



## **Alliance for Community Media**

4248 Park Glen Road  
Minneapolis, MN 55416  
Ph: 952.928.4643  
Fax: 952.929.1318

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### **Alliance for Community Media (ACM) Position on the Community Access Preservation (CAP) Act: A Way Forward**

Since 2005 Public, Education and Government (PEG) Media Centers in more than 20 states have been defunded or shut down due to state cable franchising legislation. A number of Media Centers with decades of service can no longer serve their communities.

Over the last four years the ACM has worked diligently along with industry partners to address these devastating events primarily through the introduction of the CAP Act.

Unfortunately, political support on Capitol Hill for the CAP Act has dwindled. Key allies and supportive House members and staff tell us the CAP Act cannot pass as written. As a result, the ACM must change its strategy to best serve its members.

#### **The ACM Championed the CAP Act:**

**In 2009** former Representative Tammy Baldwin (D-WI) worked with a coalition including the ACM, other public interest groups and local governments to develop and sponsor the CAP Act.

#### ***The three main provisions of the CAP Act would have:***

1. Eliminated unnecessary limits on the use of PEG funds;
2. Preserved and restored PEG support and localism by pre-empting state franchising laws that lowered or eliminated funding and channels. This provision would have benefited Ohio, Michigan, Illinois, Georgia, California, Texas, Arizona, North Carolina, Florida and 13 other states.
3. Defined all companies that provide video services via wired facilities in public rights-of-ways as cable companies subject to regulation.

#### **Congressional support for the CAP Act has vanished:**

**2009** - With a Democratic House and Senate, support peaked with 30 co-sponsors, all Democrats, most of which were secured by ACM members. The ACM was told that we needed 120-150 bi-partisan co-sponsors.

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**2011** - Representatives Baldwin (D-WI) and LaTourette (R-OH) re-introduced the CAP Act. Even with a Republican co-lead sponsor, no other Republicans signed on and total co-sponsorship dropped to under 20.

**2013** - Ten months into this legislative session, the bill has not been re-introduced.

### **Local Government Support Eliminated:**

Some local governments have recognized that major provisions of the Act would preempt state law and are unwilling to support it for that reason.

In order to support our members and transition to a strategy with a real chance of success, the ACM will move ahead with new initiatives at both the state and federal level. Passing legislation through Congress against well-funded industry opposition requires a broad and unified coalition combined with grassroots support.

### **Moving Forward**

The ACM recognizes the damage that has been done and is committed to pursuing policies that supports our members at the state and federal level. Work has commenced on a three-pronged strategy:

1. At the federal level, modify the language that limits the use of PEG funds for capital purposes without jeopardizing franchise fees
2. Begin a "Reclaim the States" initiative to work on revising state franchising laws on a state-by-state basis. Successful implementation would restore pre-2005 conditions
3. Seek opportunities to impact any future re-write of the federal telecommunications law in order to fix the larger, long-term problem of preserving bandwidth and funding for community media

The ACM will continue to stand with our members to protect and ensure the sustainability of local community media.

Keri Stokstad  
Chair, Alliance for Community Media

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