

DEMOCRATIZING CABLE ACCESS IN CLEVELAND HEIGHTS, OHIO

a grassroots proposal

This proposal is offered this 11th day of October, 2005 to the City of Cleveland Heights by residents and concerned citizens who wish to democratize cable access opportunities. Public access is an essential component to any cable franchise agreement. It is the “video equivalent of the speaker’s soap box, electronic parallel to the printed leaflet.” PEGs provide individuals and groups who’ve not had access to the electronic media the opportunity to become sources of information. Public access is essential to ensure that those with little money have any opportunity to have their voices heard.

Because of the public nature of public access and given the importance to a free and open society of access to diverse points of view, the process for establishing agreements between public municipalities and cable corporations should be open, transparent, inclusive and accountable. We affirm that municipalities like Cleveland Heights possess the authority to negotiate a cable franchise agreement benefiting community residents, including those who demand public access.

What follows is a proactive and constructive step in this democratic process. We look forward to engaging others in the period ahead.

Proposed Elements to Cleveland Heights’ New Cable Franchise Agreement

1. The City desires to provide support for the use of cable television public, educational, and government (“PEG”) access channels provided pursuant to federal law.
2. The franchise agreement between the City and the for-profit, cable corporation will designate a non-profit, community-based, access management entity to operate and administer the PEG access facilities, services and programming.
3. The franchise agreement will provide that five (5) channels be provided for PEG access: 1 for government purposes, 1 for educational purposes, and 3 exclusively designated “public access.”
4. The franchise agreement will provide that certain initial and ongoing payments be made by the for-profit cable corporation for PEG access capital equipment and facilities.
5. The franchise agreement will provide that certain payments and in-kind services be provided by the for-profit cable corporation to support the operations of the PEG access facilities, equipment and channels. This will include support for programming and training.
6. In exchange for the funding provided by the City to the non-profit, community-based access management entity pursuant to this Agreement, that entity will provide the following services:
 - A. **OPERATE PUBLIC ACCESS CABLE CHANNELS.** Operate the public access cable channels for public/community access programming purposes in a manner, which is consistent with the principles set forth in the agreement with the primary purpose being to administer, coordinate, and assist those requesting access on a nondiscriminatory basis.
 - B. **OPERATE THE EDUCATIONAL AND GOVERNMENT ACCESS CHANNELS.** Operate the educational and government access channels for community access programming purposes in a manner which is consistent with the principles set forth in the franchise agreement with the primary purpose being to administer, coordinate and assist the City of Cleveland Heights (government access) and educational institutions (educational access) requesting access on a non-discriminatory basis.

C. OPERATE A COMMUNITY ACCESS CENTER. Manage a video production facility and equipment, available for public use at such hours and times as are determined by the non-profit, community-based access management entity. Access to equipment and facilities shall be open to all those who satisfactorily complete training class(es).

D. PROVIDE EQUAL ACCESS. Provide access to the use of the equipment, facilities, channels, and services provided hereunder on a non-discriminatory basis to all members of the community for non-commercial programming purposes, whether individuals, groups, or organizations, on a first-come, first served non-discriminatory basis.

E. DEVELOP OPERATING POLICIES AND PROCEDURES. Develop policies and procedures for use and operation of the PEG access equipment, facilities, and channel(s) and file such policies and procedures with the City.

F. COMPLIANCE WITH LAWS RULES, AND REGULATIONS. Administer the PEG access channel(s) and facilities in compliance with applicable laws, rules, regulations, and in compliance with the franchise agreement.

G. TRAINING. Train City residents, and when requested, City and school or college employees in the techniques of video production, and provide technical advise in the execution of productions.

H. PLAYBACK/CABLECAST. Provide for the playback/cable casting of programs on the PEG access channel(s).

I. MAINTENANCE OF EQUIPMENT. Provide regular maintenance and repair of all video equipment purchased with monies received pursuant to this Agreement and/or donated, loaned, or leased to the non-profit, community-based, access management entity by the City.

J. SPECIAL NEEDS GROUPS. Support special needs groups, including but not limited to the hearing impaired, in program production through training and other means.

K. PROMOTION. Actively promote the use and benefit of the PEG access channels and facilities to cable subscribers, the public, PEG access users, and the for-profit cable corporation.

L PERFORMANCE REVIEW. The non-profit, community-based, access management entity shall, after 3 years of operation under this Agreement, contract with an entity expert in access from outside the community that is expert in PEG access matters to conduct a performance review of (Access NPO)'s operations. This review shall include an opportunity for PEG access users and cable subscribers to provide input. Upon completion, a copy of the performance review shall be submitted to the City.

M. OTHER ACTIVITIES. Undertake other PEG access programming activities and services as deemed appropriate by (Access NPO) and consistent with the obligation to facilitate and promote access programming and provide nondiscriminatory access.

7. Funding and other resources.

A. The City will provide funding to the non-profit, community-based access management entity for PEG access through the dedication of one hundred percent (100%) of its franchise fees to said purposes.

B. The for-profit cable corporation will provide 3% of its gross revenues generated within Cleveland Heights to the non-profit, community-based access management entity to fulfill its said responsibilities.