

👉 **07hr_SC-CUR_sb0107_pt09**



Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Commerce, Utilities, and Rail (SC-CUR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Date?

Testimony of Reverend James L. Demus III
Assembly Bill 207/Senate Bill 107

My name is Reverend James L. Demus III and I am the Co-Director and Founder of the Ministerial Alliance Against the Digital Divide. I thank the esteemed members of this Committee for the opportunity to testify in support of Assembly Bill 207, and its companion bill, Senate Bill 107, and explain why such a law would benefit Wisconsin consumers. I also plan to correct some of the misleading rhetoric that the opposition is spreading about the impacts of statewide video franchising to the state of Wisconsin.

MAADD is a 15,000 plus member, next generation civil rights organization that is focused on bridging the gap between those who have access to new technologies and those who do not. More than 95% of our membership is African American. MAADD has recently opened up a new chapter in Wisconsin and is currently in the process of organizing churches throughout the Badger State.

MAADD believes that bridging the Digital Divide is more than just providing people with access to computers; we believe that access to new technology is a key to promoting economic development and social welfare in lower income and minority communities. That is why in states across the country, MAADD has supported legislation that will not only promote the deployment of new broadband based video technologies, but also bring consumers lower prices on their cable TV bills.

The issue of video franchising was originally brought to our attention by the National Cable and Telecommunications Association in December of 2004. At this time, the organization was soliciting our support to oppose video franchise reform legislation at the Congressional level. We were told that the telecommunications companies were planning to deploy new high-speed video networks to compete with cable providers and that the impact of such activity would mean that minority communities would be "redlined" and municipalities would lose revenue.

The misinformation presented by the opposition was quite compelling and therefore, MAADD initially spoke out against the concept of statewide video franchising. Knowing what we do today, we deeply regret that decision. MAADD has been involved in video franchising battles across the country and we have seen this misleading messaging spread by various opposing parties. Ironically, we have yet to see this legislation create any of the catastrophes that the opposition is predicting. We hope our comments today help the members of the Assembly Energy and Utilities Committee and the Senate Committee on Commerce, Utilities and Rail, see through the deception.

Because the issue of "redlining" is a real and serious problem for MAADD, we spent a lot of time researching the issue of video franchise reform. Subsequent to our condemnation of franchise reform, we spent time learning about this new video technology – how it works and how consumers stand to benefit from its deployment – especially minority consumers.

MAADD also reviewed independent data from the Pew Internet and American Life Project that concluded that African Americans and Hispanics actually spend more money on technology than whites, making them a strong demographic marketing target for new competitors.

MAADD even found evidence where new video providers are serving lower income and minority communities - and entering those markets prior to providing services in more affluent communities.

Based on our research, we realized that the facts were very different from the information originally shared with us by the cable industry.

As MAADD learned more about this issue, we realized that the real consumer outrage in both minority and non-minority communities is the fact that the cable companies frequently impose massive rate hikes on their customers – rate increases that average roughly 7.5% each year – equivalent to more than double the annual inflation rate.

Unlike claims from the opposition that competition is already robust under current rules, many consumers told us that they don't have a real alternative choice for cable TV service since satellite TV is not a viable option for a variety of reasons – high-rise buildings, weather conditions and reliability issues. What MAADD discovered is that the public is just simply fed up with “cable rates gone wild”.

As a result of these findings, MAADD changed its position on the video franchise issue. We now believe that the best method to end the cable industry's stranglehold on consumers is for state government to adopt forward-looking policies that promote competition in video services. We support Wisconsin Assembly Bill 207, and Senate Bill 107, and urge the esteemed members of this committee to do the same.

MAADD has long advocated in favor of competition in telecommunications and the results are paying-off. Nearly two years ago, MAADD fought against SBC rate hikes and we worked to promote more competition in the telecommunications industry. As a result of our efforts, consumers now enjoy phone packages for less than \$20 per month and can purchase broadband access for as little as \$12.99 per month, making these services more affordable for many low income families. We believe consumers will enjoy similar benefits by encouraging competitive alternatives to cable.

In fact, legislation like AB 207 and SB 107 have a proven track record of showing immediate results in delivering lower rates to consumers. Evidence shows that the mere presence of competition in the video market has caused consumer rates to immediately plummet by 25% in other states. These savings are even captured in areas where new competitors have not yet deployed their networks. It is also important to note that even the cable companies admit that competition results in lower rates. Charter Cable is quoted in a Texas newspaper acknowledging that competition was the catalyst for their rate reductions.

Bottom line, Assembly Bill 207, and its companion bill Senate Bill 107, are about one thing and one thing only – bringing lower rates, better service and more choice to all Wisconsin consumers. There is no better win for consumers than that.

Thus, we urge the Wisconsin State Assembly to promptly pass statewide video franchise legislation so that Wisconsin consumers can protect their wallets and enjoy real savings that they can take to the bank. Thank you for your time.



From: Roger Binfl AFBINDL@HEM.COM www.rbinfl.com
Town of Westport - Wauvakee WI as example

REF: AB-207 SB-107

(Date?)

I had to leave, so will follow up with email.
I have perspective from 8 years working with IPTV,
the telco's deploying it (wis & nationwide), and
the issues surrounding it from content to
lack master margins & franchise issues.

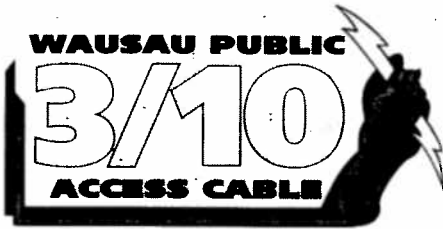
I have also addressed the content area
from creation, to ownership, to distribution.
In this area I've know about "over the top"
services like YouTube for a long time, and
I participate in a revenue generating means
with Revver, BlipTV, & Brightcove (Alternatives
to non-revenue generating YouTube).

I've learned from working with Nat'l Associations,
and over 100+ telco's (with IPTV) nationwide that
margins are slim with CATV/IPTV so services
are likely to increase on the Internet and
eventually impact franchise money with declining
customers that switch to Akimo like VOD, OR
MobiTV over the net; ~~and~~ customers will
migrate to "over the top" voice, video, and a like.

Thank You

Roger Binfl





Date?

Assembly Bill 207 Cable Competition Act

My name is John Jordan, I am the Public Access Cable Coordinator for the City of Wausau. I have been asked to appear at this public hearing to speak against this bill as written.

The City of Wausau welcomes cable competition. We look forward to the day when there are multiple video service providers for our residents to choose from. However, this bill as written does not benefit the City of Wausau or subscribers to cable in the City of Wausau. Wausau Public Access Cable has been in operation since 1993. During that time WPAC has not received any general property tax revenue funding. WPAC funding has come from cable subscribers who view Wausau PEG channels via PEG support fees, franchise fees, and Capital equipment funds. Other sources of funding come from sales of program copies and donations. Other speakers have commented on the various problems with AB 207 / SB 107. Let me tell you how it could affect the residents of the City of Wausau.

If this bill passes as it is currently written, it could make Wausau Public Access Cable incapable of continuing its operation.

It would do this in the following ways.

1. Upstream transmission costs. Currently Wausau Public Access Cable consists of two cable channels, Cable Channel 3 and 10. Cable Channel 3 is for Government and Educational Access. Cable Channel 10 is for Public Access. We currently have 8 points of origination in the City of Wausau. They are: Wausau City Hall (2 one for each channel), University of Wisconsin-Marathon County (2 one for each channel), Marathon County Courthouse (1 for Ch. 3) Wausau School Administration Building (1 for Ch. 3), Wausau East High School (1 for Ch. 3) and Wausau West High School (1 for Ch. 3). The cost for a T1 line is approximately \$550 per month for each line on a one year contract. $\$550 \times 8 \text{ origination points} = \$4400 \text{ per month} \times 12 \text{ months} = \$52,800 \text{ per year for one video provider} \times 2 \text{ video providers} = \$105,600 \text{ per year}$. Last year Wausau Public Access Cable total budget was \$97,483.
2. Funding, as mentioned earlier, was from two main sources: Public Access Fee and Franchise Fee, for a total of \$83,173. The remainder of the WPAC funding of \$97,483 comes from program sales and donations to Wausau Public Access Cable. This bill takes away my primary funding source the Public Access Fee, in 2006 it was \$54,871. This bill also reduces what can be collected under the Franchise Fee's 5% of Gross Revenue. Current estimates put that reduction at 30%. So with a reduction of 30%, my Franchise Fee share would drop from \$28,302 to \$19,812. This would take my budget from \$97,483 to \$34,122. This income loss with the projected yearly upstream transmission expenses of \$105,600 will make operating the Wausau Public Access Cable channels impossible without raising property taxes. This would create an additional problem of property tax payers to don't subscribe to a video delivery service



having to support a service that, until this bill, was supported only by cable subscribers on their cable bill. (Franchise fee of \$250,000 would drop 30% to \$175,000 (\$97,483 + \$105,600 = \$203,083))

3. The local programming requirements 12 hours per day 80% local originating and non-repeating per channel is another issue. On a weekly basis we show on Cable Channel 10 (The Public Access Channel in Wausau) the following locally produced programs: The Sunday services of the following churches: St. Stephens Lutheran Church, St. Peters Lutheran Church, Immanuel Lutheran Church, Trinity Lutheran Church, St. Mark's Lutheran Church, Immanuel Baptist Church, Grace United Church of Christ, First United Methodist Church, Book of Acts Church, New Life Episcopal Church. Weekly messages from five other independent preachers. Other locally produced programs: It's Not Work, It's Fun (a gardening show) Ride the Planet (a science show), Musical Songfest (a polka music show), Staying Fit with Jim (exercise program). These total about 16 hours of programs locally produced and original each week or not quite two day's worth of programs. By the requirements listed in this bill I would lose this channel. Depending on the time of month and even the time of year the programming on Cable Channel 3 (The Government and Educational Channel in Wausau) varies. We carry the Wausau City Council (live twice a month) Mosinee City Council (taped delayed twice a month, no live return available) Marathon County Board (live twice a month) Wausau School Board (live once a month) Mosinee School Board (taped delayed once a month) UWMC Today (taped once a month), High School Sports covered depending on season for Wausau East, Wausau West, D. C. Everest, Mosinee and Wausau Newman include football games, boys soccer games, girls volleyball games, girls basketball games, boys basketball games, hockey games, curling bonspiels, girl soccer games, City wide track meet. Other school events covered include annual Pops Concerts and Graduations are shown live on the access channel. From the UWMC campus we show live and/or tape delay many lectures and theater productions on average 4 to 5 per month when school is in session. Even with all these programs we would not meet the required 9 to 10 hours of locally produced non repeated programming so this channel could be taken back by the video service provider. On a side note Wausau has three commercial TV stations WSAW-TV 7 (CBS), WAOW-TV 9 (ABC), WFXS-TV (Fox 55). Combined these three stations do not generate the 9 hours of daily, locally produced, original, non-repeating programs.
4. Wausau Public Access Cable creates programming not produced anywhere else in the state. This includes our curling coverage of the Badger State Winter Games and High School Bonspiels. Over the years, between grants, capital funds and WPAC's yearly operating budget, provided because of our local franchise agreement, we produce curling coverage of a quality not found south of the Canadian border or outside the Winter Olympics. Our coverage of curling has helped prompt the Wausau Curling Club to undertake a building project that when completed will able to host and video tape local, statewide, national, international and Olympic curling competitions in Wisconsin. This bill as written could harm that project.

5. Then there is the issue of local control of zoning and municipal control of the right of way. AB 207/SB 107 would eliminate street opening permit fees and may prevent municipalities from requiring video providers to post bonds before excavating in the Cities right-of-way.
6. The City of Wausau Legislative Committee went on record March 21, 2007 as being opposed to LRB-1914/3 now known as AB 207/SB 107 as written and have directed John Jordan to express the Committee's opposition to the Assembly and Senate Energy and Utilities Committees at the public hearing being held on March 27. Further, a resolution in opposition to this proposed legislation, as written, will be introduced to the Common Council for adoption. Motion was carried unanimously 4-0.
7. I also have a letter from the Volunteer Center of Marathon County I would like to read and put into the public record.
8. Thank you for your time
9. Please save PEG access -- Preserve dedicated PEG funding, free transmission, and local control over content.



407 Grant Street • Wausau, WI 54403-4783 • 715/261-6670 • Fax: 715/261-6678

March 26, 2007

To Whom It May Concern:

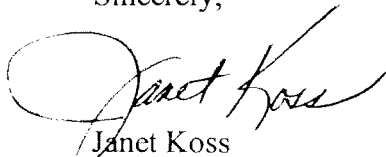
The purpose of this letter is to support the preservation of the Wisconsin Association of PEG Channels (WAPC). The Volunteer Center of Marathon County has had a successful working relationship with Wausau Public Access, a member of WAPC, for over a decade.


It is with deep regret that the Volunteer Center has learned about the "Video Competition Act" (LRB 1914/3) which will prohibit municipalities from asking for PEG channels, funding or facilities from video service providers; require PEG facilities and municipalities to shoulder additional equipment and leasing costs necessary to transmit PEG signals from these facilities to video service provider head-ends; allow video service providers to distribute PEG programming in sub-quality web streaming signal; and allow video service providers to take away PEG channels if they do not meet unrealistic content and production requirements. If this bill passes, it will have serious implications on the community, and the way the Volunteer Center of Marathon County serves the local population.

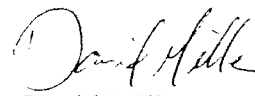
As a nonprofit, the Volunteer Center values the high quality service we receive from Wausau Public Access, when we need to reach the community through a local media presence. The Volunteer Center has utilized cable access to advertise events, discuss the importance of our organization on local broadcasts, and to train and loan equipment to the Volunteer Center's own youth television show, Tomorrow's Voices Today. The youth television show was recently initiated to highlight the importance of positive youth service in the community, and is vital to inspire a culture of service-oriented youth. This community program would not be possible without the dedication to community service and willing collaboration provided by Wausau Public Access.

As citizens of Wisconsin, and community organizers in Marathon County we do not support this bill. Rather we favor preserving and maintaining PEG provisions within any telecom legislation. Do not allow this proposed bill to pass. Thank you.

Sincerely,


Janet Koss
Executive Director


Roberta Bie
Adult Program


David Miller
Youth Program

Building better communities through volunteering!



To: Public Hearing on AB 207/SB 107

Date?

From: Tom Soik, coordinator, Sturgeon Bay Public Access

This bill is a slap in the face to not only the Public Access centers across the state, but to the very communities that are deeply affected by the broad sweep of the bill, not only as it relates to Public Access, but as it relates to issues of local control over local matters. This bill says that Madison can control our Franchise Agreements, our Rights of Way, our programming and our revenues more wisely than Sturgeon Bay and every other community in Wisconsin. And we all know exactly where the impetus for this bill is coming from...AT&T. Apparently they want to break into a new market the old fashioned way...buy their way in.

They've spent tens of millions of lobbying dollars at the federal level and finally, they show up at our state legislators' doors crying that they can't compete and that you need to "level the playing field" for them.

We've heard promises of savings due to competition. Well come on in and compete and show us the savings. I'll be the first to sign up if they do, but I'm not holding my breath and anyone who's familiar with AT&T's promises is not holding their breath either...ask Milwaukee.

In return for the promise of savings and competition here's what we as a community will give up:

- The ability to negotiate franchise agreements that fit our communities' individual needs. Madison apparently feels it can do it better.
- Authority over our own Rights of Way. Has AT&T explained to you their plans for refrigerator-sized fiber conversion boxes placed in our ROW's throughout the cities? Picture one of these in front of your house.
- Loss of revenue in two ways. First, this bill will deny any support for our Public Access channels, which will devastate most of the Public Access channels in the state. No longer will government meetings, church services and community events be brought into our homes and no longer will important information be communicated to our residents via our message boards. By the way, a fugitive from justice was apprehended just last Thursday as the direct result of a "Wanted" bulletin posted on Sturgeon Bay's Channel 18.

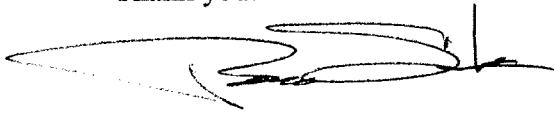
A second loss of revenue will result from a new formula for calculating the franchise fee by eliminating advertising and other fees, resulting in as much as a 30% reduction in revenue. I'm sure AT&T would like you to think that these savings will be passed directly on to the consumer. By the way, have they actually quantified the savings that consumers will see with the passage of this bill?

- Control over our own programming. This bill wants to impose programming guidelines on our Public Access channels for original and non-repeat programming that almost no commercial channel could comply with. If big brother in Madison sees that we are not providing a level and content of

programming they deem acceptable they can simply shut our channels down. If it weren't actually in the bill's language it would be laughable.

As far as Madison is concerned, the only consequence of this bill will be another bureaucracy to set up and administer. At the local level however, the consequences of this bill will affect every one of us everyday and in ways the backers of this bill never anticipated. So I ask that you look carefully at all aspect of this bill as it affects not just AT&T, but the local communities they want to compete in. If AT&T wants to compete in Sturgeon Bay we welcome them, but don't tell us we have to give up local control and revenues in order for them to compete.

Thank you.

A handwritten signature in black ink, appearing to be a stylized name with a vertical line extending upwards from the right side.

Encl: Sturgeon Bay P.D. letter, 03/26/07

STURGEON BAY POLICE DEPARTMENT



The mission of the Sturgeon Bay Police Department is to serve, protect, and work in partnership with the community to ensure a safe, nurturing environment.

March 26, 2007

RE: Assembly Bill 207

To Whom It May Concern:

This letter is to express my opposition to Assembly Bill 207. I feel this legislation would unduly restrict and inhibit local video service providers.

Just as with law enforcement services, those that provide the service locally are in conjunction with the wants and needs of the specific community. With the passage of this bill into law, I feel the ability to provide this particular service would be comprised.

The foundation of the Sturgeon Bay Police Department is our mission statement, which is stated above. One of the key aspects of our mission statement is the partnerships we have established, maintained, and utilized to our benefit in ensuring a safe, nurturing environment in our community. My fear is that the bond of this partnership with our local provider may be weakened by this proposed legislation.

Sincerely,

Daniel J. Trelka
Chief of Police



ASSEMBLY BILL 207
PUBLIC HEARING

companion to
SB 107

Date?

Hello. We are a smaller educational/government access channel in Merrill, Wisconsin - Merrill Productions Channel 3. We run our station out of our high school in connection with our class called Media Productions. WE are a non-profit entity.

We do what we do for our community - pure and simple. Along the way we provide grandparents, parents, athletes, dancers, teachers, administrators, band & choir members, elementary through high school students, young & old alike in our community, and many, many others the right to view our channel. This bill will stop services that are currently being provided to our schools and city buildings and would eliminate our channel.

We put a lot of new programming out every week, but asking us to televise 10 hours of unrepeated, local programming every day would eliminate our channel.

We create new and fun programming ourselves. Our announcements are run through us at our high school twice per week. We have produced documentaries on the History of Merrill and recently the Democracy Project. These projects are done in our studio at our station. This bill would eliminate our learning through an awesome medium and would eliminate our channel.

Please we ask you to SAVE PEG access - Preserve dedicated PEG funding, free transmission, and local control over content.

Thank you.

Ashley Beyer

Jacque Boyd

Nick Cliver

Steve Rasmussen

Erin Riddle

Andrew Turner

Deb Brunett, Operations Manager



According to reports the Legislature plans to be in session three more days this month (May 9, 16 and 30). It could be possible to get SB 107 through both houses by May 16, assuming there is agreement in the Senate to report it out of JFC and there are no problems with objections.

Date?

SB 107

Currently in Joint Finance Committee (JFC):

Options to move the bill out of the Joint Finance Committee (JFC):

- Executive Session (vote) held on the bill.
- Obtain unanimous consent on the Senate floor to have the bill removed from JFC and taken up immediately.

Executive Session in JFC

- The bill would need an executive session in JFC and be sent to the Senate Organization Committee
- Senate Organization needs to meet at least 12 hours prior for the bill to be scheduled.
- Therefore, if the Senate were on the floor next Wednesday, May 16, the Senate Organization Committee would have to meet to schedule the bill at least 12 hours before the floor session on Wednesday, May 16, 2007.
- This means JFC would have to report the bill out of committee before Tuesday, May 15, prior to Senate Organization meeting (assuming the committee meets on Tuesday).

Once the bill is scheduled on the floor of the Senate:

- All the Senate amendments will have to be added.
- The bill will have to be voted on and be messaged—objections could come at this time (this happens less often in the Senate), which would require 2/3 vote to override.
- If there is objection that they can't override, the bill cannot be messaged to the Assembly, however, they can wait until the next day (12am) and then make the motion to message. I do not believe an objection would be in order if they wait a day (We would need to ensure this is still the case in the new rules, but I know it has been used in previous sessions as a "hammer" to prevent these types of objections).

Once the bill is received from the Senate in the Assembly:

- The bill can be referred directly to the Assembly Rules Committee. This would require that the bill be placed on the next calendar.
- The bill can be taken off the message with unanimous consent (there could be an objection).

- The bill could be special ordered prior to it being messaged to the Assembly, which would then only require a majority vote to override objections (this option would likely spur a lengthy process debate from the Democrats, but there is precedent).
- Once on the Assembly calendar and assuming all the appropriate amendments were added in the Senate, the Assembly would only have to concur. Although, I assume that some of the same amendments will be offered again (if an amendment gets added the bill would have to go back to the Senate)
- Objections can be addressed with a majority vote if the bill is special ordered.

Ideally, SB 107 would be reported out of JFC prior to the Senate Organization Committee meeting on Tuesday, May 15 and then scheduled for floor action on May 16. Assuming all the appropriate amendments are added and no objections are made to third reading or messaging in the Senate, the Assembly could take SB 107 off the message (this could be done if it's made a special order, or if there is no objection). The Assembly would have to concur.

If objections to third reading or messaging are made in the Senate prior, the Senate can wait until the next day (12am) to take the bill up again and move it to the next order. If the Assembly did not adjourn they could then take it up off the message the next day and concur. If they did adjourn (more likely scenario), they would be able to take the bill up on May 30.

AB 207

Currently on the April 24 Assembly Calendar:

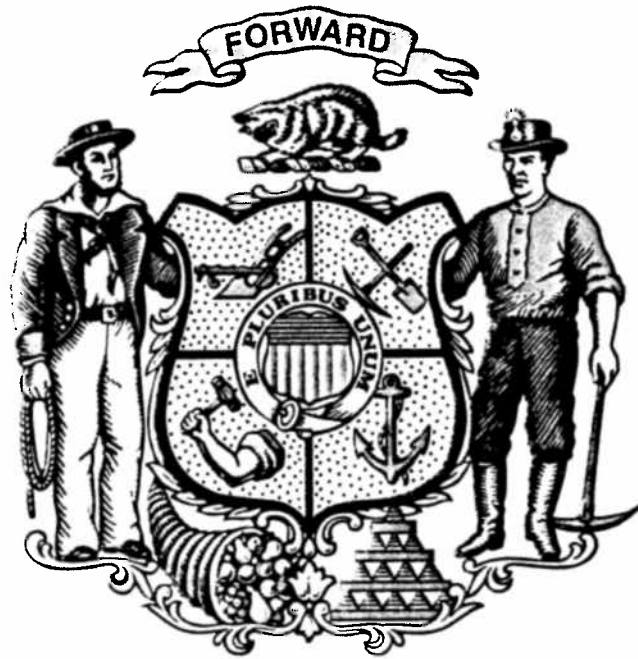
On the May 9th session day

- The Assembly can move to third reading and vote on the bill. It would then need to be messaged, which could get an objection. An objection would hold the bill in the Assembly until the next session day (May 16th). On May 16 the bill would then be automatically messaged to the Senate. If no objection were made, the bill would be messaged to the Senate. Senator Risser would then refer the bill to a Senate standing committee.
- The Assembly could introduce a special order resolution for AB 207. This would prevent them from voting on the bill until the next session day (May 16th). On May 16th the Assembly could move the bill to third reading and messaging with majority votes regardless objections. However, they say any motion out of the normal order of business would still require unanimous consent (they can't dip the bill in JFC with a simple majority vote).

- skeletal ?

AB 207 could be messaged to the Senate as early as May 9th, but more likely on May 16th. Once in the Senate, the bill will be referred to a standing committee or more likely to JFC by Senator Risser. Getting AB 207 to the Senate traps both bills, unless

Senator Robson can control where it is referred. Passage of the bill though would likely provide a strong, bipartisan vote, which may be helpful in discussions with Senator Decker. In addition, it appears that getting the bill "dipped" in the Assembly is not possible.



AMENDMENTS TO AB207

Staskunas

Companion to SB 107

Date?

PEG AMENDMENTS:

- Eliminate the authority of an interim cable operator or video service provider to reprogram PEG channels that are not “substantially utilized”
- Require video providers to either pay municipalities 1% of gross receipts or match PEG financial commitments under the incumbent’s franchise agreement, whichever is greater
- Require a video service provider to carry PEG programming to the headend or the video hub at its expense and to interconnect with its competitor’s network where necessary to make a PEG programming available to all subscribers via a quality signal

CONTRACTUAL AMENDMENTS:

- Require existing cable operators to honor existing contracts with municipalities until competition enters the market
- Ensure that video service providers will provide the local municipality a performance bond, security fund, indemnification, and insurance coverage comparable to preexisting contracts that are in place
- Use the language in current cable agreements to define gross revenues (what is currently in the contracts)
- Require video service providers to pay reasonable fees for audits if there is an underpayment of 5% or greater. This would provide an incentive to accurately calculate the payments.

CONSUMER PROTECTION AMENDMENTS:

- Transfer everything in the bill to DATCP, and give them rule making authority
- Ensure that franchise applicants be required to submit evidence of their financial, technical, and legal qualification. Such evidence must be thoroughly reviewed and considered before a franchise is granted. In addition, remove the “approval by inaction” clause in the current bill
- Establish a once every 10-year review and renewal process so that a franchise may be terminated where the video service provider has willfully and repeatedly violated federal, state or local law or regulations
- Amend the clause of the bill that allows a transfer without the review or approval of the municipality or the department. Want the municipality and the department to have a say in whether or not a video service franchise can be transferred
 - **Note franchise would be ok’d if the transferee meet the requirements needed to obtain a video service franchise**
- Amend the clause of the bill that allows for automatic approval of franchise agreements if the application is complete. Looking to give the department to the ability reject a franchise if they see fit
 - **Note—a decision must be made within 30days**

MUNICIPALITY PROTECTIONS OVER RIGHTS OF WAY:

- Ensure that municipal authority over right-of-way is preserved, including the right to collect street opening permit fees and require performance bonds and other management tools
- Ensure that video service providers will acknowledge and will comply with all local codes and laws regarding to right-of-way occupancy

TECHNICAL AMENDMENT:

- Reinstate 100.209 into the bill, in addition to update that statute with the video service provider language (this was a recommendation from DATCP)



SB 107?
Date?

Zack and Jessie's Address to the Assembly

ZACK

I want to thank the Committee members for allowing me to appear, my name is Zack Henderson. Jessika Gerg and I are here, as KIDS-4 members, to talk about the impact the Video Competition Act will have on KIDS-4. KIDS-4 is a unique cable access station in Wisconsin; in fact it's the only station of its kind in the United States.

KIDS-4 has had a wholly positive experience on my life, by teaching me technical skills that I otherwise may not have learned. In addition to the technical skills I've learned I have also learned many life skills, such as teamwork, decision-making, cooperation, public speaking, and stage presence. I will use these skills for the rest of my life in anything I do, anytime I interact with people, and any career I choose.

I would feel very bad if a program that has meant so much to me just went away. It would be a major mistake to eliminate a program that has provided so much for the community and touched so many lives. Even though this is my last year in KIDS-4, I would be very sad for other area children who may not be able to participate in the program.

JESSIKA

KIDS-4 is a place where I can learn about cameras, editing, TV production, but most importantly KIDS-4 is a place where I've met new friends. I've always enjoyed coming to KIDS-4, meeting new people in Sun Prairie, and working in television. KIDS-4 has made me more social and has given me confidence when working with others. Also, KIDS-4 gives me something to do after school other than sitting at home watching TV.

One day I would like to become a news reporter and maybe go into advertising. Because of KIDS-4 I have learned how to interview people, work with cameras, learned about different forms of advertising, and how to put together television shows. I truly believe these skills will help me in the future no matter what I do in life.

I would be very sad if KIDS-4 were to close, because it is a great experience. I think everyone should join KIDS-4 because you get so many great lessons and experiences from it. KIDS-4 has been around for so long it would be horrible to have it disappear, because lots of Sun Prairie residents watch us and see entertainment produced by their peers. I feel it should not go.

I was lucky enough to be apart of KIDS-4 and I hope that future generations of kids can be apart of this very important program.



SB 107? Date?

I am Jeanne Gerg from Sun Prairie. I was a member of the cable access commission for 4 years when I was on City Council. Now I am a common citizen but because of my involvement then and my continued interest, I am here speaking to you.

Sun Prairie is fortunate enough to not only have a community access channel but a learning channel for kids called Kids4. Kids 4 was the first channel in the nation to be run entirely by kids. My Granddaughter has been involved for 4 years. This involvement has given her and 80 other kids an opportunity for self expression in a non competitive environment unlike most after school activities. Jessika went to the EAA with a full press pass, did interviews with pilots, representatives of the various government agencies and the military. She now is on a live show on Thursday night where the kids produce, direct, film and star in their own shows. She learned how to produce her own film for the Sun Prairie film festival. Plus she was given the opportunity to speak in front of you today. Training, experience, opportunity and life lessons...all groundwork for a well rounded kid and a possible television career...that's kids 4.

Frankly I am surprised that this body would railroad in a bill without first learning what ramifications it would have on public access television. The way it is written now would put them out of business. They wouldn't have sufficient funds to pay the charges proposed. Please take the time to reconsider this bill. Please remember how many people this would affect negatively and please remember the huge number of kids this would impact now and in the future. We all are counting on you.



Hi my name is Ge'jon Garat. KIDS 4 is a place for me to learn about how to use TV cameras along with learning about what it's like to be at a real T.V. studio. SB/OT? Date?

Also I have learned to do voice overs, green screen, editing, media awareness and much more.

Without KIDS 4, not many kids in Sun Prairie would know anything about television and how it works.

IF Kids-4 were to close tomorrow, I would feel sorry for the younger kids in Wisconsin because they might never get the chance I did.

I would also feel bad for our community because they ~~might~~ would no longer be able to view all the performances and events their children participate in, that they were unable to attend. Thank you
So Please Save Cable Access!



Kids-4 Speech

SB 107?

Date?

Hello, I'm Leighla Baney, and a proud part of Kids-4. I would really hate to see anything happen to Kids-4. It's a great program that gives me something to do after school. If I didn't have Kids-4 I would come home from school on Monday do my homework, and watch t.v., and you know what? I would rather make t.v. than watch it. If you take Kids-4 away I would feel sad, because my sister and brother would like to be a part of it. Also I would not make as many friends as I do now. I would feel unappreshiated, beacuse all of everyones work would go to waste. People would not be able to come up to me and say, "Hey! I saw you on t.v." Please don't make us all sad.

Thank you for your time!

print
copy
511

5
1
1
1



SB107? Date?

My son, Jordan Bethea, was involved in KIDS-4 TV for 9 years, From 5th grade to his freshman year in college. He not only learned how to use video equipment, direct a show, create a show and scripts, figure out costumes and work in front of and behind the cameras. He also learned self-confidence, working with others-diplomatically, speaking in front of others, responsibility for assignments, and a good work ethic. He lobbied for, and established the very first high school age crew. He was also employed at the studio as a night programmer, and assistant crew leader.

The skills that he learned at KIDS-4 have transferred over to his current job as an entertainer at Disney World. He applies his creativity, and improvisation skills on a daily basis at his job. He also has no fear of being in front of large crowds, or speaking to a group of people. If it wouldn't have been for his KIDS-4 experience, he wouldn't be as good at his job as he is.

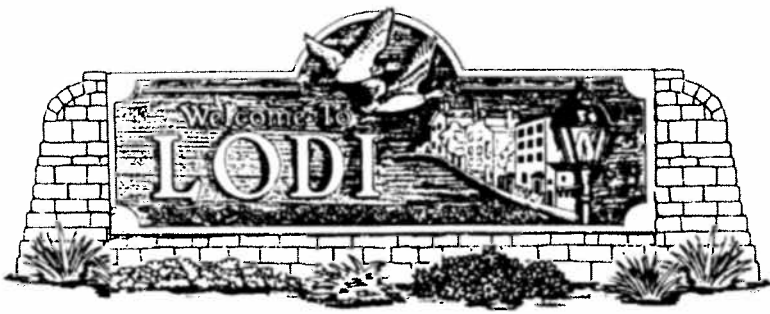
With all the cuts in schools for journalism, art, and drama classes, the only place where kids from Sun Prairie can get this training, or have a creative outlet, is KIDS-4.

The kids often don't realize how lucky they are that Sun Prairie is able to have the only "developed and run by kids" television station in the United States. No other city in the U.S. has such a station. The comment by kids from other cities, both local and nationwide, who visit the studios, is "Gosh, I wish we had a station like this in *my* town."

Please don't take this wonderful, creative, unique opportunity away from the kids of Sun Prairie! Work it out so that they can still operate at the level they operate at now. The service that they provide to kids and the Sun Prairie community is so very valuable.







CITY OF LODI
130 S. Main St.
Lodi, Wisconsin 53555-1120

Tel (608) 592-3247
Fax (608) 592-3271

SB107? Date?

Senator Plale, Representative Montgomery, Members of the Committee:

I wish to thank you for providing this forum. As a general statement telecommunication and cable service are vital to the economic success of Wisconsin in the twenty-first century and beyond. This legislation does nothing to ensure that success. This proposal is designed to benefit one industry at the expense of the entire community. As I read the analysis by the Legislative Reference Bureau, I am unable to find anything that will benefit the residents of the City of Lodi or any other rural community. As currently written this proposal does more harm than good. The beneficiaries of this change in law are those in the industry who are attempting to gain entry into Wisconsin communities while simultaneously avoiding dealing with the communities they desire to serve.

FRANCHISE FEES

Under current law the individual communities in Wisconsin grant franchises for cable service. This allows for each community to safe guard its' unique interests. This is important to the residents of our communities. This proposal does not recognize the uniqueness of each of our communities and the desire to retain it. Local standards are important. This proposal provides for the State of Wisconsin to be the sole franchising authority within its' borders. This effectively puts the concerns of the corporate entity over the concerns of the local community and its' residents.

This proposal also changes the definition of gross receipts. This change will lower municipal revenues by exempting advertising revenue from the calculation. It has been estimated that this could result in a 30% reduction in franchise fee revenue for the communities of Wisconsin. Currently federal law allows local governments to collect a fee of up to 5%. This bill requires a fee of the lower of 5% or the current fee which ever is lower. Does this

legislation permit the municipality to change the fee in the future? Under the Lodi's current contract any provider that seeks entry must be bound to the same contract conditions as our current provider, Charter Communications. Franchise fees would be an identical percentage; service standards would be identical, as would all other requirements. Identical terms and conditions are not barriers to entry. They are basic fairness. Our current contract requires annual examination of records for the purpose of verifying accuracy in calculating the franchise fee. This legislation limits this to once every three years. It is unacceptable.

MUNICIPAL AUTHORITY

This bill appears to eliminate all local governments from the regulation of their rights of way with respect to this industry. The bill also prohibits the collection of fees normally collected for street openings or other work in the right of way. These fees are collected from all parties, individual or corporate. This bill provides an exception for one industry. This again violates the principles of fair treatment to all. From the work of the Reference Bureau, it appears that pole attachment fees would also be eliminated. These fees are charged when other entities attach their equipment to our municipal electric utility poles. We also require all electric telephone and cable (video) infrastructure be put into the same trench with cost sharing on the trenching work. Am I correct in assuming this will also be prohibited?

CUSTOMER RIGHTS

Under this bill the customer has no rights. Rule making by Department of Financial Institutions is prohibited. The Department may not issue rules interpreting the law or establishing procedures for monitoring the requirement contained therein. It requires a court action to resolve disputes. This costs money and will just add to an already crowded court calendar. The bill repeals subscriber rights currently enforced by DATCP and the District Attorney.

This bill also contains tax exemptions from the personal property tax. With the residential property tax payer paying 70% of the total property tax, we should not be creating or extending any more exemptions.

The 90-day requirement to comply with customer service requirements promulgated by the FCC is too long. Operators should comply with existing regulation immediately. It appears that all basic consumer protection is repealed in this bill. Who can the consumer turn to in the event of poor service or high fees? The industry has all of the power if our customer service standards are eliminated.

The bill analysis states that the franchise granted by DFI does not expire. This will cause areas of no service or poor service in Wisconsin. In Lodi we have found that our provider is most amenable to modernizing the system when it is time for franchise renewal. If there is no renewal and no competition the rural areas of the state will have poor service. The providers will abandon these areas because of the high cost to serve them. If this happens the economic growth attributed to the communications economy will bypass much of the state.

AB207/SB107 is bad public policy. It benefits one industry while harming the consumer and local communities.