

Introduced by: Councilmember Sneed, *with* DORSEY, *Amnell*, *Chair*, Harry Puckett, *Clarke*

Prepared by: Department of Legislative Reference

Date: October 30, 2019

Reisinger

RESOLUTION

Referred to: _____ Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0180R

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Diversity of Programming

FOR the purpose of urging Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast System.

Edmund Reiser
By DORSEY

Mayor Pat Lake
[Signature]
[Signature]

[Signature]
[Signature]

[Signature]

No. _____

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other: _____
Other: _____	Other: _____
Other: _____	Other: _____
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other: _____	Other: _____
Other: _____	Other: _____
Other: _____	Other: _____

Boards and Commissions

**CITY OF BALTIMORE
COUNCIL BILL 19-0180R
(Resolution)**

Introduced by: Councilmember Sneed, President Scott, Councilmembers Dorsey, Burnett,
Cohen, Henry, Pinkett, Clarke, Reisinger
Introduced and adopted: November 4, 2019

A COUNCIL RESOLUTION CONCERNING

Diversity of Programming

FOR the purpose of urging Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast System.

Recitals

WHEREAS, In granting a franchise to provide cable services in the City of Baltimore, an enumerated principle objective was to “maximize the diversity of programming over the Comcast System. . .”;

WHEREAS, The franchise agreement requires Comcast to “not discriminate among Subscribers with respect to fees, charges, deposits, and other terms and conditions affecting any Service. . .”;

WHEREAS, Disputes between programmers and video distribution platforms are becoming prolific, creating uncertainty in consumer access and the bargained value of long-term consumer commitments;

WHEREAS, The City of Baltimore and its residents continue to highly value a robust media landscape, inclusive of diverse voices and perspectives;

WHEREAS, The City of Baltimore is concerned about Comcast’s recent behavior regarding consumers, exemplified by actions taken against the company by the FCC, the National Advertising Reviewing Board, Pennsylvania, Massachusetts, Minnesota, and Washington, and specifically about the company’s behavior as it relates to diversity, including Comcast’s inadequate fulfillment of the NBCUniversal diversity conditions;

WHEREAS, According to recent press reports, Comcast is in active disputes with programming channels that offer content particularly viewed by diverse audiences, including Byron Allen’s collection of channels, Starz, and BeIN Sports;

WHEREAS, Offering channels that reflect diverse perspectives through expensive *a la carte* offerings while including other channels in widely available packages may create inappropriate barriers that reduce access to diverse programming; and

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

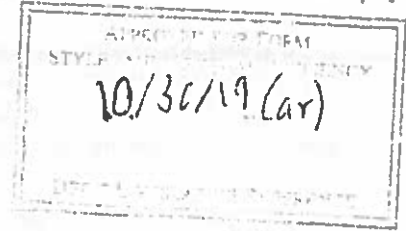
Council Bill 19-0180R

1 **WHEREAS**, Comcast’s consumer contract locks the consumer into long-term commitments,
2 with penalties for early cancellation, even if Comcast removes or reduces access to channels
3 integral to the purchasing decision of the consumer, while increasing the consumer’s rates
4 annually and keeping the savings without returning them to the consumer.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the City
6 Council urges Comcast to comply with its franchise obligation to maximize the diversity of
7 programming over the Comcast System.

8 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the
9 Senior Executive Vice President, General Counsel and Secretary of Comcast, the Chief Digital
10 Operator/CIO of the Mayor’s Office of Information Technology, the City Solicitor, the 2020
11 Baltimore City Delegation to the United States Congress, the Maryland Attorney General, the
12 Assistant Attorney General of the United States Department of Justice Antitrust Division, the
13 Chairman of the United States Federal Trade Commission, the United States Federal
14 Communications Commission’s Chairman, and the Mayor’s Legislative Liaison to the City
15 Council.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____R
(Resolution)



Introduced by: Shannon Sneed

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Diversity of Programming

FOR the purpose of urging Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast System.

Recitals

WHEREAS, In granting a franchise to provide cable services in the City of Baltimore, an enumerated principle objective was to “maximize the diversity of programming over the Comcast System. . .”;

WHEREAS, The franchise agreement requires Comcast to “not discriminate among Subscribers with respect to fees, charges, deposits, and other terms and conditions affecting any Service. . .”;

WHEREAS, Disputes between programmers and video distribution platforms are becoming prolific, creating uncertainty in consumer access and the bargained value of long-term consumer commitments;

WHEREAS, The City of Baltimore and its residents continue to highly value a robust media landscape, inclusive of diverse voices and perspectives;

WHEREAS, The City of Baltimore is concerned about Comcast’s recent behavior regarding consumers, exemplified by actions taken against the company by the FCC, the National Advertising Reviewing Board, Pennsylvania, Massachusetts, Minnesota, and Washington, and specifically about the company’s behavior as it relates to diversity, including Comcast’s inadequate fulfillment of the NBCUniversal diversity conditions;

WHEREAS, According to recent press reports, Comcast is in active disputes with programming channels that offer content particularly viewed by diverse audiences, including Byron Allen’s collection of channels, Starz, and BeIN Sports;

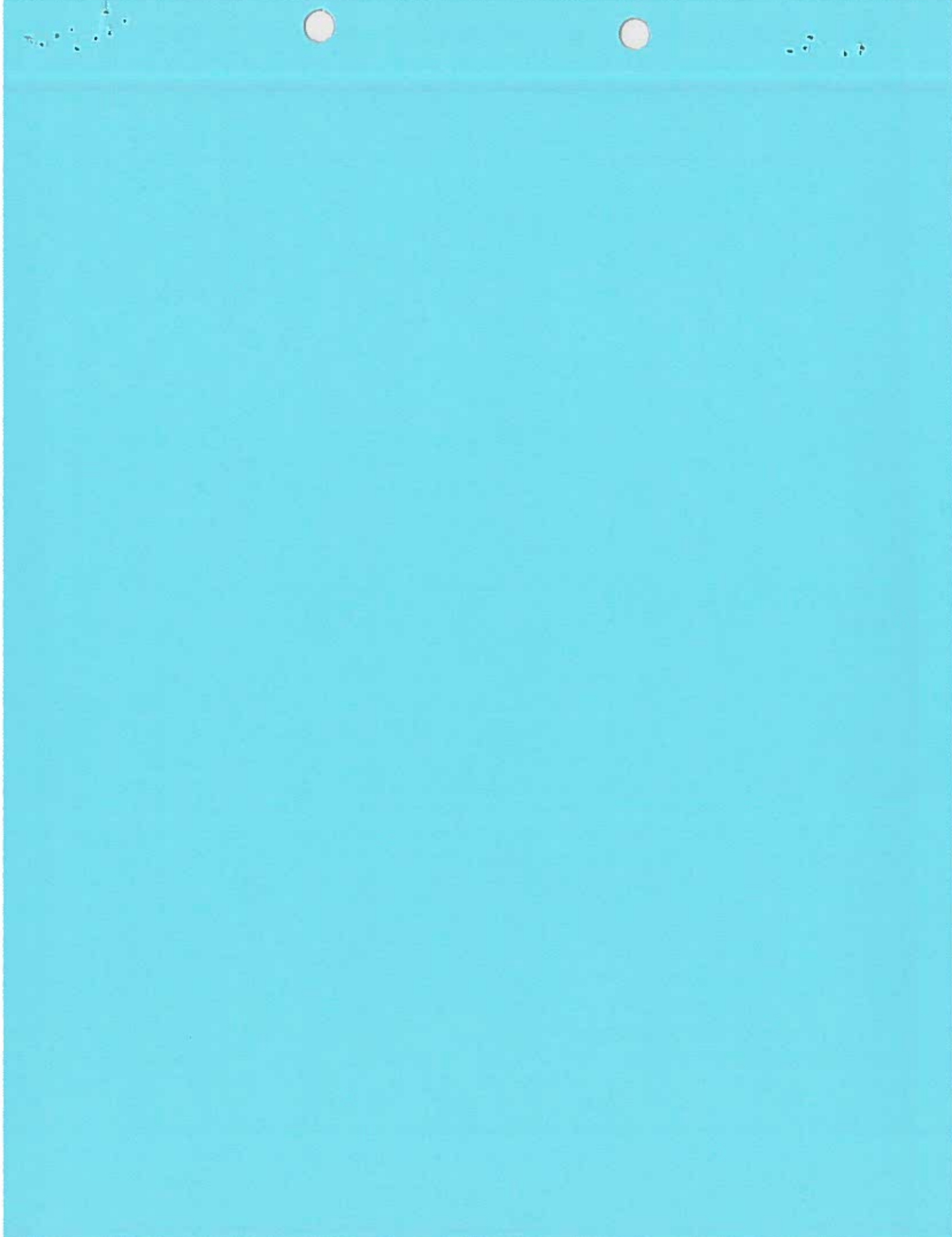
WHEREAS, Offering channels that reflect diverse perspectives through expensive *a la carte* offerings while including other channels in widely available packages may create inappropriate barriers that reduce access to diverse programming; and

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

WHEREAS, Comcast's consumer contract locks the consumer into long-term commitments, with penalties for early cancellation, even if Comcast removes or reduces access to channels integral to the purchasing decision of the consumer, while increasing the consumer's rates annually and keeping the savings without returning them to the consumer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council urges Comcast to comply with its franchise obligation to maximize the diversity of programming over the Comcast System.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Senior Executive Vice President, General Counsel and Secretary of Comcast, the Chief Digital Operator/CIO of the Mayor's Office of Information Technology, the City Solicitor, the 2020 Baltimore City Delegation to the United States Congress, the Maryland Attorney General, the Assistant Attorney General of the United States Department of Justice Antitrust Division, the Chairman of the United States Federal Trade Commission, the United States Federal Communications Commission's Chairman, and the Mayor's Legislative Liaison to the City Council.



ACTION BY THE CITY COUNCIL

NOV 04 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk