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December 8, 2025



Sustainability for Community Media: What's At Stake, What's Possible & How to get there

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Community Media Health Crisis

- Cable Fees Fund Community Media
- Cable Service Subscriptions are Declining
 - (Approx 50% over 10 years)
- Cable Revenues are Declining
- Cable Franchise Fees are Declining
- Cable PEG Fees are Declining

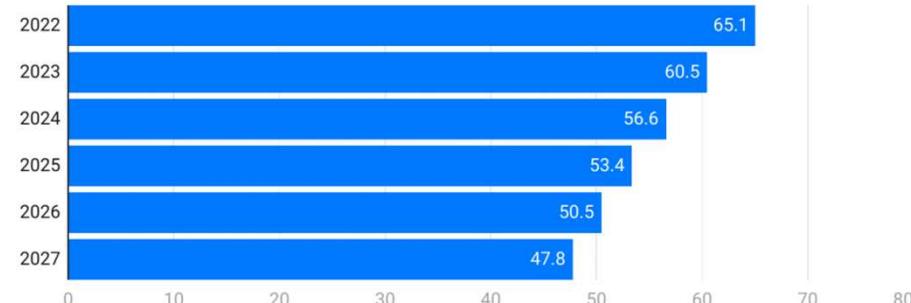


- Diagnosis: **Funding Crisis**

Health Chart

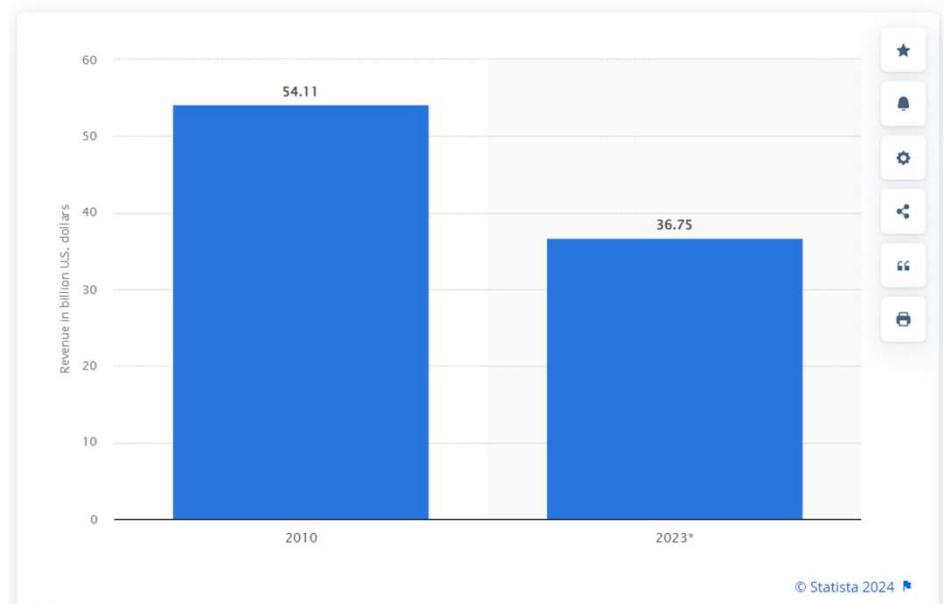
Number of pay TV households in the United States from 2013 to 2027

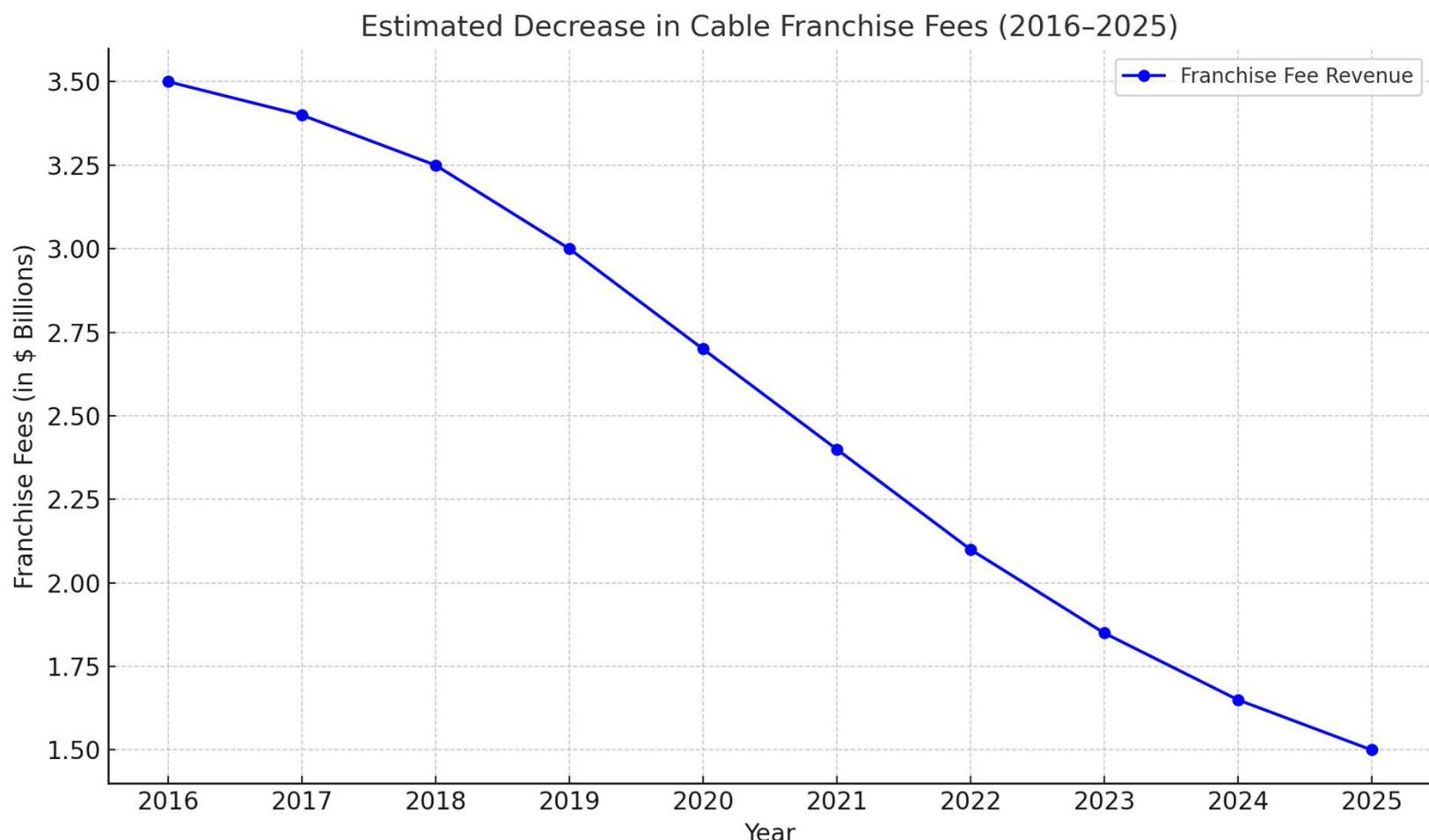
(in millions)



Source: Enterprise Apps Today

Cable TV revenue in the United States in 2010 and 2023 (in billion U.S. dollars)





For illustration only – Source ChatGPT

Options for Sustainable Funding

- Wait and See
- Seek Municipal General Funding
- External Funding
 - Diversify
 - Work for Hire
 - Renting Facilities and Equipment
 - Sponsorships, etc.
- Legal Solutions
- Legislative Solutions



Legal Cures

- Fresh Look at Broadband Franchising
- *Ohio Telecom Ass'n v. FCC (In re MCP No. 185)*, 124 F.4th 993 (6th Cir. 2025).
 - Broadband is not a Telecommunications Service
- Reevaluate State Law Applicable to Broadband
- Minnesota's First Broadband Franchise
 - Additional information and links can be found here:
 - <https://bradleywerner.com/2025/09/29/first-broadband-franchise-ushers-in-a-new-era-in-franchising/>



Benefits of Broadband Franchising

- Quality of Service for Residents
- Buildout Commitments
- Consumer protections
- Franchise Fees
- Digital Education and Training
- Community Media Support

This is the Way: Equal Access to Broadband Through Municipal Franchising

MICHAEL R. BRADLEY, Partner, Bradley Werner, LLC, Minneapolis, Minnesota



The goal of equal access to broadband is not controversial or partisan. Most agree that citizens should have equal access to the same quality of service to broadband; that broadband networks should be built out to serve all citizens over a reasonable time; that there should be reasonable customer service and consumer privacy protections; and price protections.¹ The importance of ensuring equal access to broadband is particularly relevant today as federal and state governments are making historic public grants to improve broadband networks throughout the country.²

Partisan. Most agree that citizens should have equal access to the same quality of service to broadband; that broadband networks should be built out to serve all citizens over a reasonable time; that there should be reasonable customer service and consumer privacy protections; and price protections.¹ The importance of ensuring equal access to broadband is particularly relevant today as federal and state governments are making historic public grants to improve broadband networks throughout the country.²

Surprisingly, despite historically high public investments, there remain no long-term guardrails to ensure residents receive equal access to the same quality of service, pricing, and consumer protections. While the FCC enacted digital discrimination regulations,³ the FCC likely lacks express authority to implement additional broadband

franchise. Broadband is the future of municipal franchising. Local franchising is the way to ensure equal access to broadband.

A Valuable Special Privilege

Generally, a city has the sovereign power delegated by state law to grant a franchise to convey a highly valuable special

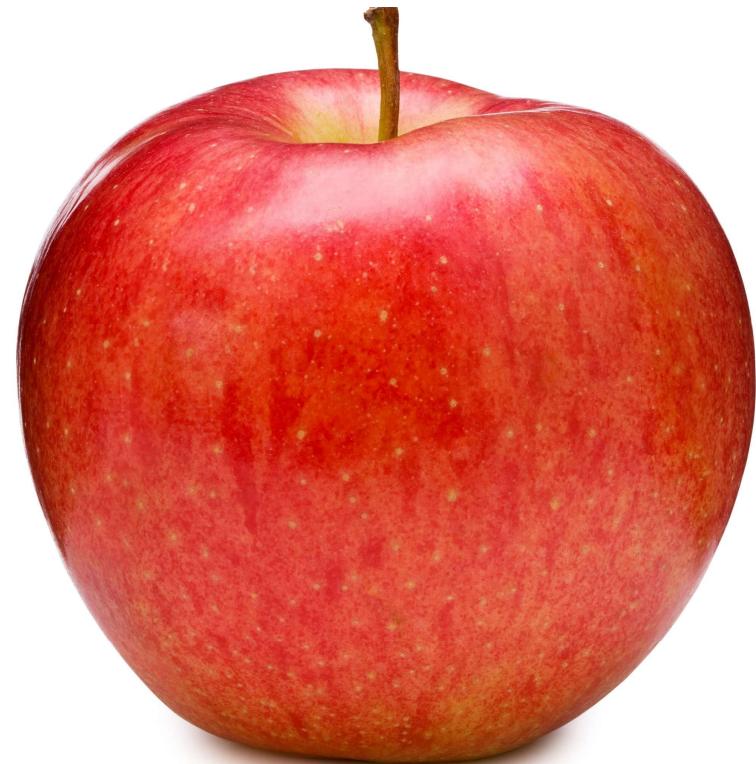
they ignore the value of the privilege to use public rights-of-way¹¹ or how local governments require franchises to comply with requirements benefiting citizens, as discussed in detail below.

Source of Municipal Franchise Authority
The source of local franchising authority arises from a number of sources including, but not limited to, state law,¹² state constitutions,¹³ municipal charters,¹⁴ and state common law, including state statutory and common law recognition of local authority to manage the public rights-of-way. Local franchising is a sovereign power that resides in the states and is not derived from federal law, including the Communications Act.¹⁵ To the extent the Communications Act does not lawfully restrict or address a particular service,

Municipal Lawyer, page 6, January 2025

Preventative Action – Participating at the FCC

- Participating Protects the Budget
 - FCC 621 Proceeding – FMV of Noncash Consideration Rejected
 - FCC Wireline NOI (2025) – Preemption of Local Government Fees
 - Minn. Community Media Orgs file:
 - <https://bradleywerner.com/2025/11/18/minnesota-cities-tell-fcc-it-has-no-authority-over-broadband-and-limited-authority-to-preempt-telecom-regs/>
 - Reply Comments due 12/17/2025
 - FCC Wireless NPRM (2025) – More Preemption
 - Comments due December 31, 2025



The Legislative Cures

- Appropriation
 - VT, CT
- Gross Earnings Tax or Fee
 - CT, NY
- Streaming Video Tax or Fee
 - NY, MA, MN, VT
- Broadband Franchising
 - MN - Equal Access to Broadband Act
- Other – ACM Model Legislation



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Success in Vermont! – Multiple Funding Approaches

- 2024 - S 181 - Communications; utility poles; attachment charge; Community Media Public Benefit Fund
 - Bill proposed to establish a Community Media Public Benefit Fund to support the operational costs of Vermont's 24 access management organizations. Revenue for the Fund shall be generated by **an annual utility pole attachment charge** imposed on communications service providers.
 - Bill converted funding mechanism to tax on streaming services with **\$1M Appropriation to fund PEG programming**
 - Did not Pass
- 2025 - H.493 (Act 27) – Appropriation to Vermont Access - **\$1.35M**
 - Signed May 21, 2025

Massachusetts – An Act to Modernize PEG Funding

- An Act to Modernize Funding for Community Media Programming
 - [H. 91/S.2556](#)
 - Creates PEG Access Facilities Revenue Advisory Board
 - Reports Annually to Dept of Telecommunications and Cable and the Department of Revenue
 - Recommends a Streaming Entertainment Service Assessment Rate
 - Assessed on Gross Revenues of a Streaming Entertainment Operator
 - Commissioner of Dept of Revenue must set an assessment rate equal to the recommendation in the Report
 - Significant Support - Over 20 Petitioners/Cosponsors (authors) in House and Senate
 - Status:
 - **Reported favorably** out of Committee in both bodies
 - **Pending** in House and Senate Ways and Means Committees.



New York – TEAM-NY Act

- 2025 - [A7509](#) – *Omnibus Telecommunications Reform Act*
 - *Not Less Than 2% PEG Fee for Renewals*
- 2023 - Community Media Reinvestment Act
 - Assembly Bill [A5900A](#) and Senate Bill [S2581B](#)
 - Establishes a tax on direct broadcast satellite services and video streaming services and establishes the community media reinvestment fund.
 - Referred to Investigations and Government Operations
- Working on Legislation for 2026.
 - ACM-New York
 - [Tech Equity Access Media \(TEAM-NY\) Act](#)



Connecticut – Multi-Year Efforts

- 2025 - Three House Bills HB 5532, (fee on internet service providers to support community access), HB 5848, (appropriations bill), HB 6296 (funding task force)
 - Bills did not move beyond initial committee referral in the 2025 regular session.
- 2024 - HB 5446 - An Act Concerning **Funding for Community Access Television**, The Connecticut Television Network And Low-Income Internet Access and Taxation of Communications Services Providers.
 - Statement of Purpose: To (1) extend the gross earnings tax on cable and satellite television companies to communications services providers, (2) change the method of funding community access television operations, the Public, Educational and Governmental Programming and Educational Technology Investment Account Grant Program and the Connecticut Television Network, and (3) report on a possible program to support low-income households with broadband Internet subscriptions.

Connecticut – Study on Access Funding - 2023

- Special Act 22-23 – An Act Concerning a Study of Community Access Programming Operations
 - The chairperson of the Public Utilities Regulatory Authority shall report the results of the study, including any recommendations, to the joint standing committee of the General Assembly having cognizance of matters relating to energy and technology not later than December 15, 2023
- Report Released in December 2023.
 - Used as a basis for 2024 legislation

Minnesota – Multiple Approaches

- Equal Access to Broadband Act
 - [HF 4182/SF 4262](#) (2024) – Broadband Franchising Bill
 - [HF 974](#) (2025)
- PEG Funding Fee - Streaming Bill
 - [HF 4186/SF 3930](#) (2024) – 5% Fee on Streaming Services
- Local Digital Media Tax
 - [SF 3039/HF 3261](#) (2023-24) – 1% tax on Digital Products to support local digital media
- Legacy Funding
 - [HF 1740](#) (2025) would appropriate funding from the arts and cultural heritage fund to support access television
- **2026 – Protecting State Law Authority to Franchise Broadband Providers**



We Can Beat This!

➤ There are Cures

- On February 6, 2024, the Maine legislature passed An Act to Support Municipal Franchise Agreements. The law can be found [here](#).
- Maine Community Media Association – www.mecomm.org
- Vermont
- Minnesota
- Massachusetts (on the doorstep)

➤ What should You be doing now? We address that next...



Thank You!



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