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**Testimony of Attorney General Aaron Frey in Support of  
LD 1967, *An Act to Support Municipal Franchise Agreements***

Senator Lawrence, Representative Zeigler, and distinguished members of the Energy, Utilities and Technology Committee. My name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General. I am here today to speak in support of LD 1967, *An Act to Support Municipal Franchise Agreements*.

Community-run television stations provide vital public, educational and governmental programs. Pursuant to an overlay of federal and state law, many Maine municipalities require cable operators, as a condition of their franchise agreements, to carry these "PEG" stations in their basic cable packages and provide other financial and technical supports. Several years ago, when cable operators in Maine began marginalizing PEG stations, the 129<sup>th</sup> Legislature stepped in and enacted a law to protect PEG stations and support their ongoing viability. The cable industry promptly sued in federal court in an effort to stop the law from taking effect. My office defended that law, and we prevailed in both the District Court and the United States Court of Appeals for the First Circuit.

LD 1967 builds upon the efforts started by the 129<sup>th</sup> Legislature. Recognizing that television content is being delivered in new ways, it expands the obligations of existing law beyond cable system operators to all "video service providers." This encompasses all entities that provide access to video entertainment through facilities located in public rights-of-way. These entities will then need to enter into franchise agreements with municipalities, just as cable operators must, including appropriate supports for PEG stations. LD 1967 clarifies some of the technical support that video service providers must provide to PEG stations, ensuring that the image quality of PEG programming will not be degraded but instead will equal that of all other programming the video service provider carries. It provides processes to resolve disputes between municipalities and video service providers regarding their respective obligations. An alternative dispute resolution process is important because many municipalities simply do not have the resources to litigate these matters. Finally, LD 1967 clarifies existing law regarding the obligations of video service providers to build out their lines into unserved areas. All of these are important measures aimed at ensuring that PEG stations will continue to play an important role in our communities, and I urge you to vote Ought to Pass on LD 1967.

My office has worked with the sponsor and has suggested some amendments, which I understand the sponsor will be proposing. We are happy to continue to work with the sponsor and other stakeholders to address any concerns that may be raised during this hearing or at a subsequent work session.