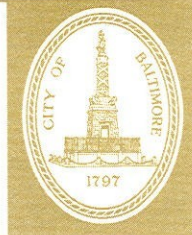


CITY OF BALTIMORE

SHEILA DIXON, Mayor



MAYOR'S OFFICE OF  
CABLE & COMMUNICATIONS

MARILYN HARRIS-DAVIS, Executive Director  
The Brokerage  
8 Market Place, Suite 200  
Baltimore, Maryland 21202

April 9, 2009

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: City Council Bill 09-0303 – Cable Communications Advisory Commission -  
Membership

Dear Madame President and City Council Members:

The Mayor's Office of Cable & Communications has reviewed City Council Bill 09-0303 which would effectively revive the Cable Advisory Commission and modify its composition to correspond with the changed number of Council Districts. In order to provide a comprehensive analysis of this bill it is necessary to point out a few relevant and historical considerations.

The Cable Communications Advisory Commission members' terms expired in 2006 upon the restructuring of the City Council due to the fact that the administration at that time doubted the necessity of the Commission given the current deregulatory climate. Originally in 1984, the Commission was established to work with MOCC in its efforts to establish cable television for the first time in Baltimore City. The Commission had such issues to deal with as channel designation and capacity, premium channel rate regulation, the evolution of public access television and the educational channel, as well as cable build out issues.

Today, however, due to recent amendments and the restructuring of the Federal Communications Act, local municipalities no longer have the authority to influence many of the above-mentioned areas such as premium channel rates, channel designations and capacity and mandated public access funding. Consequently, the necessity for a Cable Commission was in doubt. That deregulatory climate still exists and the number of cable issues that the CAC could actually influence are limited. An additional consideration of the establishment of a CAC is timing. In fact, in the implementation of Section 621 (a) (1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, Report and Order, 20 F.C.C.R. 18581 (2005) states that a municipality has only 90 days after the submission of a cable franchise application within which to negotiate a franchise.

*Comments*



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After the 90 days the franchise can comply or not comply with whatever terms are on the table if the franchise is not finalized. In Baltimore, we know that that means franchise negotiation meetings with all agencies involved (MOCC, DPW, DOT, Law Dept, HABC, etc.), city council meetings and hearings and a Board of Estimates hearing need to be concluded with all requisite votes taken within 90 days. Should the Cable Communications Advisory Commission become another legislative body involved in franchise negotiations, these will be the possibility that the franchise process for Verizon or any other potential cable provider may be so consumed by administrative processes that the City could lose its ability to negotiate at all.

Given the above referenced considerations in this economic climate, the only viable function I can see for the Cable Communications Advisory Commission is to serve as an advocate for city cable program fundraising initiatives. In terms of facilitating the resolution of cable complaints (“consumers advocating for consumers”) the Cable Communications Advisory Commission would not be in a position to do so. Cable complaints are quite specific and the resolution is facilitated and tracked by MOCC, requiring a technical level of expertise that may or may not be found in a cable advisory commission member. While we recognize the fact that the citizens of Baltimore anxiously await the arrival of Verizon FIOS, we also need to be cognizant of the fact FIOS is a three pronged initiative. It is a bundled offering of fiber based telephone, internet and cable television service. The City of Baltimore has a limited degree of regulatory authority over the cable service. However, the telephone service is regulated by the Public Service Commission, and the internet service has no regulatory authority at all. Consequently, upon receipt of a complaint for FIOS, MOCC (or the Commission) will only be able to address the cable complaint as we do now with the Comcast Triple Play package.

While this office welcomes the restructuring of the Cable Communications Advisory Commission, we would be remiss in our analysis of its realistic function if we did not point out the above mentioned considerations. Historically, MOCC has been the agency to coordinate the Cable Communications Advisory Commission meetings, maintain minutes and contribute staff time. Recommendations are submitted to the Mayor and each Council Member and subsequently, the commission members are selected by the Mayor and sworn-in. One member for each district.

Sincerely,



Marilyn Harris-Davis  
Executive Director

cc: The Honorable Mayor Sheila Dixon  
Karen Miller, Directory of Marketing and Public Relations  
Scott Peterson, Director of Media Relations  
Angela C. Gibson, Mayor's Legislative Liaison