. We recommend that the City ask MAPB to explore and propose ways to implement existing sponsorship policies previously approved by Council.

Under DIVCA, the City will continue to receive the 5% gross revenue franchise fees paid to the City for the use by the cable television operators of the City's rights-of-way. In addition, new entrants to the video television market in the City, including AT&T and Verizon, are now franchised by the California Public Utilities Commission (CPUC) and are also obligated to pay a 5% gross revenue franchise fee and a 1% PEG Access fee to the City. The City currently splits the 5% gross revenue franchise fees received on a "60-40" basis between the City's general fund and ITA's Telecommunications Development Account (TDA), respectively. ITA's TDA is utilized by ITA: to wholly support LA CityView; to partially fund LA36 operations; to fund ITA's cable/video TV regulatory division staff and operations; and, to support all work related to "...the betterment and improvement of cable television in the City." (L.A. City Administrative Code, Article 5.5, Section 5.97.1.)

In March 2007, the Federal Communications Commission (FCC) issued an Order<sup>2</sup> (First Order) that may significantly and negatively affect local franchising authority in the areas of PEG Access funding, control of the rights-of-way, and build-out requirements, among others. Although the First Order purports to have no direct effect on states that have adopted franchising schemes (such as California under DIVCA), there is a distinct risk that the reasoning asserted by the FCC will be applied to state franchise authorities as well. The FCC's First Order, if applied to the California state franchising framework, could limit or arguably bar the City's use of the 1% PEG Access fee for equipment upkeep. The City, after consulting with its lawyers, has concluded that the FCC's reasoning and authority is flawed and has joined in litigation with the City of Chicago and other cities, to oppose the FCC's authority to issue any further orders affecting the City's franchising rights under state and federal law, and to rescind or modify the FCC's First Order.

## **2. THE STATUS OF PEG ACCESS IN THE CITY OF LOS ANGELES**

PEG Access was an important aspect of cable television services in 1972 due to local and federal legislators' and FCC concerns over guaranteeing "free access" to a privately owned cable operator-controlled programming content. Local and federal legislators

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<sup>2</sup> *Report and Order and Further Notice of Proposed Rulemaking*, FCC-06-180 (March 5, 2007) ("FCC Order"). Under the FCC Order the FCC states that the 1% PEG Access fee is to be used for capital costs for physical facilities.

and the FCC wanted to promote programming participation from diverse groups of local residents and address First Amendment implications (community self expression) based on the limited spectrum access then available to the public, local government and educational institutions. "Free access" was incorporated into the FCC's first rules on PEG Access in 1972 under its *Cable Television Report and Order (36 F.C.C.2d 143 (1972))*. The FCC held that its objectives in ensuring the provision of PEG Access services and programming included "...the opening of new outlets for local expression, the promotion of diversity in television programming, the advancement of educational and instructional television, and increased informational services of local government." (*Id.* at 190.) Subsequent federal law incorporated these principles into the franchising process by permitting a local franchising entity to require operators to provide PEG Access channels as a condition to the granting of a new or renewed local franchise to cable television operators.

Public Access programming became the avenue and outlet for free speech and diversified programming available to the general public. As Public Access developed in the United States, varied individual, religious, social and community interests found an outlet to express their viewpoints through local cable television. Due to the competing interests of the constitutionally guaranteed right to free speech and obscenity laws cable television operators are now permitted through local franchising agreements to prohibit the airing of obscene programming (47 U.S.C. § 544(d).)

For more than twenty years, the City, pursuant to local franchises issued to its cable television operators, has required the City's cable operators to provide at their own expense, Public Access facilities and channel carriage, on a "first-come, first-serve basis" to the City's residents. The "first-come, first-serve" rule also applies to the City's Educational Access channels for educators and non-profits. At that same time the City had the vision to augment the Public and Educational Access services with the creation of a City-wide Governmental Access channel managed by the City, financed through cable-television franchise fees, with programming oversight provided by the Municipal Access Policy Board (MAPB).

Following the creation of the City-wide Governmental Access channel, LA CityView, the City then assisted with the formation of a new non-profit organization that was given the responsibility to operate and manage a new City-wide Educational Access channel, LA36. LA36 is operated by an independent board of directors, the Los Angeles Cable Television Access Corporation, or LACTAC. By 1996 12 local Public and Educational Access facilities throughout the City were fully operational, and two city-wide interconnected access channels were fully functioning.

Currently, however most of the City's Public Access systems are seen by their users as being in decay, as the incumbent cable operators have allowed them to decline in anticipation of the reduced requirements under DIVCA. The Public Access systems remain wholly supported and operated by the incumbent cable operators as an in-kind service as required by the City's local franchise agreements.

In contrast, the City has continued its support of PEG Access services. The City's interconnected Educational Access channel, LA36, is partially supported by the City from the City's Telecommunication Development Account Fund (currently \$605,000). LA36 is funded through the franchise fees paid by the cable operators as rent for use of the City's public rights-of-way under federal law. The City's Governmental Access channel, LA CityView, is wholly supported by the City (currently \$3.1 million) paid from those same franchise fees received from the cable operators. LA CityView attributes approximately \$1.1 million of its yearly budget toward non-traditional PEG Access-related services, e.g., City-mandated training videos, Councilphone, videotape dubbing services, graphic design work, video monitoring, and Internet video-on-demand archival for City departments.

### **3. CENTRAL ISSUES**

The financial and in-kind support received by the City for PEG Access will change under the new requirements imposed by DIVCA. The City will have fewer facilities available for PEG Access under DIVCA, and new technological requirements will likely demand a larger piece of that funding. The central issues to which the City must face and resolve prior to January 1, 2009 are whether the City can continue the PEG Access system in its present form and, if not, what kind of PEG Access system would best serve the needs of Los Angeles citizens within the financial constraints of DIVCA. These issues are what this report will address.

On January 1, 2009, the current incumbents will cease to provide the facilities, equipment and operations of the City's existing Public Access system. The cable and video TV providers must carry the City's PEG Access channels at no cost to the City on the providers' basic service tier under federal law and DIVCA unless the City agrees to a change to a different service tier for the channel designation of any of its PEG Access channels. Channels 35 and 36, the Government and Educational Access channels must be carried on their currently designated channel number by all video TV providers. Currently, the City is entitled to the use of a total of four PEG Access channels on the provider's basic service tier at no cost to the City. There is a legal argument that if the City does not use one or more of these channels, they could be lost.

### **4. PUBLIC ACCESS CONCERNS – FINANCIAL SUPPORT**

The City's current Public Access system is wholly funded and operated by Time Warner and Cox. On January 1, 2009, the City will likely be required to take complete financial responsibility for the operations of this system. Currently, there are 12 City franchise area-based Public Access studio facilities. These facilities produce local programming content. However, due to either limited public interest or awareness of availability, these facilities cablecast local programming content less than half of the available time. This lack of scheduled programming time is most likely due to current Public Access

operations that are wholly controlled by the incumbent cable operators. Furthermore, based on ITA inspections, it has been determined that many of the Public Access studios are outdated and ill-equipped.

If the City wishes to continue with a comparable Public Access system, a significant amount of new money would need to be invested. The City must determine if it should fund such a large Public Access system or modify it to a less expensive and simpler form of PEG Access given the limited funds provided under DIVCA. ITA staff has estimated that the minimum annual cost for adequately staffing and operating one Public Access studio facility is approximately \$225,000. Going forward, if the City chooses to develop and maintain 12 Public Access studio facilities comparable to what exists today, the projected total annual operating cost could amount to \$2,700,000 or more. If the City is unable to locate Public Access studio facilities in existing City-owned buildings, the estimated annual rental costs for one average-sized studio facility may amount to \$50,000, or \$600,000 for 12 studio facilities. The 1% PEG Access fee can only be applied to capital costs. Any additional monies required to fund Public Access operations would need to be found elsewhere by the City.

In addition to determining operational costs noted above, ITA has estimated that the cost for equipping one studio facility with modern equipment is in the range of \$150,000 to \$600,000. Assuming the City is willing to continue to fund a comparable Public Access system, an estimated minimum cost of \$375,000 per studio facility, or \$4,500,000 for 12 studio facilities would be needed, excluding rent. The \$375,000 is derived from the combination of the minimum annual staffing and operating cost for one studio facility, \$225,000, and the one-time only minimum capital expense of \$150,000, as noted above. Rent if any, would be extra.

## **5. PUBLIC ACCESS CHANNELS – CARRIAGE AND NEW TECHNOLOGIES**

The current Public Access system provides for 12 Public Access studio facilities that generally operate from 10 AM to 8 PM, Monday through Friday and Saturday from 10 AM to 5 PM. The studio facilities are utilized an average of 23.75 hours per month. Locally produced programming is aired 79% of the time, while out-of-area (not Los Angeles area produced) programming (primarily religious programming produced in other parts of the U.S.) is aired 21% of the time. Public Access production, on average, consists of: Talk, 45%; Religion, 35% (in South L.A., 50%); Music/Variety, 19%; and Sports, 1%. Out-of-area produced programming consists primarily of religious programming tapes sent to the City's Public Access facilities by religious groups from other parts of the country. Programming aired over the local Public Access system consists of: Talk, 52%; Religion, 30% (South L.A., 50%); Music/Variety, 14%; Sports, 2%; and Adult content programming, 2%<sup>3</sup>.

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<sup>3</sup> The statistical data referenced was provided by Time Warner Cable and does not necessarily represent the data collected by the City of Los Angeles regarding Public Access studio usage or program diversity.

Assuming that the City is no longer able to wholly or partially support and maintain the current 12 local Public Access studio facilities after January 1, 2009, the City will need to consider how it will address the possible closure or consolidation of the 12 local Public Access studio facilities and the City-wide interconnection of the Public Access channels. Additionally, the City will need to consider the potential and availability of access to new communication technologies for the purposes of delivering Public Access content and programming.

In 1972, there were no relatively inexpensive digital video equipment, wireless services, Internet, e-mail, Podcast-like services, video-on-demand, or YouTube-like services to ensure, "...the opening of new outlets for local expression [and] the promotion of diversity in television programming..." as then promulgated by the FCC. (*Cable Television Report and Order (36 F.C.C.2d 143 (1972))*). These new technologies now provide a much broader source and scope of Public Access opportunities for public expression than was envisioned by the FCC and local and federal legislators in 1972. The use of such technologies may enhance or provide alternatives to existing modes of Public Access for the City, in the same way that ITA now uses "video-on-demand" technology to make available programs and meetings of the City Council to the public.

ITA has conducted a review of other major cities' provision of Public Access services and their use of the new communication technologies, and has found that cities that have adopted new communication technologies have augmented their PEG Access programming through the use of such technologies. ITA has been unable to find any PEG Access entities that have completely replaced a Public Access system with only these new technologies. It could also be stated that such technologies are by definition "new," and it would not be surprising that cities are "late implementers" of modern approaches to new technologies and communication.

## **6. GOVERNMENTAL ACCESS CHANNEL AND DIGITAL UPGRADE**

The City's Government Access channel, operated and wholly financially supported by the City, needs to upgrade its current analog equipment to the digital platform. If the City fails to upgrade its equipment to the digital platform, it will be very expensive to continue to utilize its analog equipment in a digital world and may limit the City's ability to produce and air its programming over the cable operator and video service providers' systems. ITA estimates that the one-time cost of the digital upgrade and expansion of the City's Government Access channel facilities and equipment is \$10 million. This amount also includes the purchase of a new production van and the construction of an upgraded studio. This estimate is based on current pricing of required equipment and will most likely be less as digital video equipment becomes more available in the future. Based on this estimate, much, if not all of the 1% additional PEG Access fee money could be used in the first few years of the receipt of those funds for conversion of LA CityView from an analog to a digital production facility. Alternatively, the conversion to

digital may be accomplished as worn out equipment is slowly replaced, using the 1% PEG Access fee money, thus, amortizing the cost over a longer period of time.

## 7. COMMUNITY ACCESS AND PUBLIC ACCESS MODELS

Community Access television is programming and operations that focus mainly on community issues and events. It is generally non-government sponsored and evolved from traditional Public Access style programming. One emerging trend in the provision of PEG Access services and programming in the United States is the transition of Public Access facilities and programming to Community Access facilities and programming or a hybrid of the two types of programming under one local governing body. Under the Community Access model, the local governing board – not the City or another governmental agency – would develop, select, and make decisions regarding access programming and services. Public Access facilities within Los Angeles historically have been managed by the cable operators that have provided access to services on a “first-come, first-served” basis. Going forward, the City may wish to consider the Community Access model to deliver Public Access and Educational Access programming within a shared-channel model. Under this model, the City would co-locate the Public Access studio facility or digital production service with an educational institution or other entity willing to provide access services to Public/Community Access users in exchange for shared use of the programming facility and channel time with the educational institution or other entity.

## II. OPTIONS

Assumptions: The following options are based in part on legal assumptions that remain unsettled and are being researched by the City Attorney’s Office as set forth below. **The financial limitations on the use of the 1% PEG Access fee is of utmost concern and the following options presume that the City may be entitled to the use of the 1% PEG fee for operational and capital costs, where indicated, including maintaining, repairing or improving personnel costs for its PEG Access system under DIVCA.**

BITC and MAPB strongly recommend that the City preserve a minimum of four PEG Access channels as these are property entitlements to the City. The recommendation is made with the understanding that the City’s current financial situation would severely limit the City’s ability to fund, wholly or in part, the Public or Community Access portion of the PEG Access system.

### A. OPTION ONE:

- One Dedicated Government Access Channel
- One Government-Related Electronic Bulletin Board Access Channel
- One Community/Public Access Channel

- One Educational Access Channel.

Estimated Annual Operating Cost, Four Channels Per Year = Approx. \$3.7 Million Per Year.

	<b>Government Access Ch 1</b>	<b>Government Access Ch 2</b>	<b>Community/Public Access Ch</b>	<b>Educational Access Ch</b>
<b>Programming Content</b>	Public Meetings & original content about the City	Government-Related Electronic Bulletin Board messages	Community content that focus on Arts, culture, tourism and self-produced public access programming	Educational content
<b>Governance</b>	City Managed		Non profit entity or LA36	Educational entity
<b>Funding Source</b>	Franchise Fees and 1% PEG Access (DIVCA) fee		Franchise fees, 1% PEG Access fee & non-City grants	Educational groups
<b>Est. Annual Operating Cost \$3.7 million</b>	\$3.1 million total for "G" channels combined budgets (incl. \$430K /yr for capital & repair)		\$605K (incl. 250K /yr for capital & repair)	No cost to City

Government Access Channel 1 (LA CityView Channel 35):

Under this option, the Government Access channel would continue to operate in its present management structure and editorial control. It would continue to broadcast public meetings of the City such as Council meetings and gavel-to-gavel coverage of other important City meetings. Other original content produced by the City, for and about the City government, its activities, services and events would also be aired. The funding would continue through the franchise fees near current levels with the exception of funding for capital expenses and equipment coming from the DIVCA 1% PEG Access fees.

Estimated cost to the City: Pursuant to the current Government Access channel's budget, approximately \$3.1 million from a combination of a portion of the 5% gross revenue franchise fees and the DIVCA 1% PEG Access fees, with the intent that the 1% PEG Access fee be utilized to the maximum extent permitted by law to support this channel

Government-related Electronic Bulletin Board Access Channel 2:

In order to preserve the four channels that the City currently has a right to operate under DIVCA, and given the City's inability to fund another PEG Access channel in general, it is recommended that the City minimally fund the operation of a government and community electronic bulletin board. This electronic bulletin board can be operational immediately with little or no cost to the City.

This recommendation is made with the understanding that when the City is able to fully fund another Public, Education or Government Access Channel, that it convert the



electronic bulletin board to accommodate the new PEG Access channel. This would accomplish two purposes; the City would preserve valuable PEG Access channel carriage rights, and ensure the streamlined transition to another City PEG Access channel in the future.

Estimated Cost to the City: Negligible

Community/Public Access Channel (Channel 36):

The City currently does not have a dedicated Community Access channel. This new Community/Public Access channel could provide professionally-produced programming to serve the needs of the City's residents, as well as provide opportunities for Public Access users to program their shows during specified time periods. A non-profit entity would manage and operate this channel, and funding would come through a portion of the franchise fees, the 1% PEG Access fees and other non-profit funding sources. It is recommended that LA36 (Los Angeles Community Television Access Corp., aka LACTAC) assume the responsibility for the operations of this channel.

Programming on this channel could also include NYC TV style programming that could help to promote tourism, arts and culture in Los Angeles. NYC TV is an official New York City-owned and operated broadcast facility and is also involved with commercial television as an over-the-air broadcasting entity. Its programming is diverse and commands a budget of \$13 million that encompasses the operations of four channels, one of which is a broadcast channel. NYC TV employs 80 full-time employees, 30 part-time employees and several contractors on an "as-needed" basis.

The new Community Access channel would also serve the needs of non-profit agencies in the City as well as collaborate with neighborhood organizations to ensure that program development is consistent with the values and priorities of those communities.

The City's current financial situation is such that it is unable to fund the existing Public Access operations and channels in the local franchise areas. Thus, it is recommended that the proposed new Community Access channel set aside a portion of the programming schedule for self-produced Public Access content. Programming opportunities would also increase for Public Access users with the provision of server space for programming over the Internet. Through these measures the City will enable Public Access producers and others several programming opportunities. The additional Internet server component could potentially be funded, if needed, from the 1% PEG Access fee.

Estimated cost to the city: Approximately \$605,000 from franchise fees and the 1% PEG Access fee. LA36 was recently funded in the amount of \$605,000 for the fiscal year 2008-2009. Of this amount, \$265,000 is to be funded from the 1% PEG Access fee.

Educational Access Channel:

This channel would provide original and pre-produced content by and for educational institutions serving the educational needs of the City's educational institutions.

Currently, in Los Angeles, educational programming content is combined with community programming content on LA36. However, under this Option, educational content would be aired on a designated educational-only access channel.

University of California TV (UCTV) has indicated that it would provide full operational and capital support for an Educational Access channel at no cost to the City. ITA has been working with representatives of LA36, UCTV and the University of California at Los Angeles (UCLA) to explore the management and operation of this channel. It is required by the City that the management of this channel provide fair access and use of the channel time to all educational institutions in the Los Angeles area. This channel could be operational by the end of 2008, provided that the City adopts such a recommendation by the Fall of 2008.

Estimated cost to the City: None

**B. OPTION TWO:**

- Two Government Access Channels
- One Community/Public Access Channel
- One Educational Access Channel.

Estimated Annual Operating Cost, Four Channels Per Year = Approx. \$4.9 Million Per Year.

	<b>Government Access Ch 1</b>	<b>Government Access Ch 2</b>	<b>Community/Public Access Ch</b>	<b>Educational Access Ch</b>
<b>Programming Content</b>	Public meetings & City committee hearings	Original programming of City services, events & Neighborhood Councils	Content that focus on Community, ie; arts, culture, tourism, and with some public access opportunities (w/one shared production facility)	Educational content
<b>Governance</b>	City Managed		Non profit entity or LA36	Educational entity
<b>Funding Source</b>	Franchise fees & 1% PEG Access (DIVCA) fee		Franchise fees, 1% PEG Access fee & non-City grants	Educational groups
<b>Est. Annual Operating Cost \$4.9 million</b>	\$3.5 million total for "G" channels combined budgets (incl. \$430K /yr for capital & repair)		\$1.4 million (incl. 250K /yr for capital & repair, excluding new studio costs)	No cost to City

Government Access Channel 1 (CityView Channel 35):

In this Option, Government Access channel 1 (LA CityView) would be dedicated to all governmental meetings of the City, covered gavel-to-gavel, such as it does now with Council and Commission meetings.

Government Access Channel 2:

Government Access channel 2 would be used to provide additional original content produced by the City about City services, activities, events, and history. With this second Government Access channel the City could more fully provide coverage opportunities of issues regarding water and power, fire, police, emergency, library, parks, recreation, children/youth/family and Neighborhood Council services and events. In addition, it makes sense for the second Government Access channel to provide alternative forms of access to information regarding how citizens can report problems, make complaints to City departments, and find outlets to commend City workers who have provided assistance; such may be accomplished through this additional Government Access channel.

Estimated cost to the City: \$3.5 million for the combined budget of both Government Access channels to be paid from franchise fees and a portion of the 1% PEG Access fee, with the intent that the 1% PEG Access fee be utilized to the maximum extent permitted by law to support this channel.

Community/Public Access Channel (LA36):

Currently, LA36 provides Educational and Community programming content via a City-wide interconnected channel. However, LA36 does not currently provide "Public Access" services. Under Option Two, future Public Access services would be integrated with Community Access services as part of the mission of the new Community/Public Access channel. Additionally, under this option, a shared facility for Community and Public Access services would be developed. Educational Access content that currently occupies programming space on LA36 would be shifted to the new full time Educational Access channel (please see Option One).

Management of the station would continue to be provided by a non-profit entity. It is recommended that if the City adopts Option Two, that LA36 operate the new Community/Public Access channel.

Estimated cost to the City: Approximately \$1.4 million from franchise fees and a portion of the 1% PEG Access fee. This amount does not include a one-time capital expense for the creation of a new production studio and outfitting of equipment in the amount of \$845,000. Yearly maintenance costs would total \$250,000. The amount of \$1,150,000 per year would be dedicated to operational expenses.

Educational Access Channel:

The description of the new Educational Access channel remains the same as in Option One.

Estimated cost to the City: None

**C. OPTION THREE:**

- One Government Access Channel
- One Community Access Channel
- One Educational Access Channel
- One Public Access Channel.

Estimated Annual Operating Cost Four Channels Per Year = Approx. \$7 Million Per Year.

	<b>Government</b>	<b>Community</b>	<b>Educational</b>	<b>Public</b>
<b>Programming Content</b>	Public Meetings & original content about the City	Content that focus on Community; Arts, culture, tourism, NYC TV style programming.	Educational content	Public Access programming. for users and viewers
<b>Governance</b>	City Managed	Non Profit entity or LA36	Educational entity	Non-profit entity
<b>Funding Source</b>	Franchise fees & 1% PEG fee	Franchise fees, 1% PEG fee & non-City grants	Educational groups	Franchise fees & 1% PEG fee
<b>Est. Annual Operating Cost \$7 million</b>	\$3.1 million (incl. \$430K /yr for capital & repair)	\$1.2 million (incl. 250K /yr for capital & repair, excluding new studio costs )	No cost to City	\$2.7 mil./yr (if 12 studios built & each staffed w/4 employees (excluding rent and/or new studio costs)

Government Access Channel (LA CityView):

The description of the Government Access channel remains the same as in Option One, Government Access channel 1.

Community Access Channel (LA36):

The Community Access channel would provide professionally-produced original and pre-produced content for the Los Angeles community. The programming on this channel would be similar to that aired on NYC TV, but without the government content. The originally-produced content shown on this channel would be consistent with a community needs assessment that would be done to ensure the involvement of the community.

Management of this channel would be controlled by a non-profit entity with community representation on its board of directors. It is recommended that if the City adopts Option Three, that LA36 operate this channel.

Estimated cost to the City: Approximately \$1.2 million from franchise fees and the 1% PEG Access fee. The expanded amount from the current funding level would enable LA36 to upgrade its operations, add services, and purchase new production equipment in order to add to the original programming content, with the intent that the 1% PEG Access fee be utilized to the maximum extent permitted by law to support this channel. This amount does not include a one-time capital cost expense for the creation of a new production studio and outfitting of equipment in the amount of \$645,000. Yearly maintenance costs would total \$250,000. The amount of \$950,000 per year would be dedicated to operational expenses.

Educational Access Channel:

The description of the new Educational Access channel remains the same as in Option One.

Public Access Channel:

Under this Option, a significant portion of the 1% PEG Access fee would be used to acquire and equip regional Public Access studio facilities. The number of studio facilities would be determined based on available funding. As an example, if in the future the City were to provide 12 regional Public Access studio facilities consistent with what exists today, the annual operating costs could amount to \$2,700,000 or more (the annual operational cost equates to approximately \$225,000 per facility assuming each maintains a minimum of four personnel). This amount does not include facility rent of approximately \$50,000 annually.

ITA has also estimated the cost to equip one studio facility with modern equipment to be in the range of \$150,000 to \$600,000. Assuming the City is willing to fund the future Public Access system, an estimated minimum of \$375,000 per studio or approximately \$4,500,000 for 12 studio facilities would be needed. The equipment costs would one-time only capital expense per studio for such an operation. Alternatively, the City may explore leasing options for the use of existing Public Access cable-owned and operated production facilities.

Management of the Public Access channel and facilities would be controlled by a non-profit entity with community representation on its board of directors.

Estimated cost to the City: Up to \$2.7 million annually for the operation of 12 Public Access facilities, and a one-time only cost of \$4.5 million to equip 12 Public Access facilities. Costs would be paid from franchise fees and a significant portion of the 1% PEG Access fee.

### III. RECOMMENDATIONS

Based on the information provided by ITA and City Attorney staff, six community meetings held, independent research by its members, and the study of the issues presented to BITC and MAPB in regard to the future of the City's PEG Access system, BITC and MAPB make the following recommendations:

1. It is in the best interest of Los Angeles citizens to preserve and to continue to operate four PEG Access channels, within reasonable budgetary constraints
2. Based on the City's current budgetary constraints and issues that will likely continue for the next two years, Option One should be adopted by the Council and Mayor. Option One entails two Government Access channels managed by LA CityView; one Community/Public Access channel managed by LA36 (LACTAC); and, the creation of one new Educational Access channel managed and operated by UCLA at no additional cost to the City. All four channels would be interconnected and available City-wide throughout Los Angeles and remain at the current funding level of \$3.7 million annually. Options Two and Three may be implemented when the City has determined that it has sufficient funding and interest to implement either of these options.

#### A. Government Access Channel 1 (LA City View Channel 35)

- LA CityView would continue to function essentially as it presently does. Additional government content should be added as funding allows, including Neighborhood Council programming, City commission meetings, information about emergencies and how to access City services.
- Most, although not all of the 1% additional PEG Access funds could be devoted in the first few years (of the receipt of those funds) to the conversion of LA CityView from an analog to a digital production facility. If this is not done, as analog production equipment wears out it should be replaced by digital production equipment.

#### B. Government Access Channel 2

- The City should preserve a fourth Access channel, through the use of an electronic bulletin board message system, which may include program content created by the current Government Access channel staff.
- This channel should be evaluated during the planning phase of the commencement of each fiscal year to determine if the City has sufficient funding and intent to implement either Option Two or Option Three in order to maintain a robust PEG Access system in the future.

#### C. Community/Public Access Channel

- In the new paradigm, LA36 would operate and manage the Community/Public Access channel with a focus on community and Public Access programming content. LA36 would continue to program existing

content utilizing its current on-air schedule, plus continually add new content from local citizenry and other programmers that showcase and focus attention on LA as a community.

- LA36 would program Public Access content and possibly seek out opportunities to partner with other community entities such as community technology centers to create additional Public Access programming.
- Existing distance learning and other educational content would be transitioned to the new Educational Access channel.
- LA36 should create a Public Access advisory panel to assist with management of Public Access programming content and identification of future Public Access programs for airing.
- The Board of Directors of LA36 should be expanded to include representation by UCTV, UCLA and Public Access users.
- LA36 should explore opportunities to partner with a private Internet media provider, in order to create and manage an authorized LA City Public Access Internet channel. Additional capital funding has been included in LA36's FY 2008-09 budget for Internet services.
- Should funding become available, the City should consider providing one or more studio production facilities for Public Access users under Options One, Two or Three.

D. Education Access Channel

- UCTV will continue to provide assistance to UCLA to facilitate the operations of the new Educational Access channel located at UCLA.
  - The Educational Access channel will be entirely self-funded and not financially supported by the City.
  - A governance board should be established by UCTV/UCLA to oversee the operations of the Educational Access channel. The members of the governing board would consist of representatives from UCTV, UCLA, other higher educational institutions in Los Angeles, and LA36 Board Members or staff. The goal of this channel would be to have the majority of programming produced locally (in Los Angeles), and with content provided by higher educational institutions and various other educational entities from the Los Angeles area.
3. DIVCA permits PEG Access channels to utilize sponsorship recognition, underwriting and advertising for funding purposes. MAPB should explore and formulate policies for LA CityView and LA36 to adopt, similar in nature to those employed by major public broadcasting networks (PBS).

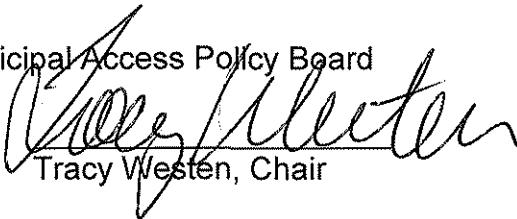
ADOPTED THIS 16<sup>TH</sup> DAY OF July, 2008

Board of Information Technology Commissioners

By:   
Dean Hansell, President

Marsha Hirano-Nakanishi, Vice President  
Dennis F. Hernandez, Commissioner  
Ana E. Cubas, Commissioner

Municipal Access Policy Board

By:   
Tracy Westen, Chair

John Lippman, Board Member  
Andrew Glazier, Board Member



#### **IV. APPENDIX – SUMMARY OF COMMUNITY MEETINGS**

Appendix to Draft Report and Recommendations by BITC and MAPB Regarding the City of Los Angeles' Future Cable PEG Access Funding & Services

#### **BRIEF SUMMARY OF TESTIMONY AND COMMENTS RECEIVED**

The oral and written comments provided at the community meetings fell into 12 categories relating to PEG Access issues:

- 1) The significant value of Public Access now and in the future
- 2) Need for new technologies for PEG & adaptive Public Access
- 3) Internet options (don't supplant cable accessible Public Access with Internet Public Access services)
- 4) Create a non-profit operated Public Access system
- 5) Funding of Public Access as the responsibility of the City
- 6) Poor PEG content; need for more substantial content
- 7) Locate unique partners to assist in Public Access management and programming
- 8) DIVCA and concern over future balance of power between State and City
- 9) Concern over loss of Public Access resources
- 10) Current PEG Access landscape
- 11) PEG Access recommendations; exemplary PEG Access examples
- 12) Other PEG Access or Cable related issues

#### **METHODOLOGY USED TO COUNT COMMENTS RECEIVED**

Every comment was counted independently. In other words, oral comments received regarding three different matters were counted as three independent comments. Similarly, written comments received that addressed more than one issue were counted as independent comments.

#### **DETAILED INFORMATION REGARDING COMMENTS RECEIVED:**

##### **MARCH 22, 2007 COMMUNITY MEETING**

The BITC and MAPB Boards held the first joint community meeting to assess current PEG-related interests on March 22, 2007 at the Van Nuys Library located at 6250 Sylmar Avenue, Van Nuys, California 91401. 12 people attended this meeting.

Total number of attendees: 12  
Total number of speakers: 7

##### **MARCH 29, 2007 COMMUNITY MEETING**

The second meeting was held on March 29, 2007, at the Mark Ridley Thomas Constituent Center located at 8475 South Vermont Avenue, Los Angeles, California 90044. 15 people attended this meeting.

Councilmember Bernard C. Parks attended this community meeting and summarized newly adopted legislative changes to the provision of cable services by cable operators and telecommunication providers (CA Assembly Bill 2987). Councilmember Parks relayed to attendees that much interest has been generated by Los Angeles residents regarding avenues for community involvement and the need for technological change in the provision of cable television services ("on demand" programming). He also stated that City Council plans to deploy new services soon that would enable residents to access specific portions of City Council meetings "on demand" via the internet.

Total number of attendees: 15  
Total number of speakers: 4

#### **APRIL 5, 2007 MEETING**

BITC and MAPB held their third meeting on April 5, 2007 at the Peck Park Recreation Center located at 560 North Western Avenue, San Pedro, California 90732. Four people attended this meeting.

Total number of attendees: 4  
Total number of speakers: 0 - No speakers at this meeting

#### **APRIL 12, 2007 MEETING**

The fourth meeting was held on April 12, 2007 at the Lincoln Park Recreation Center/Senior Citizen Center, 3501 Valley Blvd., L.A., CA 90031. Twenty people attended the meeting.

Total number of attendees: 20  
Total number of speakers: 14

#### **APRIL 19, 2007 MEETING**

BITC and MAPB held their fifth meeting on April 19, 2007 at the Venice Library located at 501 South Venice Boulevard, Venice, California 90291. Eighteen people attended the meeting.

At the end of the meeting Councilmember Rosendahl spoke regarding the value of First Amendment speech, and how Public Access television ensures citizen's rights to free speech. The Councilmember indicated his long time support of Public Access television, and encouraged all to participate in the continuing discussion for the need of PEG Access services in the future.

Total number of attendees: 18  
Total number of speakers: 8

#### **APRIL 26, 2007 MEETING**

BITC and MAPB held their sixth, and last community meeting on April 26, 2007, at Selma Elementary School located at 6611 Selma Avenue, Los Angeles (Hollywood), California 90028. Nine people attended this meeting.

Total number of attendees: 9  
Total number of speakers: 5

#### **WRITTEN COMMENTS RECEIVED BY ITA**

The Board also received written comments concerning cable related needs and interests between March 22, 2007, and May 2, 2007. Seven written comments were received.

Total written comments received: 7

#### **DETAILED SUMMARY OF TESTIMONY RECEIVED**

##### **Speakers from the March 22, 2007 meeting at the Van Nuys Library, Van Nuys**

- 1) Marc Strassman, Access producer & publisher of "Etopia News"  
www.EtopiaMedia.net
- 2) Joyce Dyrector, Access producer of "The Stanley Dyrector Show"
- 3) Stanley Dyrector, Access producer of "The Stanley Dyrector Show"
- 4) Bob Haddad, citizen
- 5) Jerry Piro, Vice President, East Valley Coalition
- 6) Gregory Wright, of "Wright Thinking"
- 7) Dr. Daniel Wiseman, Access producer of "Your Neighborhood Council"

##### **Speakers from the March 29, 2007 meeting at the Constituent Services Center, South Los Angeles**

- 1) Dr. Landry Humphery, Access producer of "Catch the Vision"
- 2) Patricia He'bert, Access producer (10 years) of "Opportunity 2 Network"
- 3) Reverend James Jones, Access producer (7 years) of "Keeping it Real with GFC"
- 4) Gregory Brown, producer (18 years) of "Soul & Sound of Watts"

##### **Speakers from the April 5, 2007 meeting at Peck Park, San Pedro**

No speakers or community comments at this meeting

##### **Speakers from the April 12, 2007 meeting at Lincoln Park, East Los Angeles**

- 1) Inez Gonzalez, Director of National Hispanic Media Coalition (NHMC)
- 2) Jaime Cruz, Access producer and member of Eastside Producers
- 3) Josephine Dikas, Access producer of "All My Relations Television"
- 4) Carl Bradley, citizen
- 5) Rico Cabrera Sr., Access producer
- 6) Cesar Arredondo, Access producer & freelance journalist/producer

- 7) Arturo Esparza, Access producer and founder of East LA channel and Eastside Producers' Association
- 8) Richard Delgado, citizen
- 9) Bella De Soto, Access producer of "Politics Matter"
- 10) Art Fierros, Access producer
- 11) Louie Moreno, Access producer of "Community Wrap Up"
- 12) Joyce Dillard, activist
- 13) Juan Jimenez, Access producer of "Johnny Jay Show"
- 14) Wendy Carrillo, Access producer of "Knowledge is Power"

**Speakers from the April 19, 2007 meeting at the Venice Library, Venice**

- 1) Sandy Jacobson, Access producer
- 2) Gregory Mantell, Access producer of "The Gregory Mantell Show"
- 3) Marilyn Noyes, citizen
- 4) Alex Fay, Council District 11, Representative of Councilman Rosendahl
- 5) Joseph Willenbrink, Access producer and business transition management consultant
- 6) Marcy Winograd, President of Progressive Democrats of Los Angeles
- 7) Loren Grossman, educational advocate for special needs children
- 8) Mark Witzer, American Intercontinental University

**Speakers from the April 26, 2007 meeting at the Selma Elementary School, Hollywood**

- 1) Abigail Jaye, Access producer
- 2) Michael Jaye, Access producer
- 3) John Walsh, Access producer of "Neighborhood Point of View"
- 4) Tamara Hall, Access producer of religious programming
- 5) Dr. Daniel Wiseman. Access producer of "Your Neighborhood Council"

**Written Comments Received By ITA**

- 1) March 29, 2007. Dr. Landry Humphery, Access producer of "Catch the Vision"
- 2) March 29, 2007. Ms. Patricia Hebert, Access producer
- 3) April 12, 2007. Mrs. Sylvia Quintanilla-Arredondo, citizen
- 4) April 12, 2007. Mr. Cesar Arredondo, Access producer
- 5) April 12, 2007. Mr. Jaime Cruz, Access producer of "East LA After Dark"
- 6) April 13, 2007. Mr. Cesar Arredondo, Access producer
- 7) April 25, 2007. Ms. Inez Gonzalez, Director of NHMC
- 8) May 10, 2007. Mr. Joseph Willenbrink, resident and Access producer
- 9) May 11, 2007. Mr. Walter Blackman, citizen

**Detailed comments received from Speakers:**

Public Access (PA) User and/or Supportive of PEG Access resources and services

- 1) Producer is independent and needs PA studios to create and run his show - SD
- 2) Producer has program on Channels 35, 36 and other PA channels - SD

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- 3) Producer has 80 half hour programs created by his organization - DW
- 4) Citizen stated that PA television is a very important way for people to get into television and the entertainment industry - DW
- 5) Producer states that new equipment, studios and internet access is needed in the future - PH
- 6) PA television allows the public to be aware of what occurs in their community - GB
- 7) PA producer is always striving to create a quality show for the community and believes it is very important to be allowed to continue to do so in the future - SJ
- 8) PA studios are a good place to start for anyone with the desire to move to the top [of the industry] in Los Angeles - GM
- 9) Citizen finds it extremely helpful to watch city council meetings on Access TV - MN
- 10) Councilmember Rosendahl is personally interested in the future PEG Access - AF
- 11) Citizen feels PEG programming is a voice for local community neighborhoods, which can be lost (their voice) - JW
- 12) PA producer appreciates having the opportunity (as media reform committee chair) to produce PA programs in Santa Monica and to be featured as a guest on shows that reach the Valley - MW
- 13) Citizen believes PA television is an opportunity to provide a voice to individuals that may not have access to mainstream or corporate media - MW
- 14) Citizen believes it is important that PEG Access is maintained; also, do not remove the opportunity for the general public to touch PA equipment - Mark W
- 15) People do watch programming available on PA channels - AJ
- 16) Channels 35, 36 and Public Access are not perfect, but would like to keep as it is now - JW
- 17) Citizen views and is very happy with the city's educational channel - TH
- 18) Producer feels there is no reason PA should be allowed to be diminished - TH
- 19) Citizen is in favor of retaining PEG Access television - DW
- 20) Citizen wants to ensure that PEG access in Los Angeles is protected and improved for the benefit of citizens - IG
- 21) Public access is truly the only outlet for the people to have a voice in the media - IG
- 22) Encouraged the Board to improve PEG access in the City of Los Angeles and to make it a model for the nation - IG
- 23) Producer states PEG access is vital to her ability to produce her show regarding various indigenous people from Alaska to Chile - JD
- 24) Good, cultural shows are not available on [regular] television - JD
- 25) Everyone should have PEG channels to produce various educational and cultural shows to offer the community - JD
- 26) ELA studio has an average local production of 25 shows per week, 100 shows per month and over 1,000 shows each year - JC
- 27) *Eastside After Dark* has been in production for over 18 years - JC

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- 28) PEG access is an important part of the community and reflects, represents and defines a community - CB
- 29) PEG access is necessary for the community, PEG offers insight on what is occurring within the community - CB
- 30) Producers are doing the best they can with what they have to create good shows for the community - RC
- 31) East LA studio produces approximately 25 shows every week. These shows bring relevant information to the community, which is rarely seen on commercial television - CA
- 32) Public access studios are essential for giving voice to many people, including artists, non-profit organizations, groups of faith, cultural associations, and activists - CA
- 33) Producer wants the City to be aware of the importance of the channel and that the east LA studio has been committed to serving the community and should not be denied a voice in the future - AE
- 34) PA television is a key element of the community and helps to educate teenagers - RD
- 35) Special Ed students are able now to receive training on how to operate video and broadcast equipment and create TV programming; this training enables many of them to have an opportunity to be accepted in vocational training programs - RD
- 36) Public access television is a resource to the community -RD
- 37) Producer asks the City to protect PA television and to promote it more in the community so the community can become more aware of the resources available - BDS
- 38) Public access television heals and educates the community - AF
- 39) Producers show is viewed in 36 cities on 9 different channels, and without PA television he could not outreach to the poor within the community and offer them resources, such as food, clothing and appliances - AF
- 40) PEG Access exposure that is offered to students in sports is important - LM
- 41) Producer stated that students come to PA studios to learn about the importance of doing television productions - LM
- 42) Producer gives away toys and food to the community through his community show - LM
- 43) Citizen views council meetings on PEG Access TV - JD
- 44) Producer states PA television is a dire need for the east LA community - JJ
- 45) Producer states PA television is the vehicle for sending information out to the community - JJ
- 46) Producer stated that PA television is needed to promote local communities and to encourage young people in the community to get involved - WC

### New Technologies & Adaptive Public Access

- 1) Producer proposed an adaptive public access organization - MS
- 2) Producer suggested that the ITA, Channels 35, 36 and the PA channels create a new internet website using all the new technology available - GW
- 3) Citizen suggested the television screen to be used as a "front-end" for a much more elaborate web portal accessible through all the others forms of media

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- allowing the creation of topics regarding how to make the city of Los Angeles a better place to live - GW
- 4) Producer likes the idea of the IPOD with new technologies for the city - PH
  - 5) Technology upgrade is necessary - GM
  - 6) Channel 35 on the radio would be a good idea - MN
  - 7) On-demand programming would also be a good idea - MN
  - 8) Producer stated programming that could be down-loaded and burned to a CD is also preferred - MN
  - 9) Media access centers would provide technology training and support for underserved communities - IG
  - 10) Producer was asked whether she believed that her programming would reach more people if available as V-O-D on the Internet: producer believes that programming should be both available on PEG Access television and also on the internet, but feels internet may be an inconvenience for some viewers or not efficient enough for people searching. She believes people are less likely to accidentally run into V-o-D programming on the internet than on PEG access channels - JD

### On the subject of the Internet

- 1) Producer feels it is important to distribute video regarding politics and economics over the Internet too - MS
- 2) Producer feels the city should use internet tools called "meta-tags" to enable public to obtain PEG content they're interested in viewing over the Internet (Meta-tags use key search words to search subject matter) - MS
- 3) Producer also stated that he would like to see PEG programs digitally archived and made available to anyone at any time on-line - DW
- 4) Producer believes viewers would be more likely to access her program if it were made available over the Internet - PH
- 5) Citizen feels it is very difficult to watch City meetings over the Internet while also working on the computer - MN
- 6) Internet should be used to place some information on the net, but for more precise information, the PA channels are best - AJ
- 7) Producer believes that most people have access to the television but not the Internet or a computer - JC
- 8) Citizen feels PEG access should not be placed on the internet because there exists a forum now that represents the people within the community that want to be on the Internet - CB
- 9) The quality of the PEG Access shows when viewed on the Internet is not comparable to watching programming on television - RD

### Create a Non-profit Public Access Organization

- 1) The City of LA should create a nonprofit organization, such as has been done in the Cities of Palo Alto and Santa Cruz for PA - MS

Funding Public Access

- 1) Producer feels the City should use city money and solicited funds to give voice to community groups via future PEG access services - MS
- 2) Producer hopes there still exists an opportunity to negotiate a higher percentage than the 1% to be collected for PEG Access - AJ
- 3) Citizen believes that the 1% franchise fee to be collected by the City for PEG Access should supplement the amount of funds already received - IG
- 4) Stated that PEG Access should receive 2% of the 5% franchise fee to be collected - IG
- 5) PEG Access has not received its' fair share of the franchise fees - IG
- 6) N.H.M.C. supports the creation of a community technology fund to support the maintenance of community access centers; this fund would be capitalized by 1% of the 5% franchise fees - IG
- 7) Producer stated that the City should lobby for more than 1% franchise fee that will be received in the future - JC
- 8) Citizen believes the community will be affected by paying taxes for PEG Access if in the future the City is required to wholly fund PEG - CB
- 9) Producer stated that continued support from the city is needed to offer a better studio in the future - CA
- 10) Producer believes the 1% franchise fee is insufficient to run the PA studios - AF

Content and need for more substantial content

- 1) Citizen feels PEG content should be more substantial and should be distributed on the Internet (in various forms) and available on-demand to anyone - MS
- 2) Producer believes the community is served well by the great variety of programming available on PA television - JW
- 3) Citizen asked if the City or the cable operators have any input regarding the content that is aired on PA - BH
- 4) Producer feels there are too many non-used programming slots during the day and as such results in missed opportunities for PEG users; also, feels better PA programming is needed in the City - AJ
- 5) Local PEG programming aides in personal and community enrichment - TH
- 6) Citizen stated PEG programming needs to be reassessed to ensure that important information is made available to the community - JD

Find unique partners to assist in management and programming

- 1) Producer suggests the City use Google, AOL or Microsoft to assist the City in creating Los Angeles specific content; also, make content available to the public online, this content could be beneficial to these companies and become a PEG model for other cities - MS
- 2) Citizen stated that the idea of utilizing colleges and universities for PA television production could be part of an intern program for students; alternately, the City could seek persons that have some production experience to help with the operation of the PA facilities in the future - SJ



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- 3) Citizen stated that USC does have great facilities but no outlet to air shows, USC's agenda though is very different than a PA agenda - JW
- 4) Citizen believes that students would be very interested to offer their services to produce shows on PA television - Mark W

### AB 2987 and concern over new balance of power between State and City

- 1) Producer believes the franchising authority should be with the City and not the State; producer disappointed that the City has been taken out of the negotiation process - JD
- 2) Producer is concerned with the amount of power and money taken from the City after the passage of AB 2987 - DW
- 3) Producer believes there is a great opportunity ahead to demonstrate to the State how the City could offer and air a variety of quality local PEG programs in LA - DW
- 4) Producer would appreciate dialogue with the City regarding future of PA services, and wondered if clean-up legislation on AB 2987 is needed - MW
- 5) AB 2987 does not address consumer protection sufficiently and supplemental state bill should be introduced and supported by the City of Los Angeles to resolve issue - IG
- 6) Producer asks that the City include the Eastside Producers Assoc. in future PEG oversight issues or in City response to AB 2987- JC

### Concern over loss of Public Access resources

- 1) Producer's husband produces an interview show on LA36 and is concerned that husband may not be able to continue producing and airing his show in the future - JD
- 2) Producer stated he is very concerned with the potential loss of PA and concerned he will have no other outlet to produce and air PA shows - SD
- 3) Producer states he wants his organization to remain independent, which now is possible through public access -
- 4) Concern over current resources and production techniques not be lost - DW
- 5) Producer had concern regarding future resources for local PA producers once changes pertaining to AB 2987 take effect; and if PA studios would exist for producing community programs in the future - GH
- 6) Producer believes that too many resources have been taken away from PA television since 1989 - GB
- 7) PA user stated that the PA costs currently are too high (tapes etc.) - GB
- 8) Citizen asked both Boards to clarify if control for PA would be, has been already lost - SJ
- 9) Answering Commissioner Hansell's question, producer stated both U-Tube technologies and traditional methods (of providing PA) should be kept, without giving up any of the PEG cable channels currently being utilized - [these] channels "will never be replaced" in the future - GM
- 10) Producer concerned over the future of PA television; "public does not have access to the airways, except for PA TV" - JW

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- 11) Producer concerned that there may not be sufficient funding to manage the PA facilities in the future - MW
- 12) Producer concerned that the 1% franchise fee collected would be primarily used for the City of Los Angeles and not for PA TV - AJ
- 13) PA user inquired if changes in resources will impact PA producers - AJ
- 14) PA user inquired if cable operators will abandon PA studios if operator(s) are not required to provide P and E Access services in the future - MJ
- 15) Citizen wanted to know if there was support for PA from the City - MJ
- 16) Citizen stated that cable television channels are worth millions of dollars; this is why corporations would like to take channels away from PEG Access and move PEG Access to the internet - JW
- 17) Citizen concerned over the inability for the public to view on (PA) television those who attack the status quo - JW
- 18) Producer asked both Boards to do whatever they can to maintain PA - TH
- 19) Producer stated that school, parent and student produced shows will not have any other outlet or opportunity (other than PEG Access television) to have their content viewed by the community - TH
- 20) Producer is concerned about the commitment of the City regarding future reduction in resources to the East LA studio - JC
- 21) Producer is concerned about the commitment of the City regarding equity of State-of-the-Art production equipment and other resources for East LA users - JC
- 22) Citizen believes that Time Warner Cable will not voluntarily keep PEG Access for the community because it is not required to in the future - CB
- 23) Producer stated that PA television and studios are needed and must be permanent - CA
- 24) Producer is concerned that content presented by the East LA studio will be lost in the future and cannot be found anywhere other than on PA television - AE
- 25) Producer is concerned that a part of LA's history will be permanently lost if the East LA facility is closed - AE
- 26) Producer is concerned the 1% PEG fee will be insufficient for the studios especially because new equipment is necessary - AF
- 27) Producer stated that citizens who are unable to attend council meetings need access television to watch Council events - LM
- 28) Producer stated that PA must be saved and the equipment replaced - JJ
- 29) Producer believes that the voice and identity of East LA will be lost with the removal of PA television - WC
- 30) Producer stated that many schools in east LA utilize the East LA PA studio as a learning resource and if the studio is gone without offering alternate learning resources, the message received by the community will be that the East LA is not important to the City - WC

### Current PEG Access landscape

- 1) Producer is happy to hear that the change is occurring regarding PEG Access - GM
- 2) The City (Los Angeles) has the worst PA program and outdated technology of any major city in the United States - GM

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- 3) Producer required to spend thousands of dollars per year converting ¾" tapes to mini DV format in order to put programming on the internet - GM
- 4) Producer stated that there is a great lack of professionalism from PA staff; additionally, staff attitude toward PA users needs improvement - GM
- 5) Producer believes that if a dedicated organization for PEG access existed in the City, there would be a higher level of professionalism from staff working at PEG Access studios - GM
- 6) Producer stated that it is very expensive for the studios to run PA, and expensive to replace PA equipment needed - GM
- 7) Citizen stated that many people within the community are not aware of PA and the result is that many citizens are not using PA resources - AJ
- 8) Citizen believes most community organizations are not aware they could have their programs on television or the internet via the public access channels - IG
- 9) Producer states east LA Time Warner studio has limited staff, outdated equipment, and hazardous unsafe studio operating conditions - JC
- 10) Producer states that there is no stability regarding cable operator responsibility regarding the provision of PEG Access - RC
- 11) Producer stated the east LA studio is a very serious occupational hazard and would not be functioning whatsoever if it rained -
- 12) Producer stated equipment is inadequate. In East LA there is no floor supervisor and the studio has flooded in the past when it rained. Also there are many glitches occurring during the production of a show - RC
- 13) Citizen states few people know that PA television is available now - BDS

### Future PEG Access recommendations and good PEG Access examples

- 1) Producer cited good examples of other cities PEG access resources: Manhattan Neighborhood Network; Can TV - Chicago/Houston - GM
- 2) Producer hopes that the PA model will be similar to the E and G Access models, one interconnect P channel to cover entire city - GM
- 3) Producer feels a central facility with designated time slots to produce shows is a good idea, vs. the current situation that requires PA producers to "bicycle" tapes to the various PA facilities spread all over the City - GM
- 4) Producer likes idea of NY1 channel, but believes that programming does not need to be local or local focused only. Issues outside of Los Angeles should be made available - GM
- 5) Producer feels offering automated systems is a good idea, but robo-cameras, instead of real people (producers) will cause problems - GM
- 6) Citizen would like to see disadvantaged people be mentored in PA, instead of only utilizing college students - MN
- 7) Citizen stated that it is important to offer various options to bring PA television to those that do not have PA - such as making mobile vans more prevalent -
- 8) Parents want to ensure that there is an educational component to PEG access television - LG
- 9) Citizen stated one channel can be used to consolidate all PA programming and could solve the issue of empty air time - AJ

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- 10) Citizen asked if PA programming was extended to 24 hours a day, and a guide was published (accessible online), slots could be filled efficiently according to the type of programming being aired - MJ
- 11) Citizen believes a location should be secured on the channel line-up for EA television showcasing community produced programming - TH
- 12) In media capital of the world, Los Angeles should have one of the best public access systems in the country - IG
- 13) NHMC supports the idea of establishing community media access centers where the content for public access channels can be produce within the community - IG
- 14) Producer on the design of a public access system: PEG access should consist of a variety of things; including educational and cultural shows - JD
- 15) Producer from East LA is concerned for future new location for the East LA studio - JD
- 16) Producer stated that there is a need for better studio(s), better equipment, more staffing which will require more funding than will be provided by the 1% PEG franchise fee that will be collected by the city - JC
- 17) Producer feels active participation, an equal vote and voice for PEG Access users regarding new PEG directions and policies that will be implemented is required for proper PEG oversight - JC
- 18) Regarding how comfortable a producer was regarding the City managing future Access operations, the producer stated that he has had positive responses from City employees in the past and does not have any problems with the City managing future PEG access services. He also stated he feels it would be a good remedy, since he would have someone to speak directly to - RC
- 19) Producer states that in order to continue producing shows, support is needed by the studio's professional staff and from the many volunteers - CA
- 20) Producer stated that he prefers local access (vs. City-wide) due to the very large and diverse nature of the City. Local Access enables the local community to have a distinct voice and the possibility of connecting to the rest of the City - CA
- 21) Producer stated that better equipment is needed in the future, more importantly, the East LA facility and its integrity must be maintained - AE
- 22) Producer stated that a PA studio should be at least 10,000 square feet in size with adequate equipment - AE
- 23) Citizen stated that PA television is fine the way it is though new equipment and a better studio (in East LA) is needed - BDS
- 24) Producer believes the City should handle PA television in the future - LM

### Other PEG Access or cable related issues

- 1) Citizen disappointed with the cable channel line-up, commercials that interrupt programming, the cost of cable services and the loss of C-SPAN from his existing cable package - JP
- 2) Citizen requested assistance from the Board in making C-SPAN programming more readily available to the public on cable. He also believes everyone should have access to all C-SPAN channels - GW
- 3) Citizen believes that there needs to be an effective way to disburse Government information and activities to the public - GH

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- 4) Producer requested a forum/meeting for PA producers to discuss all the changes occurring with PA television - JJ
- 5) Producer stated that because the City's PA facilities are in the center of the television industry, LA's PA should be one of the best PA examples in the country, which it is not - GM
- 6) Citizen purchased Time Warner cable in order to receive GA channel 35, but had many problems - MN
- 7) Citizen feels she has been held hostage by the cable company, as this company is the only available provider. The only other option she has is to watch City meetings, etc. on a computer - MN
- 8) Citizen inquired if the public would be allowed to provide (PA) input at any future meeting that might take place with cable operator(s) regarding PEG access alternatives - MJ
- 9) Citizen asked the City to continue protecting the rights of consumers and workers to be treated fairly by cable and video providers - IG
- 10) Producer concerned over lack of response and follow-up by Time Warner, specifically VP of External Affairs, Mr. Leavenworth regarding TW's failure to meet with Eastside Producers at the east LA studio; failure to provide new location for the unsafe studio facility; failure to provide equity in state-of-the-art production equipment as found at other PA studios. Producer also asks the Board or City to write a letter to TW Cable regarding the lack of equipment equity at the East LA studio - JC
- 11) Producer asked what would occur if East LA became its own City or municipality what would happen with PEG? - RC
- 12) Producer asked the City to help the community by keeping PA television available - AF
- 13) Time Warner Cable continues to increase the cost of cable without consideration to citizens on a fixed income - JJ
- 14) Citizen stated that the east LA community feels as though it is not fully represented by the City - WC