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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Stephanie Hom
Deputy City Administrator

SUBJECT: Public Access Channel

DATE: August 30, 2017

City Administrator Approval

[Handwritten signature]

Date: 8/31/17

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On Creating a Public Access Channel for Oakland.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland established a local franchise agreement with Comcast per Ordinance No. 12861, effective December 18, 2007 and expiring on December 17, 2017.

The State Legislature adopted the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), set forth in Public Utilities Code (PUC) Section 5800. DIVCA creates a process for the state to grant video service franchises and establishes the California Public Utilities Commission (CPUC) as the sole franchising authority for new video service providers in the state.

The Rules Committee, at its meeting on June 15, 2017, approved a request from Councilmember Gibson McElhaney to schedule an item titled: "Receive A Report With Possible Action From the City Administrator On The Cost, Process and Proposed Timeline For Creating A Public Access Channel for Oakland" for the Life Enrichment Committee on September 12, 2017 and is the subject of this report.

ANALYSIS AND POLICY ALTERNATIVES

The City of Oakland established a local franchise agreement with Comcast per Ordinance No. 12861, effective December 18, 2007 and expiring on December 17, 2017. DIVCA dictates that there are no more city-by-city franchises and upon the expiration of the current local franchise agreement, only a State Franchise can be issued by the CPUC.

Under DIVCA, some authority is retained by local cities and counties, including the authority to collect franchise fees, to collect certain PEG fees (for public, educational and governmental channels) and to monitor compliance with state and federal customer service standards. In

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addition, the City is currently receiving cable TV at its public buildings at no cost but may be charged for this service upon expiration of the local franchise agreement.

PUC Section 5850 (a) states that, "The holder of a state franchise shall designate a sufficient amount of capacity on its network to allow the provision of the same number of public, educational, and governmental access (PEG) channels, as are activated and provided by the incumbent cable operator that has simultaneously activated and provided the greatest number of PEG channels within the local entity under the terms of any franchise in effect in the local entity as of January 1, 2007."

In Oakland, Comcast provides three (3) PEG channels – KTOP (City of Oakland), KDOL (Oakland Unified School District) and Peralta TV (Peralta Community College District).

Further, PUC Section 5850 (d) (1) states that, "The holder shall provide an additional PEG channel when the nonduplicated locally produced video programming televised on a given channel exceeds 56 hours per week as measured on a quarterly basis. The additional channel shall not be used for any purpose other than to continue programming additional government, education, or public access television." And that (2), "For the purposes of this section, "locally produced video programming" means programming produced or provided by any local resident, the local entity, or any local public or private agency that provides services to residents of the franchise area; or any transmission of a meeting or proceeding of any local, state, or federal governmental entity."

By definition, a public access channel is available for use by the general public. They are usually administered by the cable operator. Any further analysis to create a public access channel for Oakland would require additional resources in the form of consultant services knowledgeable of the subject matter, and an associated budget allocation.

FISCAL IMPACT

There is no fiscal impact associated with this informational report.

Per Oakland Municipal Code 5.16.540, and consistent with DIVCA, the City will continue to receive a franchise fee of 5% of gross revenue. Per Oakland Municipal Code 5.17.210, and consistent with DIVCA, the City will continue to receive PEG fees of 1% of gross revenue.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this informational report beyond the standard City Council agenda noticing procedures.

COORDINATION

This report has been prepared in coordination with the City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

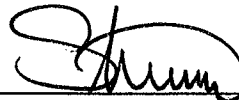
There are no economic, environmental, or social equity opportunities associated with this informational report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an informational report on creating a public access channel for Oakland.

For questions regarding this report, please contact Stephanie Hom, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,



Stephanie Hom
Deputy City Administrator
City Administrator's Office