



*Congress of the United States  
House of Representatives  
Washington, D.C. 20515*

*Anna G. Eshoo  
Eighteenth District  
California*

February 22, 2019

The Honorable Ajit Pai, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Pai,

I'm writing to you regarding the Federal Communications Commission (FCC)'s Second Further Notice of Proposed Rulemaking in the matter of "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992."<sup>1</sup> I'm concerned this proposal could harm my constituents by reducing their access to public, educational, and governmental (PEG) programming, and I request that the FCC not take any actions to reduce access to PEG content.

Congress clearly intended for communities to have access to PEG programming when it passed the Cable Communications Policy Act of 1984 (Cable Act) to "establish franchise procedures and standards . . . which assure that cable systems are responsive to the needs and interests of the local community;"<sup>2</sup> to "assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public;"<sup>3</sup> and by explicitly providing franchising authorities the power to require cable operators to designate channel capacity for PEG<sup>4</sup>.

The FCC's proposal would allow cable companies to deduct the fair market value of in-kind contributions, such as channels set aside for PEG from franchise fee obligations of cable companies. Given that many city, county, and state governments

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<sup>1</sup> MB Docket No. 05-311

<sup>2</sup> Section 601(2) of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984

<sup>3</sup> Section 601(4) of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984

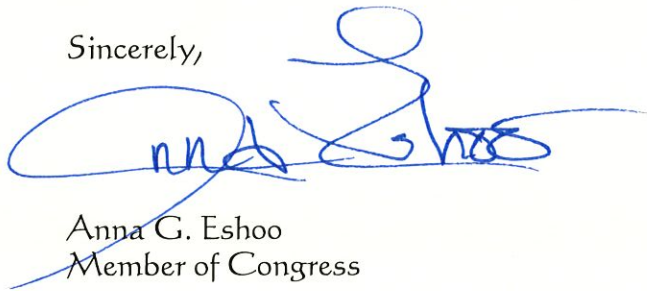
<sup>4</sup> Section 611 of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984

face budget constraints, this policy would force them to pick between continuing to receive franchise fee revenues and preserving access to PEG programming.

Public access programming gives voice to nonprofits, artists, and other community members who may otherwise struggle to be heard. Schools and citizens depend on educational access programming. Governmental access programming informs the electorate about their local government. An informed electorate is a critical ingredient in ensuring that our democracy, especially at the level of local government, remains a healthy one.

In my Congressional District, CreaTV San Jose manages two educational and two public access channels in San Jose and Silicon Valley, through which it "provides educational and production services at little to no cost, helping to foster a more educated and informed citizenry." CreaTV joined many of my constituents—including the City of Palo Alto, the County of Santa Cruz, and the City Attorney of the City of San Jose—in submitting comments opposing the FCC's proposal. I stand with them in opposing this proceeding which will harm my constituents and all Americans.

Sincerely,



Handwritten signature of Anna G. Eshoo in blue ink.

Anna G. Eshoo  
Member of Congress

cc: The Honorable Michael O'Rielly, Commissioner  
The Honorable Brendan Carr, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
The Honorable Geoffrey Starks, Commissioner