

Special Topic Meeting Notes – Public Access Television

Friday, May 10th, 2013 10:00 am – 11:30 am

The Community Foundation of Mendocino County

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then the regular number, then #, and then access code and # again)

1. Call to Order: 10:00 am

- a. Attendees: Brian Churm, Carole Brodsky, Dan Hamburg, Greg Jirak, Jim Moorehead, John Goldsmith, Mike Nicholls, Susanne Norgard, Trish Steel
- b. Call-in: None
- c. Guests: Dan Gjerde (4th District Supervisor), Sean McLaughlin (ED Access Humboldt), Elizabeth Swensen (ED Mendocino Coast Television), Erica Cooperrider (ED Mendocino Access Television), Cathy Emerson (Center for Economic Development), Jeff Smith (Willits PEG Board of Directors), Al Rosen (Willits PEG Board of Directors)
- d. Changes to agenda: none

2. Introductions

- a. Alliance Chair Jim Moorehead opened this special topic “Community Media” planning meeting with having all participants introduce themselves and their organization.
- b. Jim then introduced the term “Digital Divide”, a phrase that the Alliance has recently embraced to encompass the range of issues related to the problem of broadband access, and the dis-enfranchisement people feel when faced with lack of connectivity. The problem is multi-faceted and complex, but defining these issues clearly is important for effective outreach.
- c. We have posted a description of twelve issues that all play a role in creating the Digital Divide, and all must somehow be addressed when finding and creating solutions.
- d. We also have a big problem in that *people don't understand that we have a looming problem!*
- e. Democracy depends on equal access to information, and the ability of all citizens to participate in the democratic process. Community Access Television is an important part of the solution to democratic participation and connection of citizens to their community, but it is also closely linked to the issue of the Digital Divide. If you don't have broadband, then you can't receive the broadcast or stream of local government meetings such as Board of Supervisors.
- f. Elizabeth Swenson of Mendocino Coast Television gave an update about very recent and dis-heartening events that will have a huge impact on their operations. They just received a legal ruling that forces them to move out of the building they have been in for the past seven years, and had invested substantial money to create their professional television studio. Unbeknownst to them, they were apparently given the

building illegally, and Elizabeth feels that there were factual errors in the case. The lawsuit has been a severe emotional and financial strain, and even if there is an appeal they will still have to move out of the building.

- g. Mendocino Coast Television has been around since the 1970's, and Elizabeth now must assess whether there is enough community support to get through this crisis. If there is community support, maybe the city/county can help out on a temporary basis as a way to keep these television channels open. If there is not enough support, and the station closes, and most likely there will never be Community Access TV on the coast again.
- h. It's difficult to know the demographics and extent of their viewership as you can't judge it the same way as network TV, but in general they seem to have about 1000 unique viewers/month, which seems significant for a small community. It is more than 10% of the local audience.
- i. Some background: Community Access Television was authorized back in 1972 by the FCC when cable companies were seeking to use local public rights of way to develop cable TV systems. Public-access television (along with Education and Government access - PEG access) is a form of non-commercial mass media where ordinary people can create television programming content which is cablecast through a cable TV system. The channels are reserved for free or at minimal cost. The local origination television content revolves primarily around community interest, developed by individuals, non-profit organizations, educational institutions and government agencies.
- j. In Mendocino County, we have three PEG access operations: Ukiah, Willits, and Fort Bragg. Each operates as a non-profit community-based 501c3 organization and has a Board of Directors. There is no interconnection between these stations.
- k. Each station receives revenue from Comcast city franchise agreements and a county agreement for their traditional cable broadcasts. In all agreements, the video revenue is declining due to the fact that Comcast is not upgrading to HD cable, but is instead transitioning over to mobile or IP broadcasts, from which the Community Access Stations receive no revenue.
- l. The franchise agreements for Mendocino County Public Access Television began in 2005 and ends in 2020; Elizabeth feels that our franchise agreements were badly negotiated from the very beginning, and there is not an enforceable requirement for inter-connecting the three stations.

3. State of Community Media – Sean McLaughlin

- a. Sean McLaughlin attended as a guest for the meeting, and he was able to give Mendocino County some needed inspiration and perspective about creative solutions that he sees happening in various places. Sean's participation in community media and broadband access extends to the national level where he serves as an Adjunct Fellow at New America Foundation's Open Technology Institute (<http://oti.newamerica.net/>) and with the Schools Health & Libraries Broadband Coalition (<http://www.shlb.org/>). He's also been a ZFellow with ZeroDivide (<http://www.zerodivide.org/>). On the state level he serves as an appointed member for the California Public Utilities Commission's California Teleconnect Fund Administrative Committee representing community based organizations, and on the Local Government Work Group of the California Broadband

Council (<http://broadbandcouncil.ca.gov/home.aspx>) and on the steering committee of the California Broadband Policy Network (<http://www.californiabroadband.org/>). Locally, Sean is Executive Director of Access Humboldt, and their mission is "Local voices through community media." All kinds of interesting and inspiring information can be found on their website (check it out!) at: <http://accesshumboldt.net/site/>. He said that he was honored to offer whatever support he can to this discussion.

- b. Sean gave an update of their organization and how things unfolded in Humboldt. Access Humboldt was created in 2006 by the County and Cities by combining the assets of their franchise agreements. They developed a Community Media Center at Eureka High School and expanded their role to encompass broadband media access.
- c. Prior to 2006, there was already a lot of work being done for redundant fiber access, and community leaders organized and developed their understanding of the legal and regulatory structure to support community media - which positioned Access Humboldt for a lead role in broadband deployment and adoption efforts, in parallel with more traditional community media work.
- d. An important resource they have: Humboldt has dedicated fiber connections from their County Courthouse, City Halls and other community anchor institutions to their Community Media Center. Twenty sites are connected across the Suddenlink cable service area (except Trinidad): libraries, schools, city halls, and community halls ...all that dedicated fiber connectivity was negotiated in their franchise agreements.

4. **Digital Infrastructure and Video Competition Act of 2006 – DIVCA**

- a. Franchise agreements and community access television were directly affected by Assembly Bill 2987, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) that passed the California State Legislature in 2006 and went into effect January 2009. The following information is from the CPUC website:
<http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/videofranchising.htm>
<http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/videofranchising.htm>
- b. Prior to DIVCA, cable television franchises were issued by cities and counties. DIVCA replaces that system with one in which video franchises are now issued, in a ministerial fashion, by the CPUC, rather than these local entities. DIVCA's goals, which the CPUC and its Communications Division staff implement, deal not only with video franchises, but with increasing the deployment of broadband infrastructure within California, particularly to unserved and underserved areas. These goals are the following:
 - i. Create a fair and level playing field for all market competitors that does not disadvantage or advantage one service provider or technology over another
 - ii. Promote the widespread access to the most technologically advanced cable and video services to all California communities in a nondiscriminatory manner regardless of socioeconomic status
 - iii. Protect local government revenues and their control of public rights-of-way
 - iv. Require market participants to comply with all applicable consumer protection laws

- v. Complement efforts to increase investment in broadband infrastructure and close the digital divide
- c. Sean explained DIVCA as setting a floor/ceiling for franchise fees; you should look at your fees for 2006, and use that as a benchmark. If what you have in 2006 is up to 3% of cable tv service revenue, then you can keep collecting that amount under a state franchise from CPUC. If your jurisdiction collected less than 1% in 2006, it may be possible under DIVCA to get 1% of cable tv service revenue as a PEG fee. When local franchise agreements end, the franchise then “devolves” to a state franchise agreement, ministerially approved although without negotiation to meet local needs and interests and without an enforcement role for the PUC.
 - d. Sean continued speaking about the new model that they are creating in Humboldt County, where broadband is equally as important as cable tv. If you are looking at the interests of the whole county, then the cable piece is just one thread in the whole tapestry. What is important is, “How are people getting local information and having a voice?”
 - e. Back in 2009, Access Humboldt adopted framing of the Knight Commission on the Information Needs of Communities in a Democracy (<http://www.knightcomm.org/>) and in 2012, they received money from the Knight Foundation to implement their “Community Information Toolkit,” a useful way to open the wider discussion (<http://www.infotoolkit.org/>).
 - f. The Knight commission framed these concepts to policy-makers in a few simple ways that Access Humboldt has found helpful to educate policymakers (see conclusions and recommendations here - <http://www.knightcomm.org/executive-summary/>):
 - i. Infrastructure that is built on community rights-of-way (property acquired and maintained at local taxpayer/ratepayer expense) needs to have dedicated capacity for non-commercial, public, education and government purposes.
 - ii. Each community needs to address their whole “information ecosystem,” looking at appropriate roles for local, state, tribal and federal governments. To meet local needs we must invest in community information systems at a high level. As we approach broadband access to meet the community needs, we need to create a map of how a community is informed looking at all the assets available. [Community media access is the same as broadband access!]
 - iii. Local jurisdictions and community anchor institutions (schools, libraries, public health care facilities, local media, public works, etc.) act as broadband customers - need to look at how to structure their service to meet needs by pulling together the community anchors for aggregated public/education/government demand.
 - g. In addition to being major customers who are buying broadband service, substantial public funds are dedicated through federal and state Universal Service Programs: these are ratepayer subsidies that flow from all users to high cost areas/low income/schools & libraries/rural health/unserved & underserved communities. Some of the programs are:
 - i. Connect America (federal) and High Cost Fund A+B (state)

- ii. Lifeline (federal and state)
 - iii. E-rate (federal) and California Teleconnect Fund (state)
 - iv. First-Net (federal and state block grants)
 - v. California Advanced Services Fund (state)
 - vi. NTIA & USDA-RUS deployment & adoption funds - Community Connect, BTOP, etc. (federal)
- h. Keep in mind that there is a generational divide in how people obtain their information: those under forty use new media, while those over 40 use legacy “old” media. Community Media Centers have to support both. Here in Mendocino County, this is difficult as there is so little broadband available on the coast.
 - i. The model for federal funding of “broadband stimulus” supports deployment, adoption, and public computing centers. Each community must create a mechanism to solve their own problems, and then connect them all together. The struggle is not easy.
 - j. Humboldt County also faces declining cable subscribership like Mendocino, but the difference is that the overall tv service revenue is actually increasing due to investments to improve the cable system. (Again, here in Mendocino, Comcast is not improving their cable service nor upgrading to HD on the coast).
 - k. The last point that Sean made was that a healthy “information ecosystem” requires both a wireless “canopy” and a wireline “root” system to be healthy. Cell towers need fiber connecting them and people want mobile, untethered connections provided by wireless technologies. It is a trap in that sometimes communities want their resources to go to a particular thing and can get oppositional, especially given that there are so many networks that are running such as public safety, education, media, health, etc.
 - l. Sean was asked if Humboldt was unique in getting fiber to their community media centers. He explained that there were actually a lot of examples in CA of communities that have benefited from cable franchise requirements, and that it has mostly to do with the local franchise requirements in the county - though that opportunity has been curtailed under DIVCA. That said, Humboldt is launching a new broadband media enterprise with the realization of this new model, so they end up being very much in demand to share nationally, and their Digital Redwoods model is creating a lot of excitement.

5. Next Steps

- a. Alliance Chair Jim Moorehead emphasized that the Alliance is almost entirely volunteer, and that we don’t have the capacity to take the lead on the community access television problem. We are willing to help, participate and support, but it will really be up to the community media groups present in this room (and anyone else who would like to get involved).
- b. Erica (Ukiah Public Access Television) is meeting with Elizabeth (Mendocino Coast Television) to brainstorm. She is interested in the idea of a public computing center, and wants to see content moved on-line and to start offering trainings that use the assets they already have. The stations are looking at how they can work together to help each other, especially areas like Ukiah with broadband access as opposed to areas like the coast with very limited broadband access. The coast station needs to become

an anchor institution. She is also interested in the Knight Foundation/Community Foundation connection that happened up in Humboldt, and to investigate that possibility for Mendocino County.

- c. Sean stressed the larger ecosystem view of mutual interest, in which you look at every other resource and ask questions such as, “How can we help them? If we go out of business, is there another place that could adopt our role? Can we co-locate?”
- d. Carole and Erica have an idea of a “media fair” for a fundraiser/informational event, and to get all the media entities together to collaborate and problem solve.
- e. Mike added that in Sonoma County they are doing regional health fairs, and that Sonoma Connect is going to be present at these fairs because they want to measure health care in conjunction with broadband access, to see if there is a connection between a person’s wellness and broadband connectivity.
- f. Dan also commented that Mendocino County is getting ready to add an additional 5,000 people into the medical system with the implementation of Obamacare. All these events are possibilities for education/information about these inter-related issues.
- g. Al Rosen (Willits Public Access Television) suggested continued joint meetings, and to use the technical expertise of the Alliance (aka Brian) to stay “on track.” The Alliance would be happy to provide help and support to our public access stations, and any organization can give an update/presentation at an Alliance meeting by simply emailing Jim and asking to be added to our agenda. Our meetings are always open to the public. Sean is also willing to hear requests and questions.
- h. Brian commented on how the new media is a “pull” model versus the old “push.” People have circles of interest which they monitor, and the media’s job is to have content out there and available for people to pull if they are interested.

6. Meeting Adjourned at 12:00

Next meeting: May 17th at Fort Bragg Town Hall 10:00 am