

In 1984, Congress enacted the **Cable Communications Policy Act of 1984**, codified as amended, at Title VI of the Communications Act of 1934, (the “Cable Act”).

To further the goal of providing “the widest possible **diversity of information sources and services to the public**,” the Cable Act ratified local governments’ authority to require cable operators to provide system channel capacity for PEG access as a condition for franchise approval.

The Act also prohibited operators from “exercise[ing] any editorial control over any” constitutionally protected expression appearing on access channels.

The Cable Act thus affirmed the role of public access channels to “**provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas.**”

Consistent with the purpose of public access channels as **open forums for speech**, franchises or local regulations traditionally provide that public access channels may be used by the general public on a nondiscriminatory basis for any non-commercial, constitutionally protected programming.

Local franchises also typically require operators to set aside channel capacity for governmental and educational channels, which provide local residents with the ability to view their local government councils and commissions in action and to receive local educational and school-related programming.

PEG access advances Congress’ Cable Act goal of providing a **wide diversity of information and services** by responding to the **unique needs and interests of each local community**.

The role of PEG access in developing **technological and media literacy** has never been more important than it is today.

PEG access centers provide constructive outlets for **community youth to learn media skills**. **Seniors actively create programming on a range of issues**. PEG channels provide an outlet for otherwise unserved or under-served segments of a community (such as foreign-language speakers) to **produce and watch programming responsive to their unique needs and interests**. PEG channels give **nonprofit organizations an outlet to reach clients and other community members in need of assistance**.

PEG channels also furnish a **platform for civic debate** about local political issues. During local elections, PEG channels provide opportunities for candidates to address the public directly and fully, without being limited to a 30-second sound bite.

Thus, PEG channels are a **vital platform for causes and organizations** that would otherwise not be part of public discourse. Viewpoint diversity is a long- established public interest goal of the Cable Act.

The role of PEG channels is particularly important today, when the amount of programming on commercial television channels that is devoted to local public affairs is small and shrinking.

The commitment of PEG programmers to promoting social services, election information, arts and civic events, public safety and other issues close to home demonstrates what is possible when local individuals and community groups, rather

than just larger commercial media outlets, are given the opportunity to participate in the television medium.

The quantity of uniquely local original programming that PEG provides to communities is substantial. A 2010 sampling... revealed that an average PEG access center ran 1,867 hours of first-run local programming on its PEG channel(s) each year.

That translates into an average of 35 hours of first-run local programming per week—an impressive number that clearly reflects the robust amount of community involvement with, and the value that communities place on, PEG. Whether they are in an urban area, suburb or small town, **PEG channels are focused on the local communities they serve, cablecasting town hall and council meetings, local election coverage, school activities and other local events that rarely receive full coverage on local broadcast or other commercial media.**

[The Alliance for Community Media] has estimated that PEG access channels generate over 2.5 million hours of original local programming per year.

Due to their uniquely local nature, **PEG channels are an irreplaceable source of local election coverage.** Indeed, PEG content often serves as the only source of local community news and information... [The] ACM conducted a fall 2012 survey of over 200 of its member PEG centers' 2012 election coverage and programming.

The survey revealed that 85% of PEG centers produced and/or aired 2012 election programming, and that more than 75% of PEG centers collaborated with other organizations to offer election programming, with the League of Women Voters, the Local Chambers of Commerce, local community colleges and universities most often cited as key partners.

PEG centers participating in the survey represented a mix of public, educational and governmental non-commercial cable channels from around the country, including urban and rural centers.

In sum, **PEG channels are a critical and irreplaceable source of truly local programming.**

Edited and Reprinted (boldface added) from No. 08-3023 (L) (Cons. No. 15-3578)

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
MONTGOMERY COUNTY, MARYLAND ET AL., Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA, Respondents.

ON PETITION FOR REVIEW OF AN ORDER OF THE FEDERAL COMMUNICATIONS COMMISSION

BRIEF AMICUS CURIAE OF THE ALLIANCE FOR COMMUNITY MEDIA AND THE ALLIANCE FOR COMMUNICATIONS DEMOCRACY IN SUPPORT OF PETITIONERS

March 4, 2016

James N. Horwood Tillman L. Lay Spiegel & McDiarmid LLP 1875 Eye Street, NW
Suite 700 Washington, DC 20006 (202) 879-4000 Attorneys for Amici

Read the entire filing at http://www.allcommunitymedia.org/wp-content/uploads/ACM_ACD_Amicus_FILED.pdf