



LD 1371 is based on successful initiatives in Hawaii, Illinois and California and has received extensive review by notable cable law attorneys both here in Maine and in Washington, DC, so we are confident that An Act to Ensure Non-Discriminatory Treatment of Public, Educational and Governmental Access Channels by the Cable Operator will pass any legal challenge from the cable industry.

As Federal regulatory oversight increasingly diminishes due to intense lobbying by the industry, this bill protects municipal interests and provides for increased consumer protections and quicker responses from the cable operator to ensure timely franchise renewals.

“We have to ask ourselves, would we rather have more shopping channels or continued easy access to local community events and information from our municipal and school board leaders? The answer is obvious.”

*Tony Vigue,
Former CTAM President*

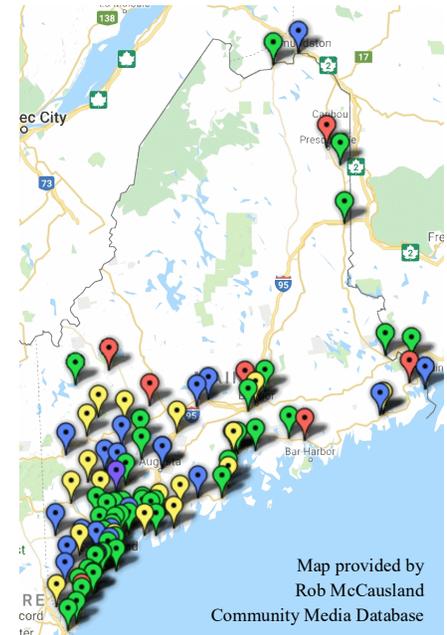
As Maine legislative Representatives Lydia Blume and Patricia Hymanson of York said earlier this year in a letter to Charter/Spectrum regarding the dropping of a long-carried Boston Channel: “There’s a fine line between making sound business decisions and taking advantage of a monopoly situation to maximize profits at the expense of customers, [and this situation] is close to that line,” they wrote. If Charter does decide to follow through with its decision it “seems only fair” that it reduces the fee charged to customers.”

LD 1371

An Act to Ensure
Non-Discriminatory Treatment of Public,
Educational and Governmental Access
Channels by the Cable Operator



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The major points of this legislation will address a number of State Statute non-compliance issues and ongoing industry practices that harm consumers and are discriminatory against PEG (Public, Educational, Government) channels that serve hundreds of Maine communities.

LD 1371 amends §3008 to require all new and renewal cable franchises to provide line extensions with a minimum homes per mile requirement not to exceed 15 HPM. This will have the effect of extending cable and broadband service to far more rural areas than can be accomplished in any other manner.

It prevents “automatic franchise renewals” beyond the initial term of the franchise renewal period. Existing franchises with automatic renewals will be grandfathered but will now require a 36-month advance notification of expiration from the cable operator to the municipality.

It updates the Maine Model Franchise paragraph and prevents the cable operator from amending this model without the consent of the municipality as arrived at during negotiations.

Cable Operators will be required to provide a toll-free number for PEG Station Managers to call with service related questions.



Charter moved Lincoln County TV and dozens of other PEG channels in Maine from where they had always been located to the 1300 channel block. This move has resulted in residents no longer able to find their local channels and in addition, now must purchase a box in order to access government meetings, informational updates and notices along with their local community television programs.

“Channel slamming” is a software issue, Charter can "map" the channels to appear wherever they want them to appear. No cost involved. This is not to be confused with their "digital encryption" (scrambled signals) project which prevents theft of service. Charter has linked the two together in their press releases to make it sound necessary, when in fact it isn't at all. They want the lucrative single digit PEG channel numbers to be available for lease to the highest bidder. There is no discussion about moving the local commercial channels, thereby making this a discrimination issue against PEG channels.

This bill requires all cable operators in Maine (*retroactively and going forward*) to carry Public, Educational and Governmental (PEG) channels on the basic cable or video service offerings or tiers and such channels shall not be separated or moved numerically from other local channels carried on the basic cable.



LD 1371 requires all cable operators in Maine to work with the PEG Originator to ensure that the signal sent from the point of origination to the cable operator and delivered to the cable subscriber is of the same quality and format as originally created, without exception.



It also requires all cable operators to provide PEG operators access to the entity that controls the electronic programming guides in the same manner as the local broadcast channels if requested by the PEG Originator. Also, PEG channel designations will be displayed in a similar manner as other channels on the program guide.

Lastly, all cable operators must comply with Franchise Renewal procedures in a timely manner without “automatic extensions”. Further, the cable operator cannot refuse to provide the municipality with requested information to complete the renewal process.