

SACRAMENTO METROPOLITAN



Cable Television Commission



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EXECUTIVE DIRECTOR

BILL NO. AB 2892

DATE: April 19, 1990

AUTHOR Moore

TO: Law and Legislation Committee

AMENDMENT DATE 2-13

To what extent does this Bill affect our operation?

Significantly Slightly No Impact May Affect _____ dept(s)

EXISTING LAW AND DEPARTMENTAL PRACTICE:

This Bill is a companion to last year's AB 543 which was enacted. The Commission opposed AB 543 and also requested the Governor's veto. AB 543 requires new cable television franchises/licenses to provide similar public education and government services to an area already "served" by an existing cable operator.

PROPOSED LAW AND EFFECT ON DEPARTMENTAL PRACTICE:

AB 2892 allows the existing operator to certify that instead of having homes served, it is "ready, willing, and able to provide service."

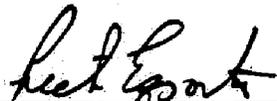
This Bill should be opposed unless there is language added to indemnify and hold harmless local government entities from potential litigation because of conflicts with both Federal legislation and court decisions. This Bill also puts local government in a position of discouraging competition for cable services.

FISCAL IMPACT:

Severe potential for costly litigation.

RECOMMENDATION:

SUPPORT Strongly OPPOSE NEUTRAL (Pending to Utilities and Commerce)


RICH ESPOSTO, Executive Director
Sacramento Metropolitan Cable
Television Commission

ASSEMBLY BILL

No. 2892

Introduced by Assembly Member Moore

February 13, 1990

An act to amend Section 53066.3 of the Government Code, relating to cable television.

LEGISLATIVE COUNSEL'S DIGEST

AB 2892, as introduced, Moore. Cable television.

Existing law empowers any city, county, or city and county in the state to authorize by franchise or license the construction of a community antenna television system. Existing law requires any franchise granted to provide cable television service in an area already franchised and served by an existing cable operator to require the franchisee to wire and serve the same geographical area, and to contain the same public, educational, and governmental access requirements that are set forth in the existing franchise.

This bill would limit that requirement to any additional franchise to provide cable television service in an area in which a franchise has already been granted and where an existing cable operator is providing service or certifies to the franchising authority that the existing operator is ready, willing, and able to provide service. It would also require the franchisee to wire and serve the geographical area within a reasonable time, and in a sequence which does not discriminate against lower income or minority residents.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53066.3 of the Government
2 Code is amended to read:

3 53066.3. (a) If a city, county, or city and county elects
4 to grant an additional cable television franchise in an area
5 where a franchise has already been granted to a cable
6 television operator, it shall do so only after a public
7 hearing noticed pursuant to Section 6066, in a newspaper
8 of general circulation as defined in Section 6000, where all
9 of the following have been considered:

10 (1) Whether there will be significant positive or
11 negative impacts on the community being served.

12 (2) Whether there will be an unreasonable adverse
13 economic or aesthetic impact upon public or private
14 property within the area.

15 (3) Whether there will be an unreasonable disruption
16 or inconvenience to existing users, or any adverse effect
17 on future use, of utility poles, public easements, and the
18 public rights-of-way contrary to the intent of Section
19 767.5 of the Public Utilities Code.

20 (4) Whether the franchise applicant has the technical
21 and financial ability to perform.

22 (5) Whether there is any impact on the franchising
23 authority's interest in having universal cable service.

24 (6) Whether other societal interests generally
25 considered by franchising authorities will be met.

26 (7) Whether the operation of an additional cable
27 television system in the community is economically
28 feasible.

29 (8) Such other additional matters, both procedural
30 and substantive, as the franchising authority may
31 determine to be relevant.

32 (b) Nothing in this section prevents any city, county,
33 or city and county from considering the approval or
34 denial of an additional cable service franchise in ~~all or~~ any
35 ~~part of the~~ area of the city, county, or city and county,
36 *subject to compliance with subdivision (d)*, or the
37 imposing of additional terms and conditions upon the
38 granting of the franchise, as the city, county, or city and

1 county determines is necessary or appropriate.

2 (c) The city, county, or city and county shall make a
3 final determination as to whether to grant the additional
4 franchise within six months of the application date unless
5 the jurisdiction can establish that the applicant has
6 unreasonably delayed proceedings designed to consider
7 the matters set forth in paragraphs (1) to (8), inclusive,
8 of subdivision (a).

9 (d) Any *additional franchise granted to provide cable*
10 *television service in an area already franchised and*
11 *servd by an existing cable operator in which a franchise*
12 *has already been granted and where an existing cable*
13 *operator is providing service or certifies to the*
14 *franchising authority that it is ready, willing, and able to*
15 *provide service, shall require the franchisee to wire and*
16 *serve the same geographical area within a reasonable*
17 *time and in a sequence which does not discriminate*
18 *against lower income or minority residents, and shall*
19 *contain the same public, educational, and governmental*
20 *access requirements that are set forth in the existing*
21 *franchise. This subdivision does not apply where all*
22 *existing cable operators certify to the franchising*
23 *authority that they do not intend to provide service*
24 *within a reasonable time to the area to be initially served*
25 *by the additional franchise.*