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# 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 provide numerous important benefits; and  
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4           WHEREAS, public, educational, and governmental access  
5 channels promote civic participation and government transparency  
6 through local government cable casts, including broadcasts of  
7 state legislative and county council proceedings and  
8 neighborhood board meetings, which enables viewers to remain  
9 informed, especially when time and distance may prevent an  
10 interested individual from attending the proceeding or meeting;  
11 and  
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13           WHEREAS, public, educational, and governmental access  
14 channels also provide programming that connects the State's  
15 unique communities via discussion and coverage of cultural  
16 matters and events; and  
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18           WHEREAS, public, educational, and governmental access  
19 channels serve a vital consumer protection function as a tool to  
20 alert the public during natural disasters and emergencies; and  
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22           WHEREAS, the re-designation or relocation of public,  
23 educational, and governmental access channel numbers requires  
24 strategic and coordinated communication with the public, as lack  
25 of sufficient communication will cause confusion and lead to a  
26 decline in public viewership of these channels; and  
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1 WHEREAS, access organizations that oversee public,  
2 educational, and governmental access programming may find it  
3 difficult to rebrand programs and their services with new  
4 channel numbers; and

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6 WHEREAS, federal law limits the regulation of cable  
7 services by local franchising authorities; and

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9 WHEREAS, with respect to channel assignments, federal law  
10 only expressly requires cable operators to provide thirty days'  
11 advance written notice of any repositioning of any qualified  
12 local noncommercial educational television station, including a  
13 re-designation of a channel number from its number as of  
14 March 29, 1990, thereby limiting local franchising authorities'  
15 regulatory powers over the re-designation or relocation of local  
16 public, educational, and governmental access channels; and

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18 WHEREAS, the Federal Communications Commission's ability to  
19 preempt state laws provides a challenge for the Department of  
20 Commerce and Consumer Affairs, the State's local franchising  
21 authority, to regulate cable operators and the designation and  
22 location of public, educational, and governmental access  
23 channels; and

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25 WHEREAS, federal legislation to provide greater discretion  
26 and clarity to local franchising authorities regarding the  
27 regulation of cable operators and the designation and location  
28 of public, educational, and governmental access channels would  
29 strengthen the ability of local franchising authorities to  
30 effectively address public concerns; now, therefore,

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32 BE IT RESOLVED by the Senate of the Twenty-ninth  
33 Legislature of the State of Hawaii, Regular Session of 2018, the  
34 House of Representatives concurring, that Hawaii's congressional  
35 delegation is respectfully urged to introduce and advocate for  
36 federal legislation to provide local franchising authorities  
37 with greater regulatory power over cable operators and the  
38 regulation of public, educational, and governmental access  
39 channels; and

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41 BE IT FURTHER RESOLVED that the Federal Communications  
42 Commission is respectfully urged to consider the limitations of



1 local franchising authorities and provide clarity and allow  
2 local franchising authorities more discretion regarding the  
3 regulation of cable operators as it relates to public,  
4 educational, and governmental access channels; and  
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6 BE IT FURTHER RESOLVED that certified copies of this  
7 Concurrent Resolution be transmitted to the Majority Leader of  
8 the United States Senate, Speaker of the United States House of  
9 Representatives, Chairman of the Federal Communications  
10 Commission, members of Hawaii's congressional delegation, and  
11 Governor of the State of Hawaii.

