

November 16, 2009

Honorable Barry J. Hobbins, Senate Chair  
Honorable Jon Hinck, House Chair  
Joint Standing Committee on Utilities and Energy  
100 State House Station  
Augusta, Maine 04333-100

Re: Public Law, Chapter 548, 123<sup>rd</sup> legislature, An Act to Amend Cable Television Laws and Establish a Model Cable Franchise Agreement

Dear Chairman Hobbins and Chairman Hinck,

Please accept this letter of support for the model cable television franchise agreement from Jeffrey Austin of the Maine Municipal Association and Tony Vigue and John Goran of the Community Television Association of Maine, acting as municipal and community stakeholders\*.

We recommend that municipalities seriously consider the use of this model. It is extremely thorough and provides a satisfactory level of consumer protection and municipal benefits with multiple references to relevant Federal and State statutes. It also includes non-compliance penalties and other protections for the towns. The franchise agreement that a town adopts will be tailored to the particular needs of a community. The model franchise is flexible in that several basic issues require further specific negotiation. These issues include but are not limited to:

- the franchise fee,
- the number of PEG channels and support
- build out density.

These important topics are not predetermined in a “one-size-fits all” manner. Instead, the model franchise includes some “fill-in-the-blanks” following local negotiation. The benefit of the model is that it provides standardized terms and conditions that should not require expensive negotiation to develop.

The bottom line is that if a particular municipality is comfortable with the model - then it should be in a very good position to successfully negotiate a cable franchise agreement. Municipalities do not have to use the model and are free to propose

changes. That said, the more substantive changes to the model a municipality seeks in its favor, a similar reaction could fairly be expected of a cable company.

It is also recommended that municipalities review their local cable ordinances to insure that they are in agreement with their franchise, regardless of which franchise they choose to use.

Ultimately, we are hopeful that municipalities will benefit from the hours of negotiation and compromise in which the stakeholders were engaged over the past year in the development of Maine's Model Cable Television Franchise Agreement.

Sincerely,

Jeffrey Austin  
Tony Vigue  
John Goran

\*CTAM is a non-profit 501c3 Affiliate of Maine Municipal Association assisting over 90 Community Television stations in the State of Maine, together providing local municipal and educational programming to over 350,000 homes. Community television channels in Maine also provide free or low cost promotional outreach opportunities for more than 250 non-profit charitable organizations and private foundations which serve all the citizens of Maine and together create more locally produced programs in a single month than all the commercial networks produce in a year.