

How Cities Can Fight Back

The FCC and Cable Franchising: What Cities Need to Know– August 27, 2019



NLC NATIONAL
LEAGUE
OF CITIES
CITIES STRONG TOGETHER

National League of Cities

- Represents the more than 19,000 cities, towns and villages in the US
- 49 state municipal leagues
- Advocacy, research, technical assistance
- Policy positions & priorities set by member cities
- Major 2019 priority advocacy issues: infrastructure, housing, opioid epidemic, telecommunications preemption

Cable Preemption: Fighting Back

- 2 major procedural avenues: judicial and legislative
- Complementary approaches – why do they both matter?
- When and why do communities need to engage?

Remember: the order goes into effect September 26 and stays in effect until it is stayed or overturned.

Fighting Back in the Courts

- Order of operations:
 - Stay of order – doesn't overturn, only pauses implementation
 - Cities/PEG operators/others file in federal circuit court
 - If cases are filed in multiple circuits, a lottery is held to determine which court handles the case
 - Schedule is set by the court – could take a number of months, and the FCC can try to delay the process
 - Appeal is likely
- Avoiding the tragedy of the commons

Fighting Back in Congress: PEG Allies

US House of Representatives

1. Rep. Jim Costa (CA)
2. Rep. TJ Cox (CA)
3. Rep. Anna Eshoo (CA)
4. Rep. Jared Huffman (CA)
5. Rep. Jackie Speier (CA)
6. Rep. John Larson (CT)
7. Rep. Jahana Hayes (CT)
8. Rep. Tulsi Gabbard (HI)
9. Rep. Katherine Clark (MA)
10. Rep. William Keating (MA)
11. Rep. Joseph Kennedy III (MA)
12. Rep. Stephen Lynch (MA)
13. Rep. James McGovern (MA)
14. Rep. Ayanna Pressley (MA)
15. Rep. Seth Moulton (MA)
16. Rep. Richard Neal (MA)
17. Rep. Lori Trahan (MA)
18. Rep. Chellie Pingree (ME)
19. Rep. Angie Craig (MN)
20. Rep. Betty McCollum (MN)
21. Rep. Ann Kuster (NH)
22. Rep. Chris Pappas (NH)
23. Rep. Yvette Clarke (NY)
24. Rep. Elliot Engel (NY)
25. Rep. Adriano Espaillat (NY)
26. Rep. Brian Higgins (NY)
27. Rep. Hakeem Jeffries (NY)
28. Rep. Nita Lowey (NY)
29. Rep. Gregory Meeks (NY)
30. Rep. Grace Meng (NY)
31. Rep. Jerrold Nadler (NY)
32. Rep. Max Rose (NY)
33. Rep. Jose Serrano (NY)

34. Rep. Thomas Suozzi (NY)
35. Rep. Nydia Velazquez (NY)
36. Rep. Dwight Evans (PA)
37. Rep. Mary Gay Scanlon (PA)
38. Rep. Peter Welch (VT)
39. Rep. Denny Heck (WA)
40. Rep. Gwen Moore (WI)
41. Rep. Mark Pocan (WI)
8. Sen. Chris Van Hollen (MD)
9. Sen. Angus King (ME)
10. Sen. Gary Peters (MI)
11. Sen. Amy Klobuchar (MN)
12. Sen. Tina Smith (MN)
13. Sen. Maggie Hassan (NH)
14. Sen. Jeanne Shaheen (NH)
15. Sen. Kirsten Gillibrand (NY)

US Senate

1. Sen. Richard Blumenthal (CT)
2. Sen. Chris Murphy (CT)
3. Sen. Mazie Hirono (HI)
4. Sen. Brian Schatz (HI)
5. Sen. Edward Markey (MA)
6. Sen. Elizabeth Warren (MA)
7. Sen. Ben Cardin (MD)
16. Sen. Chuck Schumer (NY)
17. Sen. Jeff Merkley (OR)
18. Sen. Ron Wyden (OR)
19. Sen. Patrick Leahy (VT)
20. Sen. Bernie Sanders (VT)
21. Sen. Tammy Baldwin (WI)

Congressional Targets

- Senate Commerce Committee
- House Energy & Commerce Committee
- Senate Broadband Caucus & House Rural Broadband Caucus/congressional Internet Caucus

Know Your Delegation; Educate Your Delegation

- How do franchises work in your state?
- What is your franchise revenue? What is your anticipated loss?
- What cuts will you need to make to PEG or other programs to accommodate those losses?
- What impact does PEG have in your community?
- Cable companies are supposed to pass franchise savings on to consumers. Do they?



Next Steps for Communities

1. Mark the effective date – September 26
2. Assess & document your current franchise revenues and possible losses/community impacts
3. Educate your residents – they can be advocates
4. Talk to your city attorney, get up to speed on state law, and decide ASAP if you can file or participate in a legal coalition
5. Keep in touch with NLC, your state municipal league, and organizations like NATOA and ACM

QUESTIONS? GET IN TOUCH.

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