



TATOA Newsletter

2010 TATO CONFERENCE TO BE HELD AT SHERATON DALLAS NORTH

The 2010 TATO Conference is scheduled to be held July 29-30, 2010 at the beautiful Sheraton Dallas North hotel located at 4801 Lyndon B. Johnson Freeway in Dallas.

Hotel Amenities Include:

- 309 Spacious guest rooms with Sheraton's signature "Sweet Sleeper Bed"
- Alejandra's Restaurant, Hotel Lounge
- Room Service
- 24-Hour Business Center
- High-speed Internet access throughout the hotel
- Complimentary Shuttle to and from the Galleria Mall - every hour from 7:00 am – 10:00 pm
- Complimentary Shuttle to include Addison's Restaurant Row (over 150 restaurants)
- Eight Golf Clubs within a 4 mile radius of the hotel
- 10 miles north of Dallas Love Field and 15 miles east of Dallas/Fort Worth Int'l Airport
- Starwood Preferred Guest Programs

We look forward to seeing you there in 2010!



TATO GOES GREEN

Used to seeing this newsletter in your mail box instead of your e-mail box? As a way to be green and save some green (costs) we are switching from a paper to a virtual newsletter! Please enjoy your first all digital TATO Quarterly Newsletter.

PRESIDENT'S MESSAGE

As 2010 is just beginning, it is a great time to look back at 2009. In these economic times as other organizations are struggling to retain members or have conference attendees, TATOA retained members and gained new members during the annual conference. TATOA also had its first full-day workshop on broadband funding opportunities and energy conservation in conjunction with Congressman Ciro Rodriquez's office. The workshop received high marks from attendees.

When you look back at the federal government in 2009, it's all about the Health Care Bill. However, the bill that should garner more media attention is the "CAP" Bill.

The Community Access Preservation Act does not assume a "one size fits all" PEG structure, instead leaving the decision to negotiate for PEG channels to franchising authorities and the local communities they represent. Congressman Tammy Baldwin (D-WI) introduced the bill and it was designed in partnership with NATOA and the Alliance for Community Media (ACM), to provide targeted changes to the Cable Act that would help resolve some of the issues facing community media/PEG across the country by:

- Allowing PEG fees to be used for any PEG-related purposes;
- Requiring PEG channels to be carried in the same manner as local broadcast channels;
- Requiring the FCC to study the effect state video franchise laws have had on PEG channels, and requiring operators to provide the greater of the support

required under state laws, or the support historically provided for PEG; and

- Making cable television-related laws and regulations applicable to all landline video providers.

The bill has been referred to the House Committee on Energy and Commerce. TATOA will continue to keep you updated on this bill. ACM has a legislative toolkit available on-line at AllianceCM.org for your reference including sample resolutions of support.

The Board is continuing to look at ways to expand or increase its services to members with costs in mind. As such, this newsletter is going green by being delivered to members via email. Not only will this reduce printing costs, it will also cut all postage costs. The newsletter will also be available on the website at www.tatoa.org for all members. Please feel free to contact me with any comments about the new delivery format.

2010 should be an exciting year for TATOA. The Board has already secured the location of its 15th Annual Conference at the Sheraton North Dallas on July 29-30, 2010. Watch your email in early 2010 for special discounted conference rates.

I, along with the Board, wish you and yours a happy and prosperous New Year. If there is anything that TATOA should do differently or if you have any ideas please contact me or the board. We look forward to working with you and your city in 2010.

Margaret Somereve
TATOA President





Struggling to Keep Community Media Alive in Texas **By Stefan Wray**

The first time I ever set foot inside a “public access” TV station was in 1997. I wanted to make a short documentary and found someone at Austin’s community television studio to help me.

It was such a novel concept to be able to borrow cameras, audio gear and editing equipment to tell a story.

A few years later, I joined and became a producer at what was then called the Austin Community Access Center. I worked with my wife to film reaction in the streets to the 2000 presidential election and captured the reaction to the wars in Afghanistan and Iraq.

We also documented environmental matters and told stories about urban development in Austin’s Barton Springs watershed.

Being able to produce short video segments or hour-long programs and air them on cable channels for all to see was

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a continual source of joy and amazement.

Until 2005, most things in the world of community television were unchanged.

Ground Zero for Deregulation

Enter AT&T, which rolled into Austin, the state capital, with its army of lobbyists.

The San Antonio-based telco giant had a mission: become a video provider across the state, without having to bargain with local municipalities for franchises like the cable companies had done for decades.

To do so, the company successfully lobbied to create a statewide franchise system – bypassing the tradition of closely working with local communities to address their information needs.

Texas became ground zero for a wave of telecommunication deregulation that has since swept the country. There are now 20 states where local municipal control over cable and video franchises have been stripped away.

Shut Down in San Antonio

In Texas, the legislature gave the state’s Public Utility Commission (PUC) the power to dole out video and cable franchises. The problem is that for Texas, as elsewhere, these local agreements between cities and cable providers have been the primary source of operating funds for community television.

Under the old franchise agreements,

municipalities were able to negotiate with video providers in order to secure funding for the operation of Public, Educational and Government access channels. But as these agreements expire, and the cable and phone companies eagerly take up the rubber-stamp agreements available under the amended law, the funding for these stations is disappearing.

The problem stems from language in the federal Cable Act which restricts how PEG stations can spend their money. Though the amended state law provides that 1 percent of the cable or video providers' revenue goes to municipalities for PEG, it turns out that this funding can only be used for capital expenses, not for operations.

Just three months after Texas' new telecommunications law went into effect, San Antonio became its first casualty. The public channel in San Antonio went dark for many months. After a hue and cry from local producers, a significantly scaled down community television facility was launched in a fourth floor office of a San Antonio city building, with one staff person managing it as well as the government channel. Suffice it to say, it's never been the same.

Is Austin Next?

In 2006, I started to work at Austin's community television station. Now managed by channelAustin, we've been keenly aware that what happened 70 miles to the south in San Antonio could happen here when the city's agreement with Time Warner ends.

So far, we've been fortunate. One beneficial aspect of the 2005 Texas legislation is that existing local agreements remain in force until they contractually expire. But that date for us – Aug. 12, 2011 – now looms on the horizon.



Today, still under the local cable franchise system, channelAustin receives about 85 percent of its annual budget from a "cable access fund" derived from Time Warner Cable subscriber fees.

After 2011, when the franchise expires Time Warner's obligation to pay into the earmarked cable access fund, as per the existing local franchise, will disappear. Then, under a statewide franchise Time Warner will pay Austin 1% of revenues that the city can use for PEG. That money, in theory, should be used to support channelAustin's operations.

But again, because of the Cable Act restriction, the 1% can only be used for "capital" purposes, such as new Sony

HDV cameras or Apple computer hardware and software. The funds cannot be used for the day-to-day operations to keep channelAustin's doors open.

channelAustin's Executive Director Linda Litowsky notes the irony that, barring any change, after 2011 there would be plenty of capital funds available to construct a million-dollar addition to our facility, but no money to staff it.

Congress Can Save Community TV

The combined impact of the new statewide franchising system and the restrictive parameters of federal law are a poison pill for community television and community media centers here in Texas, while similar disastrous scenarios are played out in many other states.

But there's hope.

A new federal bill introduced in Congress in October by Rep. Tammy Baldwin (D-Wis.), the Community Access Preservation Act (HR 3745) would solve this problem. If enacted into law, this bill will remove these unfair federal restrictions on the monies that the city receives from local cable providers.

The bill has several other key provisions, including a directive to the FCC to examine the impact of state telecommunications deregulation and a measure that would end the discriminatory practice of relocating PEG channels in the upper digital tier.

Most important for channelAustin, it would save us. If the Community Access Preservation Act passes in 2010, we will have no worries in 2011.

On Nov. 19, the Austin City Council passed a resolution supporting this federal legislation and called on the city's congressional delegation to take action. Austin Rep. Lloyd Doggett became a co-sponsor of the bill after hearing channelAustin's concerns. We have also held meetings with aides of Austin's other representatives.

This momentum generated here has spilled over into other communities. The city government of San Antonio is planning to make passage of the Community Access Preservation Act one of its legislative priorities for 2010.

HR 3745 now sits in the House Energy and Commerce Committee. If the bill passes, not only will it keep channelAustin afloat, it may breathe new life into San Antonio and help save community media across the nation.

Stefan Wray is a guest columnist for TATO and channelAustin's Communications Director and Technical Lead for the Open Media Project. He sits on the Austin Public Access Future Funding Task Force, is part of the Alliance for Community Media's Public Policy Work Group, manages the Save Texas Access blog, and is working with others in Texas to promote the Community Access Preservation Act.

Opinions expressed herein are solely those of the author.

Web Links:

- www.channelaustin.org
- www.savetexasaccess.org
- www.alliancecm.org/cap