January 17, 2020

The Honorable Ed Markey
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Anna Eshoo
202 Cannon House Office Building
Washington, DC 20515

Dear Senator Markey and Representative Eshoo:

On behalf of the more than 19,000 cities, towns and villages represented by the National League of Cities (NLC), thank you for your leadership in introducing the Protecting Community Television Act. We are pleased to support this legislation, which would protect local governments and their community media resources by clarifying the federal definition of cable franchise fees.

Since 1984, when Congress first enacted cable franchise legislation, cable franchises have included requirements designed to ensure that cable systems serve the needs and interests of the communities in which they operate. They have also required cable operators to pay rent for use of public property in the form of a franchise fee of up to five percent of those operators’ gross revenues from providing cable services in the community. Congress has made it clear that franchise requirements “for the provision of services, facilities or equipment,” which are negotiated to ensure cable operators meet community needs, should not be considered franchise fees.

In 2019, the Federal Communications Commission (FCC) upended this precedent by ruling that municipal governments must either eliminate those franchise requirements or allow cable companies to deduct the “fair market value” of those requirements from their franchise fees. Suddenly, requirements as diverse as senior citizen discounts on service, low income or veterans’ programs, or connections to schools and libraries became liabilities rather than benefits for communities.

NLC has joined with numerous communities and other nonprofits around the nation in litigation to put a stop to this overreach, but we need Congress’s support. The Protecting Community Television Act would protect these community benefits and put a stop to the FCC’s attempt to rewrite statute by defining franchise fees specifically as monetary payments. Again, we thank you for your partnership with local governments, and we hope that your colleagues in the House and Senate will join you in cosponsorship of this bill and support its swift passage.

Sincerely,

Clarence E. Anthony
CEO and Executive Director