

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Proceeding
to Consider Changes to Requirements on
Video Franchisees Under the Digital
Infrastructure and Video Competition
Act, and Revisions to General Order 169.

Rulemaking 23-04-006

**COMMENTS ON COMMUNICATIONS DIVISION STAFF
REPORT AND RECOMMENDATIONS OF
ALLIANCE FOR COMMUNITY MEDIA,
ALLIANCE FOR COMMUNICATIONS DEMOCRACY,
AND MEDIA ALLIANCE**

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Pursuant to the December 26, 2025 Administrative Law Judge’s Ruling Revising Schedule and Inviting Comments on Staff Report (“December 26, 2025 Order”), the Alliance for Community Media (“ACM”), Alliance for Communications Democracy (“ACD”), and Media Alliance submit the following comments on the California Public Utilities Commission (“CPUC” or the “Commission”) Communications Division Staff Report and Recommendations (“Staff Report”).¹

1. SUMMARY

ACM, ACD, and Media Alliance appreciate the opportunity to comment on the Staff Report issued in this proceeding on the modernization of the Commission’s rules, specifically customer service standards, for video franchise holders (“VFHs”) under the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”). The Staff Report thoroughly summarizes the current rules for VFHs and the serious customer service concerns raised by parties in this

¹ *Order Instituting Rulemaking Proceeding to Consider Changes to Requirements on Video Franchisees Under the Digital Infrastructure and Video Competition Act, and Revisions to General Order 169*, No. R-23-04-006, December 26, 2025 Order, Attach.-A: Communications Division Staff Report and Recommendation (Cal. Pub. Utils. Comm’n Dec. 26, 2025) (“Staff Report”).

proceeding and by customers throughout the state at the public participation hearings and in public comments. Given the prevalence and significance of identified customer service concerns, the Staff Report recommends changes to the Commission’s rules for VFHs, including revisions to General Order (“GO”) 169.²

As described below, ACM, ACD, and Media Alliance generally support the Staff Report’s recommendations. Specifically, we support the new proposed customer service standards, the related reporting requirements, and the revisions to GO 169 to increase opportunities for public participation before and during the franchise renewal process. Implementing these recommendations will better ensure that customers across the state receive consistent and quality customer service from VFHs, and that there is a more robust and transparent process in place to monitor compliance with modern customer service standards.

The Staff Report also details the extensive comments the Commission received about customers’ inability to access public, educational, and governmental (“PEG”) programming in a manner comparable to programming on other channels. At the public participation hearings, “[c]ommunity media organizations and cable customers from urban, suburban, and rural areas across California described systemic problems on a range of PEG issues,” such as (1) VFHs downgrading programming provided by PEG access centers in high definition (“HD”) to standard definition (“SD”) when transmitted to customers, and (2) the lack of PEG programming information in the electronic program guide.³ Similar concerns were “echoed” in numerous public comments.⁴ These problems go beyond mere inconvenience. Essential information

² Gen. Order 169, *Implementing the Digital Infrastructure and Video Competition Act of 2006 (DIVCA)*, adopted by Decision 07-03-014 (Cal. Pub. Utils. Comm’n Mar. 1, 2007) (“GO 169”).

³ Staff Report at 50.

⁴ *Id.* at 56.

provided at government meetings can be illegible when VFHs downgrade programming to SD.⁵ And subscribers may not even be able to find programming on important local issues in the first place when VFHs refuse to provide PEG programming information in the electronic programming guide.⁶

Although the Staff Report summarizes the widespread concerns about VFHs' inferior treatment of PEG channels and the negative impact this has on customers, "Staff currently has no policy recommendations regarding PEG channels, pending receipt of the additional information outlined below."⁷ ACM, ACD, and Media Alliance respond to the Staff Report's specific questions regarding the PEG-related concerns raised in this proceeding in Part 8 below and recommend that the Commission establish specific customer service standards to address the PEG-related concerns identified in the record.

ACM, ACD, and Media Alliance recommend the following in addition to the proposals included in the Staff Report:

1. Establish customer service requirements to address the inferior treatment of PEG channels, which the record confirms adversely affects customers across California. Specifically, the Commission should revise GO 169 to include the following PEG-related customer service standards in the new Section VIII,

⁵ *Id.* at 52 ("A production specialist from The Community Media Access Collaborative, which is a nonprofit PEG content producer serving Fresno and Clovis, stated that their cable television providers likewise downgrade HD PEG programming to SD, leaving customers with 'inferior access' and blurry, pixelated text in city council and school board meetings." (citing Reporters' Tr., R.23-04-006 Public Participation Hearings, Sacramento, CA at 126-35 (Cal. Pub. Utils. Comm'n Sep. 19, 2024))); *id.* at 56 ("[T]he General Manager for SFGovTV, speaking on behalf of the City and County of San Francisco, explains that 'our PEG channels are transmitted in an outdate[d] standard definition format,' making presentations at Board and Commission meetings unreadable on modern televisions." (citing Public Comments of Jack Chin (submitted on Sep. 30, 2024))); *id.* at 57 ("The Executive Director of the Community Media Center of Marin, explains that although their three PEG channels are produced in HD, cable operators 'continue to cablecast the signal in SD through a process known as down-converting' which substantially reduces the number of pixels, resulting in blurred visuals and illegible captions." (citing Public Comments of Michael Eisenmenger, (submitted on Sep. 20, 2025))).

⁶ *Id.* at 52-53.

⁷ *Id.* at 58.

“Customer Service Standards Subject to Automatic Bill Credits” recommended in the Staff Report.⁸

- a. PEG channels must be transmitted to subscribers in the same format in which they are received from the signal provider, local entity, or its designee. If a signal is received in high definition, it should be transmitted to subscribers in high definition. A video service provider should not diminish, down-convert, or otherwise tamper with or degrade the channel signal quality.
 - b. Programming information provided on electronic programming guides should be available for all channels, including PEG channels, on a comparable basis. A VFH, when requested, shall assist in providing the PEG programming originator with access to the entity that controls the electronic program guide so that subscribers may view, select, and record public, educational and governmental access channels in the same manner as that in which they view, select, and record other channels.
 - c. VFHs shall provide information about access to PEG channels as part of the information provided to customers about the VFHs service offerings. E.g., if PEG channels are available through a bundle that includes cable video, but not available through a bundle that includes non-cable video programming, that should be made explicit to customers in advance.
2. The quarterly reports provided by VFHs (pursuant to Section IX.C.3 proposed in the Staff Report⁹) must include information about the VFH’s performance meeting these PEG-related customer service standards and any associated penalties, citations, customer credits, or other enforcement actions.¹⁰

⁸ Staff Report, Attach. 1 (“GO 169 Redline Version”) at 21-23. These PEG-related customer service standards could be inserted as Subsection D of new Section VIII, with the Staff Report’s proposed Subsection on “Issuance of Bill Credits and Additional Repercussions” becoming Subpart E. As described in Part 8 below, to the extent the Commission does not make these PEG-related customer service standards subject to automatic bill credits, it can still include these in proposed Section VIII and divide that Section into customer service standards subject to automatic bill credits and other customer service standards.

⁹ *Id.* at 29.

¹⁰ Adding the PEG-related customer service standards to proposed Section VIII will make these standards subject to the reporting requirements of proposed Section IX.C.3 without requiring edits to the proposed text of Section IV.C.3.

2. CUSTOMER SERVICE REQUIREMENTS

2.1. What customer service requirements currently exist for holders of a state video franchise? [Scoping Memo Issue 1.1]

ACM, ACD, and Media Alliance have no further comments on this issue at this time beyond the comments submitted in response to the Scoping Memo.¹¹

2.2. What deficiencies, if any, are there in the customer service provided by holders of a state video franchise? [Scoping Memo Issue 1.2]

As previously discussed in ACM's, ACD's, and Media Alliance's Scoping Comments and Reply Comments, and discussed more in Part 8 below, the record in this proceeding confirms the substandard customer service provided by VFHs with respect to PEG channels.

2.3. What customer service requirements should the Commission adopt for holders of a state video franchise? [Scoping Memo Issue 1.3]

See the recommendations provided above in Part 1 for PEG-related customer service requirements, which are further detailed in Part 8 below. In addition, ACM, ACD, and Media Alliance support the new customer service requirements recommended in the Staff Report.¹²

2.4. Customer Service Standards: [Staff Question 1]

2.4.1 Are the proposed customer service standards adequate to ensure fair treatment of consumers and VFHs? [Staff Question 1.A]

ACM, ACD, and Media Alliance support the customer service standards proposed in the Staff Report.

The Staff Report's recommended new customer service standards, however, do not address the serious and widespread PEG-related customer service issues identified in the record.

¹¹ See Amended Comments Regarding Scoping Issues of Alliance for Community Media, Alliance for Communications Democracy, and Media Alliance (Cal. Pub. Utils. Comm'n July 25, 2024) (original comments submitted July 1, 2024) ("ACM, ACD, Media Alliance Scoping Comments"); Amended Reply Comments Regarding Scoping Issues of Alliance for Community Media, Alliance for Communications Democracy, and Media Alliance (Cal. Pub. Utils. Comm'n July 25, 2024) (original reply comments submitted July 16, 2024) ("ACM, ACD, Media Alliance Scoping Reply Comments").

¹² Staff Report at 17-20.

As discussed in Part 8 below, the Commission should also adopt customer service standards that address these PEG-related customer service problems.

2.4.2 Should the CPUC modify these or adopt additional or different customer service requirements beyond those specified in the proposed revisions to GO 169? [Staff Question 1.B]

Yes, as discussed more under Part 8 below, the CPUC should also adopt customer service requirements to address the PEG-related problems identified by customers across the state at the public participation hearings and in public comments in this proceeding.

2.5. Customer Service Calls: [Staff Question 2]

2.5.1 Should “customer service calls” include installation, service, and complaint calls? [Staff Question 2A]

2.5.2 Are there any other types of calls that should be covered under the telephone customer service standards? [Staff Question B]

ACM, ACD, and Media Alliance have no comment on Staff Question 2.

2.6. With the proposed “call answer” standard, Staff proposes that the 30-second timer starts “when the connection is made” (i.e., when the VFH’s automated system accepts/answers the call) and ends when the caller reaches a live representative. [Staff Question 3]

2.6.1 Is this description of the 30-second timer consistent with the application of the federal standard under 47 C.F.R. 76.309(c)(1)(ii)? If not, please explain. [Staff Question 3.A]

2.6.2 Are the proposed revisions to GO 169 sufficient to ensure accurate application of the proposed 30-second call answer standard? [Staff Question 3.B]

2.6.3 Should the CPUC consider alternative methods for defining when the 30-second timer starts and ends? [Staff Question 3.C]

2.6.4 Should calls handled entirely by automated systems, including interactive voice response (IVR) and artificial intelligence-based systems, be counted as “answered” or excluded from the call answer standards? We invite VFHs to describe how their customer service call processes and systems function today and in accordance with federal requirements and whether they capture these timestamps and information necessary to comply with the proposed standard. [Staff Question 3.D]

ACM, ACD, and Media Alliance have no comment on Staff Question 3.

2.7. Busy Signal Metric: [Staff Question 4]

2.7.1 What specific measurements, consistent with modern customer service telephone networks and systems, should be used for the “busy signal” metric? [Staff Question 4.A]

2.7.2 How would VFHs identify and compute the numerator and denominator for this metric? [Staff Question 4.D]

2.7.3 Do VFHs customer service call processes and systems function capture the information necessary to comply with the proposed “busy signal” standard? [Staff Question 4.C]

ACM, ACD, and Media Alliance have no comment on Staff Question 4.

2.8. Staff proposes a standard to require VFHs respond to service outages within 24 hours. [Staff Question 5]

2.8.1 How should the CPUC define “service outage” for purposes of this rule? [Staff Question 5.A]

2.8.2 Should it be limited to a complete loss of video service or also include service degradation? [Staff Question 5B]

2.8.3 Propose precise thresholds, identification standards, and measurement methods. Should the standard apply to individual service outages, multi-customer localized outages, and headend/backbone outages identically (and if not, recommend specific response standards and definitions for each category)? [Staff Question 5.C]

ACM, ACD, and Media Alliance have no comment on Staff Question 5.

2.9. Outage Response: [Staff Question 6]

2.9.1 How do VFHs determine the time elapsed for measuring its response to outages? [Staff Question 6.A]

2.9.2 What events/triggers should determine when the clock starts/stops? [Staff Question 6.B]

2.9.3 What data elements are necessary to measure and ensure compliance? [Staff Question 6.C]

ACM, ACD, and Media Alliance have no comment on Staff Question 6.

2.10. Staff proposes a standard to require VFHs to cease charging a customer within seven business days (or by midnight on the last day of service if the customer gives more than seven business days' notice). [Staff Question 7]

2.10.1 How should the CPUC define “receiving a request to terminate” for purposes of this standard? [Staff Question 7.A]

2.10.2 Do VFHs currently produce and/or collect all datapoints necessary to measure its performance against this standard? If not, what incremental or new data is necessary? [Staff Question 7.B]

2.10.3 What documentation or evidence of a request to terminate and subsequent cessation of charges will VFHs retain, and for how long? [Staff Question 7.C]

2.10.4 How should VFHs handle termination requests that later change (e.g., customer reschedules) or are delayed (e.g., equipment returned late) and still comply with the standard (i.e., should the 7-day clock ever pause or reset)? [Staff Question 7.D]

ACM, ACD, and Media Alliance have no comment on Staff Question 7.

2.11. Staff proposes VFHs provide impacted customers with automatic bill credits, checks, and/or refunds for instances of noncompliance with the customer support standards. [Staff Question 8]

2.11.1 How can VFHs identify the impacted customers resulting from non-compliance with each of the proposed consumer service standards? [Staff Question 8.A]

ACM, ACD, and Media Alliance have no comment with respect to how VFHs can identify customers impacted by noncompliance with the customer service standards proposed in the Staff Report.

With respect to the PEG-related customer service standards we recommend below in Part 8 of these Comments, there should be no obstacle to VFHs identifying impacted customers. The failure to transmit PEG programming to subscribers in HD (when that programming is provided to the VFH in HD) and the failure to include PEG programming information on the electronic programming guide are the result of intentional decisions by VFHs. It should therefore be straightforward to identify the extent to which customers are impacted.

2.11.2 How can VFHs automatically provide (without any customer request or action) impacted customers with bill credits, checks, and/or refunds? [Staff Question 8.B]

ACM, ACD, and Media Alliance have no comment on Staff Question 8.B.

2.11.3 Are the proposed bill credits sufficient to effectively motivate VFHs to comply with the standards? [Staff Question 8.C]

ACM, ACD, and Media Alliance are concerned that the bill credits recommended in the Staff Report may be insufficient to incentivize consistent compliance from VFHs. The Commission should closely monitor the Quarterly Reports proposed in the Staff Report; if customer service does not show improvement in the near future, the Commission should consider increasing the bill credits.

2.11.4 Are the proposed bill credits sufficient restitution to customers impacted by noncompliance? [Staff Question 8.D]

Please see Part 2.11.3 immediately above.

2.11.5 What additional metrics, processes, or requirements (e.g., notices to customers) should the CPUC consider for effective implementation of the proposed bill credits? [Staff Question 8.E]

Customer awareness is critical for the success of the modernization of customer service standards under the Commission's rules. The Commission should require that VFHs provide notice of these new requirements, including the proposed bill credits, to customers. In addition to written notice, the Commission should provide this information through other means to reach the widest possible audience. For instance, the Commission should release a video providing this information, similar to the video created by the Commission to notify the public of the reforms under consideration in this proceeding.¹³ This video can be circulated to PEG access centers across the state to facilitate customer outreach.

2.12. Operational Costs: [Staff Question 9]

2.12.1 Indicate whether a VFH's current annual operational budget already include all the necessary costs to comply with federal customer service standards? [Staff Question 9.A]

2.12.2 Identify the amount of your annual budget dedicated to compliance with federal customer service standards. [Staff Question 9.B]

2.12.3 Estimate one-time and ongoing costs to comply with each of the proposed customer service standards. [Staff Question 9.C]

2.12.4 Identify existing costs (that VFHs currently/already incur) apart from incremental/new costs. [Staff Question 9.D]

2.12.5 Identify where and how implementation of these standards would change current practices and/or trigger new costs. [Staff Question 9.E]

¹³ Cal. Pub. Utils. Comm'n, *Your Opinion Will Help Shape the Future of Video Franchising (2024)*, YouTube (Jan. 30, 2024), <https://www.youtube.com/watch?v=Gz7N5uaAFSM>.

ACM, ACD, and Media Alliance have no comment on Staff Question 9.

**2.13. Staff proposes various exemptions for the customer service standards.
[Staff Question 10]**

2.13.1 Are these exemptions appropriate? [Staff Question 10.A]

ACM, ACD, and Media Alliance have no comment on the exemptions proposed for the recommended call answer standards, service outage response standards, or service termination standards.

With respect to the PEG-related customer standards recommend below in Part 8, we recommend that any exceptions be limited to a declared state of emergency related to disasters or electric grid outages; natural catastrophes (except drought); and Public Safety Power Shutoff events.

2.13.2 Should the CPUC consider revisions to the proposed exemptions or alternative exemptions? [Staff Question 10.B]

ACM, ACD, and Media Alliance have no comment on Staff Question 10.B.

2.13.3 Which specific triggers, geographies, and time windows should apply, and how should VFHs document and request application of an exemption? [Staff Question 10.C]

ACM, ACD, and Media Alliance have no comment on Staff Question 10.C.

2.13.4 Is the proposed 30 second callback feature exception appropriate? What other options should be considered as an alternative or addition to the 30 second callback feature exception? [Staff Question 10.D]

ACM, ACD, and Media Alliance have no comment on Staff Question 10.D.

**2.14. For each of the proposed customer service standards and related penalties for noncompliance, identify any areas for which the CPUC should consider adjustments to account for the relative size of a VFH (in terms of geography, revenues, employees, and/or customer count).
[Staff Question 11]**

ACM, ACD, and Media Alliance have no comment on Staff Question 11.

3. COMPLAINTS

3.1. In addition to the existing informal and formal Commission complaint processes available for use by customers, are there any other complaint processes, procedures, and methods that the parties recommend? [Scoping Memo Issue 2.1]

ACM, ACD, and Media Alliance have no further comments on this question at this time beyond the comments submitted in response to the Scoping Memo.¹⁴

3.2. Do the Staff recommendations, including for the CPUC to authorize staff to utilize the existing tools and processes such as to develop citation programs, and the additions to GO 169 for adjudicating formal complains, sufficiently deter non-compliance and adequately protect consumer interests? What modifications, if any, would you recommend? [Staff Question 1]

The Staff report highlights some of the obstacles that customers face in resolving complaints against VFHs. Although local governments may have authority to assess penalties for material breaches of customer service standards, the Staff Report states that VFHs “uniformly reported that they have not been subject to any such enforcement actions taken by a local entity.”¹⁵ The lack of local government enforcement, while unfortunate, is hardly surprising given that DIVCA largely divested local governments of a regulatory role with respect to video franchises. Given this lack of local government enforcement, in conjunction with customers’ inability to obtain relief from the VFHs themselves,¹⁶ it is essential that the Commission play an active role in ensuring efficient and fair resolution of complaints.

¹⁴ See ACM, ACD, Media Alliance Scoping Comments; ACM, ACD, Media Alliance Scoping Reply Comments.

¹⁵ Staff Report at 24.

¹⁶ See *id.* at 27 (“In addressing the processes for customer complaints, commenters criticized the complexity of VFHs’ automated systems. They described long wait times, extensive automated prompts, and considerable difficulty reaching a live representative. Moreover, customers raised concerns regarding the lack of clear processes for submitting and resolving complaints.”).

ACM, ACD, and Media Alliance support the Staff Report’s recommendation for a new section to GO 169, XI “Adjudicating Formal Complaints.” We support providing notice to, among others, relevant Local Entities, and encouraging coordination with local governments.

3.3. Given the Staff recommended consumer service standards, what should the local entities’ roles be regarding intake and handling of complaints related to consumer service standards for which local entities would continue to develop and enforce? [Staff Question 2]

ACM, ACD, and Media Alliance encourage the Commission to develop a process by which complaints received by local governments can be shared with the Commission for potential action, consistent with the Staff Report’s proposed Section XI to GO 169, “Adjudicating Formal Complaints.” Such coordination could allow for more efficient resolution of complaints, particularly where there are common customer service deficiencies across multiple localities.

4. REPORTING STANDARDS

4.1. Should the Commission adopt any new reporting requirements for video franchisees? [Scoping Memo Issue 3.1]

ACM, ACD, and Media Alliance support the new reporting requirements recommended in the Staff Report.¹⁷

As discussed more in Part 8 below, ACM, ACD, and Media Alliance recommend establishing customer service requirements to address PEG-related concerns. Consistent with the other customer service standards recommended in the Staff Report, information on VFHs’ compliance with these PEG-related customer service requirements should be included in the reporting requirements recommended in the Staff Report.

¹⁷ *Id.* at 31-32.

4.2. What type of new reporting requirements should the Commission adopt, if any? [Scoping Memo Issue 3.2]

See Part 4.1 immediately above.

4.3. Are the proposed reporting requirements for video franchisees clear, reasonable, and effective in meeting oversight goals? If not, suggest specific improvements or alternatives. [Staff Question 1]

See Part 4.1 above.

4.4. Reporting Requirements: [Staff Question 2]

4.4.1 Should GO 169 require additional reporting by franchisees to monitor compliance with customer service obligations? [Staff Question 2.A]

Yes. ACM, ACD, and Media Alliance support the reporting requirements proposed in the Staff Report.

In addition, and as discussed in Part 8 below, ACM, ACD, and Media Alliance also recommend including PEG-related customer service standards in the reporting requirements proposed in the Staff Report. All of these customer service requirements, including the PEG-related customer service requirements, should be subject to the reporting requirements recommended in the Staff Report.

4.4.2 Should CPUC require additional reporting on broadband and video service availability, service quality, or build-out commitments? [Staff Question 2.B]

See Part 4.4.1 immediately above.

4.4.3 If so, what data should be reported? [Staff Question 2.C]

See Part 4.4.1 above.

4.4.4 What data should be reported on performance and network deployment? [Staff Question 2.D]

ACM, ACD, and Media Alliance have no comment on Staff Question 2.D.

4.5. Should CPUC require public disclosure of performance metrics? How can the CPUC make recurring reports available to the public while balancing proprietary concerns? [Staff Question 3]

Yes, public disclosure is vital to ensuring ongoing compliance with customer service standards. ACM, ACD, and Media Alliance do not believe that there should be any proprietary concerns with public disclosure of information regarding compliance with the PEG-related customer service standards recommended below in Part 8.

4.6. Given the concerns previously noted regarding inaccurate or incomplete data submissions by VFHs, what specific measures should the CPUC implement to ensure greater accuracy and timeliness in reporting? [Staff Question 4]

ACM, ACD, and Media Alliance have no comment on Staff Question 4.

5. ENVIRONMENTAL AND SOCIAL JUSTICE

5.1. Does the Commission’s current regulation of video service franchisees align with or impact achieving any of the nine goals of the Commission’s Environmental and Social Justice (“ESJ”) Action Plan? Does the adoption of video customer service requirements, the adjudication of customer complaints, and adoption of any new reporting requirements align with or impact achieving any of the goals Commission’s ESJ Action Plan? If so, which element or elements align with or impact which of the nine ESJ goals? Should the implementation of any element be modified to improve achieving the ESJ Action Plan goals? [Scoping Memo Issue 4.1]

As ACM, ACD, and Media Alliance have previously explained,¹⁸ the PEG-related concerns identified in this proceeding are especially relevant to the Commission’s ESJ Action Plan. PEG programming is uniquely tailored to and reflective of local communities, which is particularly important for historically marginalized communities whose needs and interests are often not served (or poorly served) by commercial media. Moreover, the government transparency and civic information provided by PEG channels are vital in ESJ communities and provide a direct path for civic engagement. Accordingly, the PEG-related customer service

¹⁸ ACM, ACD, Media Alliance Scoping Comments at 9-11.

requirements recommended in Part 8 below are important for the Commission's actions in this proceeding to align with its ESJ Action Plan goals.

5.2. Should the CPUC take additional action or measures, such as escalated penalties for noncompliance in ESJ communities, to further advance ESJ Action Plan objectives? [Staff Question 1]

ACM, ACD, and Media Alliance support escalated penalties for noncompliance in ESJ communities, particularly for the PEG-related customer service requirements recommended in Part 8 below. Where VFHs selectively provide inferior treatment to PEG channels in certain locations—such as downgrading programming provided in HD to SD, or failing to list PEG programming information in the electronic programming guide—that raises serious concerns about discriminatory treatment of ESJ communities. The Commission should address this concern not only by establishing uniform customer service requirements to address the PEG-related concerns identified in the record, but also by escalating penalties for noncompliance with these standards in ESJ communities.

5.3. What information or data should the CPUC require from franchise holders, in order to research and assess any disparate service compliance issues in ESJ communities? [Staff Question 2]

ACM, ACD, and Media Alliance have no comment on Staff Question 2.

6. ENFORCEMENT AND PENALTIES

6.1. ENFORCEMENT: In addition to current enforcement actions that can be initiated by the Commission for violations by regulated entities, are there any other enforcement actions the parties recommend for video franchisee violations of Commission orders, rules, regulations, regulatory requirements, or franchise agreements? Should the Commission adopt a specific Citation Program for its regulation of video service franchisees? [Scoping Memo Issue 5.1]

ACM, ACD, and Media Alliance have no further comments on this question at this time beyond the comments submitted in response to the Scoping Memo.¹⁹

6.2. PENALTIES: In addition to the Commission's current penalty structure for violations by regulated entities are there any other penalties the parties recommend for video franchisees that do not meet the terms of their franchise agreements, the customer service requirements the Commission adopts in compliance with SB 28, or any other provision of law, Commission order, regulatory requirements, or other rules or regulations? Should a proposed penalty structure include bill credits to consumers? If so, how should these credits be determined? How should these credits be calculated (e.g., per day basis, percentage basis, or fixed dollar amount)? Under which circumstances should consumers receive credits, if any? [Scoping Memo Issue 5.2]

ACM, ACD, and Media Alliance have no further comments on this question at this time beyond the comments submitted in response to the Scoping Memo.²⁰

6.3. LOCAL GOVERNMENT: What enforcement actions relevant to DIVCA are currently available for use by local governments? How should the Commission work with local governments in the Commission's enforcement of DIVCA? How can local and state government enforcement actions be coordinated to be the most efficient and effective? [Scoping Memo Issue 5.3]

ACM, ACD, and Media Alliance have no further comments on this question at this time beyond the comments submitted in response to the Scoping Memo.²¹

¹⁹ See ACM, ACD, Media Alliance Scoping Comments; ACM, ACD, Media Alliance Scoping Reply Comments.

²⁰ See ACM, ACD, Media Alliance Scoping Comments; ACM, ACD, Media Alliance Scoping Reply Comments.

²¹ See ACM, ACD, Media Alliance Scoping Comments; ACM, ACD, Media Alliance Scoping Reply Comments.

6.4. Do the proposed enforcement provisions, including penalties and remedies for non-compliance with franchise obligations, sufficiently deter non-compliance and adequately protect consumer interests? What if any, additional enforcement conditions or modifications should the CPUC consider? [Staff Question 1]

ACM, ACD, and Media Alliance support the Staff Report’s recommendations to update the Commission’s existing enforcement mechanisms and revise GO 169. The record is clear that the existing approach to enforcement has not worked. Despite clear violations of requirements—some as fundamental as paying annual fees and fulfilling annual reporting requirements²²—there have not been enforcement actions brought by local governments or investigations brought by the CPUC. Change is needed to ensure that VFHs live up to the obligations they agreed to in their franchises and under applicable law.

The enforcement improvements recommended in the Staff Report should also apply to the PEG-related customer service requirements recommended below in Part 8 of these comments, consistent with the proposed treatment of other customer service requirements.²³

²² Staff Report at 37.

²³ *Id.* at 40-41 (explaining that proposed Section X of GO 169 would “formalize staff authority in GO 169 to implement citation programs, set rules for the revocation or voiding of franchises, and clarify the currently available enforcement mechanisms the CPUC may utilize – including for the enforcement of customer service standards”).

7. REVISIONS TO GENERAL ORDERS (INCLUDING APPLICATION AND RENEWAL PROCESS)

7.1. GENERAL ORDER 169: Does the enactment of SB 28 or any other changed or current condition in this market require revisions to existing rules contained in GO 169? If yes, which rules should be revised? How should those rules be revised? Are there rules in GO 169 that should no longer be in effect? [Scoping Memo Issue 6.1]

7.2. APPLICATION PROCESS AND OTHER EFFICIENCIES: Should the Commission modernize and revise the application processes described in GO 169 Sections IV, V, and VII? How can the Commission implement DIVCA more efficiently and effectively to accomplish the policy objectives of DIVCA? [Scoping Memo Issue 6.2]

7.3. OTHER GENERAL ORDERS: In addition to other possible revisions to GO 169, identified above, does the enactment of SB 28 or any other changed or current condition in this market require additional changes to GO 169 taking into consideration other Commission general orders (e.g., should CAB's role as specified in GO 168 be refined specifically with respect to holders of state video franchises and considered as part of any recommended changes to GO 169)? How should the rules be revised? [Scoping Memo Issue 6.3]

See Parts 7.4 and 7.5 below, as well as the comments ACM, ACD, and Media Alliance submitted in response to the Scoping Memo.²⁴

7.4. Do the proposed changes to the application and renewal processes for video franchises sufficiently update and modernize GO 169? How might the processes be improved, streamlined, and/or simplified? [Staff Question 1]

ACM, ACD, and Media Alliance strongly support the Staff Report's proposed changes to the application and renewal process, especially the recommendations to "provide additional opportunity for public participation and advocacy during franchise-related proceedings including renewals."²⁵ At its core, the purpose of the video franchising process is to ensure that private companies' use of public property (e.g., public rights-of-way) is done in a way that serves the

²⁴ See ACM, ACD, Media Alliance Scoping Comments; ACM, ACD, Media Alliance Scoping Reply Comments.

²⁵ Staff Report at 44.

public interest and the needs of the local community.²⁶ The *only* way to meet this purpose is to facilitate robust public participation in the franchise process.

ACM, ACD, and Media Alliance urge the Commission not to let any desire to “streamline” or “simplify” the franchise renewal process undercut the goal of increased public participation. The lack of meaningful public participation in the franchise process (e.g., the current restriction in GO 169 that public comments be limited to violations of non-appealable court orders) has contributed to the proliferation of customer service problems identified in this proceeding. Although customer service feedback may not directly impact franchise renewals under DIVCA, the renewal process provides a critical opportunity for the Commission to gather information and do a community needs assessment to better inform its ongoing monitoring and enforcement of the customer service requirements established in this proceeding. Facilitating a comprehensive and transparent renewal process that engages all stakeholders will better allow issues to be identified and resolved efficiently and proactively, rather than through individual adjudications or enforcement actions that occur after the fact.

7.5. Public Participation: [Staff Question 2]

7.5.1 How should the CPUC facilitate input from the Public Advocates Office and the public such as local entities and communities served by a franchise holder during the renewal process? [Staff Question 2.A]

In addition to the revisions to GO 169 recommended by the Staff Report, the Commission should conduct community needs assessments as part of the renewal process. While certain localities conduct such assessments, it is important that the Commission, as the franchise authority, also proactively conduct its own assessment as part of the franchise renewal process.

²⁶ See, e.g., 47 U.S.C. § 521(2) (providing that a purpose of the federal Cable Act is to “assure that cable systems are responsive to the needs and interests of the local community”).

In addition, the Commission should consider intervenor compensation arrangements for organizations involved in the renewal process. Unfortunately, formal involvement in Commission proceedings can be prohibitively expensive for organizations representing those directly affected by the Commission's decisions.²⁷

7.5.2 How could the CPUC enable greater participation in CPUC proceedings to consider renewals? What service lists should be included, or are there alternative mechanisms available? How would greater outreach improve feedback? [Staff Question 2.B]

Given the importance of public participation to franchise renewals, the Commission should consider all options to encouraging greater public participation. An accurate assessment of a VFH's past performance, as well as its ability to meet cable-related community needs and interests going forward, depend on comprehensive input from those communities the VFH serves.

Among other things, the Commission should provide notice both in writing and through other means, such as videos that can be distributed to PEG channels across the state. In addition, the Commission should inform local governments, schools, and other community organizations about opportunities for public participation in renewal processes, as these entities can encourage participation in the relevant local community.

²⁷ For example, the Center for Accessible Technology's "participation in this proceeding will be extremely limited" given the lack of intervenor compensation. Reply Comments of Center for Accessible Technology on Order Instituting Rulemaking at 2 (Cal. Pub. Utils. Comm'n June 16, 2023). "As [Center for Accessible Technology] has noted in many proceedings, community-based organizations (CBOs) cannot be expected to participate in marketing, education, and outreach activities on behalf of the Commission and Commission-managed programs if the Commission does not provide funding for those CBOs to do so." *Id.* at 1.

7.5.3 How could the CPUC improve public participation before the renewal period? What are some effective ways to ensure public participation and advocacy? [Staff Question 2.C]

The Commission should consider regular public participation meetings to collect information from the public regarding VFHs' compliance with customer service standards and other requirements. Public outreach efforts could be done in conjunction with the quarterly and annual VFH reporting requirements recommended in the Staff Report. Public availability of VFH reporting information is essential so that the public is aware of how VFHs self-characterize their compliance and can address any discrepancies between those reports and their experience with the Commission.

8. PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNELS

8.1. How should the CPUC address the PEG-related concerns (e.g., HD signal carriage, program guides, and accessibility features) under customer service standards, complaint adjudication, and/or reporting requirements? [Staff Question 1]

The CPUC should address PEG-related concerns consistent with the Staff Report's recommendation for other customer service issues: by amending GO 169 to establish minimum customer standards. At the outset, the widespread PEG-related concerns clearly identified at the public participation hearings,²⁸ party comments,²⁹ and public comments,³⁰ can and should be addressed through customer service standards. Other states use customer service standards to address these PEG-related concerns. For example, Maine law establishes "[c]onsumer rights and protections relating to the services provided by video service providers" that includes PEG-related customer service requirements (channel location, high-definition transmission, electronic

²⁸ Staff Report at 50-55.

²⁹ *Id.* at 55-56.

³⁰ *Id.* at 56-58.

program guide access, etc.) as well as customer service requirements for service interruptions, service cancellation, and bill credits.³¹ Maine’s PEG-related customer service requirements were upheld as consistent with federal law.³²

In this proceeding, the record is clear that the substandard treatment of PEG channels in California by VFHs negatively impacts customers’ experiences. PEG channels in multiple cities “are routinely delivered to local subscribers in standard definition despite being provided to VFHs in high definition,” which “negatively impacts customers’ ability to view content provided during public meetings.”³³ The record also confirms “customers’ struggles to find PEG programming because cable video providers either omit or severely limit PEG information in electronic program guides.”³⁴ It is hard to imagine more fundamental video customer service standards than those aimed at ensuring customers can find programming and watch it free from distortion.

To address the significant PEG-related concerns raised by customers across California, the Commission should update GO 169 to include PEG-related customer service requirements alongside the other new customer service standards proposed in the Staff Report. Specifically, the Commission should establish PEG-related customer service standards that require:

- (1) PEG channels must be transmitted to subscribers in the same format in which they are received from the signal provider, local entity, or its designee. If a signal is received in high definition, it should be transmitted to subscribers in high definition. A video service provider should not diminish, down-convert, or otherwise tamper with or degrade the channel signal quality.

³¹ Me. Rev. Stat. Ann. tit. 30-A, § 3010(1) (addressing credits and refunds for interrupted service), § 3010(1-A) (addressing credits and refunds for service cancellation), § 3010(2-A) (addressing credits and refunds), § 3010(5-A) (addressing PEG channel location), § 3010(5-D) (addressing format transmission of PEG programming and access to the electronic program guide).

³² *NCTA – The Internet & Television Ass’n v. Frey*, 7 F.4th 1 (1st Cir. 2021).

³³ Staff Report at 51.

³⁴ *Id.*

- (2) Programming information provided on electronic programming guides should be available for all channels, including PEG channels, on a comparable basis. A VFH, when requested, shall assist in providing the PEG programming originator with access to the entity that controls the electronic program guide so that subscribers may view, select, and record public, educational and governmental access channels in the same manner as that in which they view, select, and record other channels.
- (3) Video service providers shall provide information about access to PEG channels as part of the information provided to customers. E.g., if PEG channels are available through a bundle that includes cable video, but not available through a bundle that includes non-cable video programming, that should be made explicitly clear to customers in advance.

These PEG-related requirements should be listed alongside the Call Answer Standards, Service Outage Response Standard, and Service Termination Standards as “Customer Service Standards Subject to Automatic Bill Credits” in an updated version of GO 169.³⁵ Adding these as a new Section VIII.D (making “Issuance of Bill Credits and Additional Repercussions” Section VIII.E) would ensure that VFHs are similarly incentivized to comply with these PEG-related customer service standards as they are for other customer service standards.

Although ACM, ACD, and Media Alliance support making PEG-related customer service standards subject to the same “Issuance of Bill Credits and Additional Repercussions” provisions proposed in the Staff Report for other customer service standards,³⁶ other approaches may also work for PEG-related customer service requirements. For instance, these could be subject to monetary penalties consistent with Cal. Gov. Code § 53088.2(r). If so, then GO 169 should be revised to include two separate sections for updated customer service requirements: one for customer service standards subject to automatic bill credits, and one for customer service standards not subject to automatic bill credits.

³⁵ See GO 169 Redline Version at 21-23.

³⁶ See *id.*

As with the other customer service standards proposed in the Staff Report, these PEG-related customer concerns should also be addressed through complaint adjudication and reporting requirements. In terms of reporting requirements, VFHs should be required to include information on their performance with respect to these requirements in the quarterly reports proposed by the Staff Report.³⁷ This will enable the Commission and public to have regular and transparent access to information about how the concerns raised in the record in this proceeding are being addressed.

8.2. If the CPUC adopts customer service standards, complaint adjudication processes, and/or reporting requirements, how should the CPUC consider the PEG-related concerns while reviewing a franchise holder’s performance, identifying a community’s needs and interests, and/or assessing compliance with DIVCA and CPUC rules? [Staff Question 2]

As discussed above in Part 7 of these Comments, ACM, ACD, and Media Alliance strongly support the Staff Report’s recommendations regarding the application and renewal process. As part of a more open, transparent, and comprehensive renewal process, the Commission should give particular attention to PEG-related concerns that are at the heart of cable-related community needs and interests.

Under federal law, two key considerations during the franchise renewal process are: “(A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term.”³⁸ Information on a VFH’s past performance with respect to its treatment of PEG channels and PEG-related customer service standards is essential to understanding whether the VFH has

³⁷ See *id.* at 29. Adding the PEG-related requirements to the proposed, new Section VIII of GO 169 would require this information to be included in the Quarterly Reports described in proposed Section XI.C.3.

³⁸ 47 U.S.C. § 546(a)(1).

previously complied with its obligations and is capable of meeting cable-related community needs and interests going forward.

8.3. What barriers are faced by franchise holders that prevent transmission of PEG programming in HD when provided in HD by the local entities producing PEG content? [Staff Question 3]

ACM, ACD, and Media Alliance are not aware of any barriers preventing the transmission of PEG programming in HD when that programming is provided in HD.

9. ADDITIONAL COMMENTS

9.1. Should the Commission hold a party workshop after the parties file and service comments and reply comments?

ACM, ACD, and Media Alliance take no position on whether the Commission should hold a party workshop following comments and reply comments.

9.2. Other Comments and recommendations?

ACM, ACD, and Media Alliance have no additional comments or recommendations beyond those described above.

9.3. Do these proposed non-substantive changes pose any concerns? If yes, please specify any necessary adjustments or clarifications. [Staff Question 1]

ACM, ACD, and Media Alliance have no comment on this Staff Question.

10. CONCLUSION

For the reasons set forth above, the Commission should (1) adopt the recommendations included in the Staff Report, and also (2) establish the customer service requirements described above to address the PEG-related customer service deficiencies identified in the record and make those PEG-related customer service standards subject to the reporting requirements recommended in the Staff Report.

Respectfully submitted,

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**VERIFICATION OF ALLIANCE FOR COMMUNITY MEDIA
AND ALLIANCE FOR COMMUNICATIONS DEMOCRACY**

I am the attorney for Alliance for Community Media and Alliance for Communications Democracy; said parties are absent from the District of Columbia, where I have my office, and I make this verification for said parties for that reason. I have read the foregoing comments and I am informed and believe, and on that ground allege, that the matters stated in it are true. I declare under penalty of perjury that the foregoing is true and correct.

Executed January 26, 2026 at Washington, DC.

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VERIFICATION OF MEDIA ALLIANCE

I am the Executive Director for Media Alliance and I am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Executed January 26, 2026 at San Francisco, California.

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