

Ordinance No. 2017-04-U

**URGENCY ORDINANCE OF THE MARIN
TELECOMMUNICATIONS AGENCY REAUTHORIZING
THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL
ACCESS FEE**

WHEREAS, Section 5870(n) of the Public Utilities Code, which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the Marin Telecommunications Agency to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities; and

WHEREAS, on February 9, 2007 the Marin Telecommunications Agency adopted Ordinance Number 2007-02, the “Public, Educational, and Governmental (PEG) Access Fee Ordinance,” to establish such a fee;

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized, upon the expiration of a state franchise;

WHEREAS, California Video Franchise Certificate Franchise No. 0002 granted to Pacific Bell Telephone Co. d/b/a SBC Pacific Bell Telephone Co. d/b/a AT&T California, the first state franchise to include Marin Telecommunications Agency member agencies, will expire on March 30, 2017; and

WHEREAS, California Video Franchise Certificate Franchise No. 0021 granted to Comcast Cable Communications Management, LLC d/b/a Comcast will expire on January 2, 2018, and California Video Franchise Certificate Franchise No. 0038 granted to Horizon Cable TV, Inc. will expire on October 5, 2020.

NOW, THEREFORE, THE MARIN TELECOMMUNICATIONS AGENCY DOES ORDAIN AS FOLLOWS:

Section 1. Urgency Findings. The Marin Telecommunications Agency finds as follows:

Currently, the Marin Telecommunications Agency depends upon the PEG access fee to support public, educational, and governmental access channel facilities. These facilities provide Marin County residents with important civic programming including emergency alerts and community news. Pursuant to Public Utilities Code Section 5870(n), the Marin Telecommunications Agency’s PEG access fee, established by Ordinance Number 2007-02, shall expire upon the expiration of a state franchise. The first state franchise to include the Marin Telecommunications Agency, California Video Franchise Certificate Franchise No. 0002 granted to Pacific Bell Telephone Co. d/b/a SBC Pacific Bell Telephone Co. d/b/a AT&T California will expire on March 30, 2017. If this fee is not reauthorized immediately, the Marin Telecommunications Agency will lose funding for its PEG programming facilities, ultimately leading to the closure of these facilities. Any such closure shall deprive the Marin Telecommunications Agency from a trustworthy, reliable and immediate means of communication with its residents. Any lapse in funding may also lead to confusion among state video franchisees operating within Marin County regarding the payment of PEG access fee

leading the Marin Telecommunications Agency to incur additional costs to recover any overdue fees.

Therefore, the Marin Telecommunications Agency finds and determines that the immediate preservation of the public peace, health and safety requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. If this Ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, Marin Telecommunications Agency PEG facilities may be forced to close causing county residents who rely on PEG channels for emergency broadcasts and news updates to lose a vital source of civic information. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared.

Section 2. The Marin Telecommunications Agency hereby reauthorizes the fee on state-franchised video service providers to support public, educational, and governmental channel facilities adopted in Ordinance Number 2007-02. The fee shall remain unchanged and in full effect as to all state-franchised video service providers.

Section 3. This Ordinance shall be and is hereby declared to be in full force and effect as of March 8, 2017. It shall be published once before the expiration of fifteen days after its passage in a newspaper of general circulation published in the County of Marin.

Ayes: Burns, Coleman, Coler, Condon, Fraser, McCullough, McEntee, Robbins

Noes: None

Absent: Sears, Winters



Chair

ATTEST:



Executive Director