

RESOLUTION

WHEREAS, the Federal Cable Act of 1984 mandates that cable video operators provide channels on their network for local Public, Educational, and Governmental (PEG) programming; and

WHEREAS, the City of Austin is responsible for administering the PEG channels to Austin cable television subscribers; and

WHEREAS, the PEG channels are used to deliver emergency alerts and critical public health and safety information; to cover local issues that may go unnoticed by major media; and to cover public meetings – enabling citizens to participate electronically in public life; and

WHEREAS, the educational PEG channels provide programming aimed at students at home and in the schools and provide additional and easily accessible educational resources to the public; and

WHEREAS, the governmental PEG channels provide important coverage of City of Austin, Travis County, and State of Texas government activity to local residents; and

WHEREAS, the PEG channels can be compared to “electronic public parks” where Austin residents meet and interact, and represent a community resource as valuable as our physical public parks; and

WHEREAS, public access channels are a valuable and highly utilized resource for local groups and individuals to connect with the community;

WHEREAS, the City of Austin Cable Franchise with Time Warner requires that basic cable service, including the PEG Channels, be provided by Time Warner at no cost to municipal, county and public school buildings, including City Hall, County Commissioner’s Court, AISD schools and Austin Community College facilities; and

WHEREAS, the City understands and appreciates the need for Time Warner Cable to increase the bandwidth to deliver its video, Internet, and telecommunications services; and

WHEREAS, Time Warner Cable has announced that on October 1, 2010, the seven Austin PEG channels will no longer be provided to its subscribers in the current analog format which will require subscribers to obtain digital converters to continue viewing the PEG channels on analog televisions; and

WHEREAS, Time Warner Cable will continue providing full-power local broadcast and all other channels in its Basic and Standard Tiers in the current analog format when the PEG channels are converted to digital; and

WHEREAS, the proposed change by Time Warner Cable will reduce the availability of PEG channels to its subscribers, will increase costs for some subscribers to view the PEG channels, and will create interoperability problems for customers with legacy equipment such as VCRs;

NOW, THEREFORE,

BE IT RESOLVED BY THE AUSTIN COMMUNITY TECHNOLOGY & TELECOMMUNICATIONS COMMISSION:

1. It recommends that the City of Austin urge Time Warner Cable to:
 - a. Treat Austin PEG Channels Equitably: any change in the way any Basic Tier channel is provided to subscribers should be applied to all Basic Tier channels in the same way and at the same time, so that subscribers will have continued equitable access to all Basic Tier channels.
 - b. Comply with all Applicable City, State, and Federal Franchise and Regulatory Provisions on Cable Service in Austin: Any changes in cable service that result in either a reduction of channel availability or an increase in cost of the Basic Tier must be clearly communicated to subscribers at least thirty days prior to the changes.
 - c. Continued PEG Channel Availability to all Facilities now Receiving City Franchise required Time Warner Cable Service without additional cost: If the PEG channels are converted from analog to digital, there are hundreds of analog televisions in City, County, and AISD facilities who will lose PEG channel availability unless digital converters are installed either on each set or on the incoming cable feed for each public facility. Time Warner Cable must provide this equipment at no cost to the facilities prior to any digital conversion.

2. It recommends that the City of Austin present this Resolution to the appropriate employees of Time Warner Cable, and to take such other action as is reasonable, necessary and proper to protect the interests and concerns of the City in this matter.

ADOPTED: August 11, 2010

ATTEST:


Jane Reina

Telecommunications & Regulatory Affairs
City of Austin