

Joint Standing Committee on Energy, Utilities and Technology

Testimony of Charter Communications

LD1371, An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators

4/10/19

Chairman Lawrence, Chairman Berry, and members of the Energy, Utilities and Technology Committee, my name is Melinda Kinney with Charter Communications and we oppose LD1371.

Charter Communications serves 414,000 customers in 291 Maine communities, we have negotiated franchise agreements in each of these municipalities. In fact, we pay over \$8.6M a year in franchise fees and capital costs to our Maine communities, all of which can be used for the operation of PEG Access channels in Maine if the communities so choose. These local channels are unique to the cable industry and are only offered on cable, other multichannel video providers (DISH, Direct TV) and over-the-top providers (DirecTV Now, Hulu, YouTube Live) choose not to offer these channels and are not required to do so. Approximately 15% of the communities Charter serves have decided to take on the additional expense to offer Public Access programs to their residents but the remaining 85% elect not to require the additional costs. Most recently there has been a trend for communities to fund streaming of their meetings online through use of general funds.

Under Federal law, there are two options for the renewal of cable franchises, formal and informal. The formal process is a drawn out, costly process for both a community and the cable operator. As such the formal process is rarely invoked and franchises are negotiated through the informal process.

The informal process involves a back and forth negotiation of the terms and conditions of the franchise taking into account associated costs, which include the burden on both the cable operator and community residents who subscribe to cable service. Over the past two years Charter has negotiated over 80 franchises in Maine through the informal process, working one on one with each community.

What this legislation proposes to do is usurp informal negotiations by unilaterally attempting to impose conditions in violation of federal law.

Among the provisions that violate Federal law are:

- (1) The unilateral imposition of terms, e.g., a homes per mile build out requirement; personnel and staffing, and reporting requirements;
- (2) The requirement that PEG channels are carried in the same manner and numerical sequence as local broadcast channels;
- (3) The unilateral attempt to usurp the renewal process by prohibiting a cable operator from modifying or amending the model franchise agreement without the consent of the municipality.
- (4) Conflating the definition of a local unit of government with an entity "designated" to run PEG access thereby attempting to circumvent the role of local government in making decisions related to the franchise and PEG operations.
- (5) Requiring the carriage of PEG channels in HD, municipalities cannot dictate transmission technology. (*Section 624(e) of the Cable Act, 47 U.S.C. § 544(e), which provides that "[n]o State or franchising authority may prohibit, condition, or restrict a cable system's use of any type of subscriber equipment or any transmission technology."*)

The spirit of LD1371 seeks to protect the PEG stations. We agree that PEG stations serve a specific and relevant roles within the communities that decide to host a station. But this bill, LD1371 disrupts a negotiation process with unrealistic requirements that will not serve the municipality or the provider. LD 1371 violates federal law and Charter will vigorously oppose the imposition of any of the above requirements

TV PACKAGES	
SPECTRUM BASIC	
(Includes Digital Music channels and the following services)	
2 CKSH - IND	488 Shop Zeal 5
3 WPXT - MeTV	489 Shop Zeal 2
4 WPFO - FOX	490 Gem Shopping Net
5 WABL - CBS	492 Liquidation Channel
6 WCSH - NBC	627 IFC
8 WMTW - ABC	
10 WCBB - PBS	
12 WPXT - The CW	
13 WGME - CBS	
16 CHLT - IND	
19 C-SPAN	
20 C-SPAN2	
21 WIPL - ION	
22 C-SPAN3	
87 WMTW - Heroes & Icons	
159 QVC	
176 HSN	
188 Jewelry TV	
194 EVINE	
1241 WMTW - New 8	
1245 WCSH - TJN	
1246 WCSH - Antenna TV	
1250 WPFO - Charge!	
1251 WPFO - Comet	
1255 WGME - TBD TV	
1256 WGME - Stadium	
1261 WPXT - Escape	
1265 WMTW - Laff	
1276 WCBB - World	
1277 WCBB - PBS Kids	
1278 WCBB - Create	
1301 Local Access	
1302 Educational Access	
1303 Government Access	
SPECTRUM SELECT	
(Includes Spectrum TV Basic and the following services)	
17 WGN America	303 ESPN Classic
18 Pop	307 MLB Strike Zone
24 Comcast SportsNet	311 NFL RedZone
25 ESPN	312 NHL Network
26 ESPN2	371 ESPN GoalLn/BasesLd
27 NESN	372 FCS Atlantic
28 MTV	373 FCS Central
29 VH1	374 FCS Pacific
30 Lifetime	375 PAC-12 Network
31 Paramount Network	376 PAC-12 Los Angeles
32 CMT	377 PAC-12 Arizona
33 The Weather Channel	378 PAC-12 Washington
34 NECN	379 PAC-12 Oregon
35 FOX News Channel	380 PAC-12 Mountain
36 CNN	381 PAC-12 Bay Area
37 HLN	382 BTN
38 Cartoon Network	392-399 ESPN Collage Extra
39 CNBC	408 Outdoor Channel
40 msnbc	413 TVG
41 truTV	417 BeIn SPORTS
44 TNT	419 FOX Soccer Plus
45 Comedy Central	443 BeIn SPORTS Español
46 FX	468 The Cowboy Channel
47 USA Network	620 MoviePlex
48 TBS	621 IndiePlex
49 Oxygen	622 RetroPlex
50 A&E	623 FLIX - E
51 AMC	640 HDNet Movies
52 NBC Sports Network	
53 Bravo	
54 E!	
55 HGTV	
56 Food Network	
57 Travel Channel	
58 EWTN	
59 Hallmark Channel	
60 National Geographic	
61 HISTORY	
62 TLC	
63 Discovery Channel	
64 TV Land	
65 BET	
66 Freeform	
67 Nickelodeon	
68 Disney Channel	
69 Animal Planet	
70 SYFY	
71 TVSMONDE	
72 BBC America	
73 Bloomberg Television	
74 FOX Business Network	
75 FOX Sports 1	
76 FX Movie Channel	
77 Galavisión	
78 Hillsong Channel	
79 SonLife	
80 SEC Network	
82 Hallmark Mov. & Myst.	
83 Investigation Discovery	
84 TBN	
85 MotorTrend	
86 WE tv	
96 SundanceTV	
109 FX	
326 NESN Plus	
385 SEC Extra	
476 Shop Zeal 6	
477 Shop Zeal 7	
478 Shop Zeal 8	
481 QVC2	
482 Shop Zeal 1	
484 HSN2	
485 Shop Zeal 3	
486 Shop Zeal 4	
298 Reelz	
131 Smithsonian Channel	
133 Viceland	
134 fyi	
144 Fusion	
145 El Rey Network	
163 Cooking Channel	
169 Fuse	
173 OWN	
177 GSN	
180 Discovery Life Channel	
185 ASPIRE TV	
187 Ovation	
209 BBC World News	
210 i24	
222 Newsmax TV	
224 Newsy	
255 Universal Kids	
256 Baby First TV	
265 Disney XD	
291 REVOLT	
292 FM	
297 RFD-TV	
299 AXS TV	
302 ESPNEWS	
306 MLB Network	
308 NBA TV	
315 CBS Sports Network	
316 Olympic Channel	
370 ESPNU	
401 FOX Sports 2	
405 Golf Channel	
406 Tennis Channel	
442 FOX Deportes	
465 BYUtv	
474 The Impact Network	
627 IFC	
898 NBC Universo	
SPECTRUM TV SILVER	
(Includes Spectrum TV Select and the following channels)	
Digi Tier 1	
23 GAC	427 TCM
88 Disney Junior	89 Nick Jr.
92 LMN	93 NFL Network
96 SundanceTV	97 DIY Network
98 Nat Geo Wild	124 UP
128 Reelz	131 Smithsonian Channel
133 Viceland	134 fyi
144 Fusion	145 El Rey Network
163 Cooking Channel	169 Fuse
173 OWN	177 GSN
180 Discovery Life Channel	185 ASPIRE TV
187 Ovation	209 BBC World News
210 i24	222 Newsmax TV
224 Newsy	255 Universal Kids
256 Baby First TV	265 Disney XD
291 REVOLT	292 FM
297 RFD-TV	299 AXS TV
302 ESPNEWS	306 MLB Network
308 NBA TV	315 CBS Sports Network
316 Olympic Channel	370 ESPNU
401 FOX Sports 2	405 Golf Channel
406 Tennis Channel	442 FOX Deportes
465 BYUtv	474 The Impact Network
627 IFC	898 NBC Universo
SPECTRUM TV GOLD	
(Includes Spectrum TV Silver and the following channels)	
Digi Tier 2	
18 Pop	91 TeenNick
90 Nicktoons	93 NFL Network
94 American Heroes Ch.	95 Science Channel
99 Destination America	109 FX
119 MTV2	120 MTV Classic
137 Crime & Investigation	141 Military History
179 LOGO	182 BET HER
208 CNBC World	253 Boomerang
266 Discovery Family	286 MTV Live
287 BET Jams	288 Nick Music
290 BET Soul	
417 BeIn SPORTS	419 FOX Soccer Plus
443 BeIn SPORTS Español	468 The Cowboy Channel
620 MoviePlex	621 IndiePlex
622 RetroPlex	623 FLIX - E
640 HDNet Movies	
TMC	
571 TMC - E	572 TMC XTRA - E
573 TMC - W	574 TMC XTRA - W
STARZ	
581 Starz - E	582 Starz Edge - E
583 Starz in Black - E	584 Starz Kids & Fam. - E
585 Starz Cinema - E	586 Starz Comedy - E
587 Starz - W	591 Starz Cinema - W
STARZ ENCORE	
602 StarzEncore - E	603 StarzEncore Action-E
604 StarzEncore Black-E	605 StarzEncore Classic-E
606 StarzEncore Susp-E	607 StarzEncore Wstns-E
608 StarzEncore Fam-E	609 StarzEncore - W
610 StarzEncore Action - W	611 StarzEncore Black-W
612 StarzEncore Classic-W	613 StarzEncore Susp-W
614 StarzEncore Wstns-W	
MULTICULTURAL CHANNELS	
LATINO VIEW	
77 Galavisión	145 El Rey Network
416 GOL TV	417 BeIn SPORTS
442 FOX Deportes	443 BeIn SPORTS Español
804 UniMás	806 Azteca América
811 Estrella TV	834 CNN en Español
841 Mexico 22	842 Estudio 5
843 Multimedios Televisión	844 Once Canal
845 TeleFórmula	847 FOROtv
849 Ultra Docu	850 Canal Sur
853 SUR Perú	855 TV Chile
856 Caracol	857 RCN Nuestra Tele
860 CentroamericaTV	861 Tele El Salvador
865 Ecuvisia Internacional	867 TV Venezuela
870 Super Canal	871 Telemicro
872 Televisión Dominicana	874 WAPA América
875 Cubaplay	877 Antena 3 Internacional
891 FOX Life	898 NBC Universo
910 Bandamax	911 Ritmoson Latino
912 TeleHit	913 Video Roia
915 Ultra Fiesta	918 Ultra Familia
919 Ultra Kidz	921 Cartoon Network (SAP)
922 Semillitas	923 iSorpresal TV
924 Discovery Familia	925 Disney XD
926 Atrés Series	928 BabyFirstTV (SAP)
929 BabyTV (SAP)	930 Discovery en Español
931 Nat Geo Mundo	932 HISTORY en Español
933 HITN	935 Mexicana
936 Aplauso TV	937 Ultra Macho
945 EWTN en Español	946 TBN Entace USA
962 AyM Sports	971 Cinelatino
972 Cine Mexicano	979 De Película Clásico
980 De Película	982 ViendoMovies
983 Ultra Mex	984 Ultra Cine
985 Ultra Clásico	
MI PLAN LATINO	
(Includes Spectrum TV Basic, Latino View and the following services)	
33 The Weather Channel	38 Cartoon Network
44 TNT	45 Comedy Central
46 FX	47 USA Network
48 TBS	50 A&E
51 AMC	53 Bravo
54 E!	55 HGTV
56 Food Network	59 Hallmark Channel
61 HISTORY	62 TLC
63 Discovery Channel	68 Disney Channel
68 Disney Channel	82 Hallmark Mov. & Myst.
83 Investigation Discovery	88 Disney Junior
OTHER SERVICES	
595 EPIX	596 EPIX-West
597 EPIX 2 - E	598 EPIX HITS
599 EPIX Drive-In	650 IN DEMAND Previews
651 HD Pay-Per-View	660 IN DEMAND 1
661 IN DEMAND 2	700 - 722 MLB Extra Innings
725 - 743 NBA League Pass	1400 ZTC Chinese
1401 CCTV-4	1403 Phoenix N. America
1404 Phoenix InfoNews	1450 The Filipino Channel
1452 GMA Pinoy TV	1453 GMA Life TV
1456 DZBB Filipino Audio	1457 DWLS Filipino Audio
1500 TV Japan	1515 SBN (Vietnamese)
1533 ZEE TV	1541 SET Asia
1542 TV Asia	1551 ABP News
1581 RAI Italia	1592 TVP Polonia
1595 Polish Radio 1	1610 RTN (Russian)
1612 CIR (Russia)	1613 RTVI (Russian)
1621 Russian Kino	1632 ART Cable
1802 Hustler TV	1805 Penthouse TV (Prem.)
1807 REAL	1809 TEN
1811 Playboy TV	1812 Playboy TV en Español
1815 Vivid TV	1828 Manhandle
1842 IN DEMAND 3	1901-1950 Music Choice
PREMIUM MOVIE CHANNELS	
Cinemax	
531 Cinemax - E	532 MoreMAX - E
533 ActionMAX - E	534 ThrillerMAX - E
535 OuterMAX - E	536 Cinemáx - E
537 5 StarMAX - E	538 MovieMAX - E
539 Cinemax - W	540 MoreMAX - W
541 ActionMAX - W	542 ThrillerMAX - W
EPIX	
595 EPIX	596 EPIX-West
597 EPIX 2 - E	598 EPIX HITS
599 EPIX Drive-In	

