

MAR 08 2018

SENATE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO ADVOCATE FOR LOCAL FRANCHISING AUTHORITIES TO RECEIVE GREATER CABLE TELEVISION REGULATING POWER AND FOR THE FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE CLARITY AND ALLOW LOCAL FRANCHISING AUTHORITIES MORE DISCRETION REGARDING THE REGULATION OF CABLE OPERATORS AS IT RELATES TO PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS CHANNELS.

1 WHEREAS, public, educational, and governmental access
2 channels are critical to government transparency and open access
3 to broadcasts of state legislative and county council
4 proceedings and neighborhood board meetings, especially when
5 time and distance may prevent an interested individual from
6 attending the proceeding or meeting; and

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8 WHEREAS, public, educational, and governmental access
9 channels provide programming that offers valuable information to
10 viewers and connects the State's unique communities together
11 through the discussion and coverage of cultural matters and
12 events; and

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14 WHEREAS, public, educational, and governmental access
15 channels serve an important consumer protection function by
16 broadcasting information to the public during natural disasters
17 and emergencies; and

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19 WHEREAS, the re-designation or relocation of public,
20 educational, and governmental access channel numbers requires
21 strategic and coordinated communication with the public, as lack
22 of sufficient communication will cause confusion; and

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24 WHEREAS, access organizations that oversee public,
25 educational, and governmental access programming may find it
26 difficult to rebrand programs and their services with new
27 channel numbers; and
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1 WHEREAS, federal law limits the regulation of cable
2 services of local franchising authorities; and
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4 WHEREAS, with respect to channel assignments, federal law
5 only expressly requires cable operators to provide thirty days'
6 advance written notice of any repositioning of any qualified
7 local noncommercial educational television station, including a
8 re-designation of a channel number from its number as of
9 March 29, 1990, thereby limiting local franchising authorities'
10 regulatory powers over the re-designation or relocation of local
11 public, educational, and governmental access channels; and
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13 WHEREAS, the Federal Communications Commission's ability to
14 preempt state laws provides a challenge for the Department of
15 Commerce and Consumer Affairs, the State's local franchising
16 authority, to regulate cable operators and the designation and
17 location of public, educational, and governmental access
18 channels; and
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20 WHEREAS, federal legislation to provide greater discretion
21 and clarity to local franchising authorities regarding the
22 regulation of cable operators and the designation and location
23 of public, educational, and governmental access channels would
24 strengthen the ability of local franchising authorities to
25 effectively address public concerns; now, therefore,
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27 BE IT RESOLVED by the Senate of the Twenty-ninth
28 Legislature of the State of Hawaii, Regular Session of 2018, the
29 House of Representatives concurring, that Hawaii's congressional
30 delegation is respectfully urged to introduce and advocate for
31 federal legislation to provide local franchising authorities
32 with greater regulatory power to alleviate concerns over cable
33 operators and the regulation of public, educational, and
34 governmental access channels; and
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36 BE IT FURTHER RESOLVED that the Federal Communications
37 Commission is respectfully urged to consider the limitations of
38 local franchising authorities and provide clarity and allow
39 local franchising authorities more discretion regarding the
40 regulation of cable operators as it relates to public,
41 educational, and governmental access channels; and
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1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the Majority Leader of
 3 the United States Senate, Speaker of the United States House of
 4 Representatives, Chairman of the Federal Communications
 5 Commission, members of Hawaii's congressional delegation, and
 6 Governor of the State of Hawaii.

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