

*John*  
*H/N*

**CLARK COUNTY  
STAFF REPORT**

**DEPARTMENT:** City/County Cable Television Office

**DATE:** June 11, 2013

**REQUEST:** AWARD OF GRANT FUNDS FROM THE PEG CAPITAL SUPPORT FUND TO TV ETC, CVTV AND FVTV

**CHECK ONE:**  Consent  Routine

**BACKGROUND:** The current franchise agreements between Clark County, the City of Vancouver, and Comcast Corporation provide for a capital contribution in the amount of \$1/month per subscriber for support of Public, Education, and Government (PEG) access. This contribution may only be awarded to designated access providers.

The annual PEG grants for 2012 from TV ETC, CVTV and For Vancouver Television (FVTV) were received by the City/County Cable Office on October 5, 2012. They were subsequently reviewed by the PEG Committee and recommendations were forwarded to the City/County Telecommunications Commission approval. On December 9, 2012 the Commission approved funding for seven grants totaling \$350,648. At the time of the PEG grant approval, the City and County had been in negotiations with Comcast for a new franchise agreement for almost two years. One of the provisions under consideration in the new franchise was whether Comcast would provide high-definition (HD) channels to the designated access providers. Two of the grant applications were for equipment in anticipation of the conversion to HD. Given the uncertainty on the timing for approval of the franchise the PEG Committee did not recommend funding grants or components of grants that were focused on getting the access providers ready to broadcast in HD. Instead the PEG Committee recommended that when the franchise was approved, the 2012 grant applications for equipment to be used for conversion to HD be reconsidered for funding. On June 3, 2013, the City Council approved a new 10-year franchise agreement with Comcast and on June 4, 2013 the franchise agreement was approved by the Board of County Commissioners.

The Telecommunications Commission through Resolution 2013-07 (attached) recommended that Board of County Commissioners award supplemental PEG Capital Support Funding to TV ETC and CVTV. Subsequent to the adoption of Resolution 2013-07, TV ETC determined that they did not need the additional grant funding for their conversion to HD. Therefore, staff recommends that the Board of Commissioners award supplemental PEG Capital Support Funding as follows:

<b>Applicant</b>	<b>Total Amount Requested</b>	<b>Total Amount Funded</b>
CVTV	\$66,638	\$66,638



**ACTION REQUESTED:** On June 11, 2013 adopt a resolution under the terms of the interlocal agreement between Clark County and the City of Vancouver to award from the PEG Capital Support Fund \$66,638 to CVTV. (Note: Under the terms of the Interlocal agreement between the County and the City, both the Board and Council must approve the grants for funds to be awarded.)

**POLICY/BUDGET IMPLICATIONS:** Monies have been separately appropriated for funding these capital projects.

**COMMUNITY OUTREACH:** The City/County Telecommunications Commission held a public hearing, on April 17, 2013 regarding the grant requests.

Attachments: Board Resolution plus attachments

**DISTRIBUTION:**

E. Bronson Potter, Prosecuting Attorney's Office  
Glenn Olson, Budget Office

  
\_\_\_\_\_  
Jeanette Bader  
Program & Policy Development Manager

Approved

June 11, 2013  
CLARK COUNTY BOARD OF  
COMMISSIONERS

SR 104-13

**RESOLUTION NO. 2013 - 06-09**

A RESOLUTION relating to cable television and to the award of Public, Educational and Governmental (“PEG”) capital contribution funds to Clark/Vancouver Television (“CVTV”), the designated government access provider for the City of Vancouver and Clark County for certain capital expenditures.

1           WHEREAS, the PEG Capital Support Fund, established by Ordinance 1999-10-  
2   15 has funds available and appropriated for the purpose of financing PEG capital  
3   purchases by designated access providers; and

4           WHEREAS, the Vancouver/Clark County Telecommunications Commission  
5   (“Commission”) by Resolution 1999-03 adopted criteria for the award and administration  
6   of PEG capital grants; and

7           WHEREAS, after review of applications for PEG capital grant awards from TV  
8   ETC and CVTV the Commission recommended in Resolution 2012-07 to the Vancouver  
9   City Council and the Clark County Board of Commissioners an award from the PEG  
10   Capital Support Fund of \$66,638 to CVTV for purchase of certain capital expenditures;  
11   and

12           WHEREAS, Clark County and the City of Vancouver have entered into an  
13   interlocal agreement whereby all grants will require approval by both the Clark County  
14   Board of Commissioners and the City Council; and

15           NOW, THEREFORE,

16           BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY  
17   COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS  
18   FOLLOWS:

Section 1. As recommended in SR _____ and in the City/County Telecommunications Commission Resolution 2013-07, attached hereto as Exhibit "A", TV ETC and CVTV are hereby awarded grants to be paid from funds appropriated by Ordinance 1999-10-15 from the PEG Capital Support Fund for the capital purchases described as follows: <b>Applicant</b>	<b>Total Amount Requested</b>	<b>Total Amount Funded</b>
CVTV	\$66,638	\$66,638

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Section 2. Award of the grants described in Section 1 is conditioned upon:

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(a) Approval of such grants by the City Council; and

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(b) Compliance by CVTV with the PEG grant guidelines and criteria set forth in Vancouver/Clark County Telecommunications Commission Resolution 1999-03.

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Section 3. The County Administrator is authorized to execute all necessary

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agreements with TV ETC and FVTV consistent with Vancouver/Clark County

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Telecommunications Commission Resolution 1999-03, to assure compliance with the

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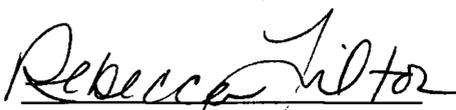
terms of the grant.

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ADOPTED on this 11<sup>th</sup> day of June, 2013.

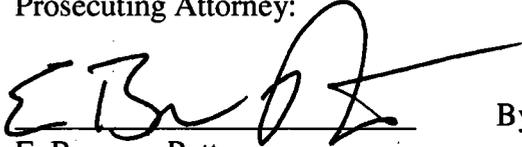
Attest:

BOARD OF CLARK COUNTY  
COMMISSIONERS

  
Clerk to the Board

By:   
Steve Stuart, Chair

Approved as to form only  
Anthony F. Golik  
Prosecuting Attorney:



E. Bronson Potter  
Deputy Civil Prosecuting Attorney

By: \_\_\_\_\_  
David Madore, Commissioner

By: \_\_\_\_\_  
Tom Mielke, Commissioner

Attachments:

Exhibit "A" – Telecommunications Commission Resolution 2013-07

## **City/County Telecommunications Commission**

### **RESOLUTION 2013-07**

#### **Regarding Recommendations to Award PEG Capital Support Funds to Designated Access Providers TV ETC and CVTV Subsequent to New Franchise Approval**

##### **Section 1. Findings**

- 1.1 A fund was established under the current cable television franchise agreements between the City of Vancouver ("City"), Clark County ("County") and TCI of Southern Washington ("TCI"), adopted November of 1997, to support Public, Educational and Governmental ("PEG") Access capital costs or monthly transport costs by public users related to the Institutional Network ("I-NET").
- 1.2 As stated in Section 9.6 "Support for Access Capital Costs" of the franchise, "During the term of this Agreement, Grantee (TCI) shall provide for a maximum of one dollar (\$1.00) per month, per Residential Subscriber (the "Capital Contribution") for Public, Educational and Governmental ("PEG") Access capital.
- 1.3 The City/County Telecommunications Commission ("Commission") is authorized under Section 5.19.300 of the Vancouver Municipal Code and under Clark County Code 36.12.160 to administer Ordinances and any Franchise granted pursuant to the implementation of Franchise compliance procedures.
- 1.4 The Commission's authorized duties, pursuant to the codes mentioned in Section 1.3 of this Resolution, include "To have primary responsibility for advising the City and County regarding public, educational and governmental access programming including the development of processes for the selection of designated access providers, and for evaluating their performance, for assigning and designating access channels, for allocating access funds and for making written reports and recommendations to the City Council [or Board of County Commissioners] thereon."
- 1.5 The Commission Chair appointed a PEG Committee, a subcommittee of the Commission, to review applications from Designated Access Providers and present recommendations to the Commission, which if approved by the Commission, are forwarded to the Vancouver City Council and the Clark County Board of Commissioners for review and appropriate action.
- 1.6 In 2012, TV ETC, the Designated Access Provider for Education, Fort Vancouver Community Television ("FVTV"), the Designated Access Provider for Public and Clark/Vancouver Television ("CVTV"), the Designated Access Provider for Government and Fort Vancouver Regional Library District ("FVRLD"), an I-NET user each submitted applications to the Commission for PEG Capital Support Fund consideration.

- 1.7 The PEG Committee reviewed applications and met with each designated access provider on November 9, 2012. With the Comcast franchise renewal in process, the Committee recommended that approval of CVTV's HD Playback and TV ETC's request for an additional HD server be tabled until the Commission approved a new franchise agreement that included high-definition channels.
- 1.8 On April 17, 2013 the Commission approved recommendation of a new 10-year franchise agreement with Comcast that included provisions for three high-definition channels.
- 1.9 The PEG Committee is recommending the Commission approve one additional grant package and one additional piece of equipment from the 2012 round of PEG Grants as outlined in **Recommendations Regarding the Award of Supplemental PEG Capital Support Funds** (Exhibit A.) After providing funding for this grant and additional piece of equipment, as of December 31, 2012, there was \$58,687 remaining in the PEG Capital Fund for future grant awards plus \$89,972 in reserve funds.

**NOW, THEREFORE BE IT RESOLVED:**

**Section 2.**

- 2.1 The Commission recommends, barring any substantial issues raised by the City and County governing boards, and upon signing the required PEG Capital Grant agreements, that TV ETC and CVTV be awarded PEG Capital Support Funds as follows:

<b>Applicant</b>	<b>Total Amount Requested</b>	<b>Total Amount Funded</b>
TV ETC	\$31,818	\$17,428
CVTV	\$66,638	\$66,638
<b>Total PEG Access Capital Grant Funds</b>	<b>\$98,456</b>	<b>\$84,066</b>

The City/County Telecommunications Commission, through this Resolution, adopts the findings and recommendations contained herein and as outlined in Exhibit A: **Recommendations Regarding the 2012 Supplemental Award of PEG Capital Support Funds**

- 2.2 The Commission directs staff to forward this Resolution and the **PEG Committee Recommendations Regarding the 2012 Supplemental Award of PEG Capital Support Funds** to the Vancouver City Council and the Clark County Board of Commissioners, as well as to the applicants.

- 2.3 The Commission recommends that the Vancouver City Council and Clark County Board of Commissioners award funds to TV ETC and CVTV as outlined in this Resolution.

**Approved (Date): May 1, 2013**



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**Fred Bateman, Chair, City/County Telecommunications Commission**

**Exhibits:**

**Exhibit A – Recommendations Regarding the 2012 Supplemental Award of PEG Capital Support Funds**



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**TO: CITY/COUNTY TELECOMMUNICATIONS COMMISSION**

**FROM: PEG COMMITTEE**  
Robert Coletti, Chair  
John Barber  
John Jenkins

**DATE: May 1, 2013**

**SUBJECT: Recommendations for the 2012 Supplemental PEG Capital Support Grants**

**Purpose of the PEG Access Capital Grant Program:**

The purpose of the PEG Capital Support Fund, established under the 1997 cable franchise renewal agreement with Comcast, and funded by a \$1 per month per cable subscriber contribution collected by the cable operator, is to promote the use and availability of local programming by providing capital support for equipment and facilities for use by the public, education, and local government for the benefit of Vancouver/Clark County cable television subscribers.

From February 1998, when collection of the \$1/month/per subscriber was implemented, through December 31, 2012 Comcast has collected \$10,747,963 from subscribers which has been paid to the City of Vancouver and Clark County in PEG fees. \$11,729,843 has been awarded to designated access and I-NET providers. (The difference between the amount collected vs. the amount awarded is interest earned in the fund.)

**2012 Supplemental PEG Grants**

The annual PEG grants for 2012 were received by the City/County Cable Office on October 5, 2012. They were subsequently reviewed by the PEG Committee and recommendations were forwarded to the City/County Telecommunications Commission for approval. On December 9, 2012, the Commission approved funding for seven grants totaling \$350,648. At the time of the PEG grant approval, the City and County had been in negotiations with Comcast for a new franchise agreement for almost two years. One of the provisions under consideration in the new franchise was whether Comcast will provide high-definition (HD) channels to the designated access providers. Two of the grant applications were for equipment in anticipation of the conversion to HD. Given the uncertainty on the timing for approval of the franchise the PEG Committee did not recommend funding grants or components of grants that were focused on getting the access providers ready to broadcast in HD. Instead the PEG Committee recommended that when the franchise was approved, the 2012 grant applications for equipment to be used for conversion to HD be reconsidered for funding. On April 17, 2013 the Commission

approved a recommendation for a new 10-year franchise agreement with Comcast. The franchise agreement will still need to be approved by the City and County but that is scheduled to be finalized by June 4, 2013. The PEG Committee is recommending approval of one additional grant application for CVTV and one additional piece of equipment for TV ETC in anticipation of the availability of HD channels as early as October 2013.

**Grant Funding Recommendations**

The PEG Committee is recommending the following funding for approval by the Telecommunications Commission:

TV ETC

- Full funding of a new High Definition Server to support the new playback system for which PEG funds were awarded on December 5, 2012. The PEG Committee continues to recommend not funding the broadcast network processor which would allow TV ETC to put their logo on the screen and run messages along the bottom.

CVTV

- Full funding of the High Definition Playback Equipment grant.

**PEG Access Capital Grant Program Recommended Projects for 2012**

The PEG Committee offers the following recommendations as a supplement to the 2012 PEG grant cycle.

<b>Grant Applications</b>	<b>Requested</b>	<b>Recommended</b>
TV ETC - Playback System/Conversion to HD	\$31,818	\$17,428
CVTV - High Definition Playback	\$66,638	\$66,638
<b>Total PEG Access Capital Grant Funds</b>	<b>\$98,456</b>	<b>\$84,066</b>

Attachments:

- CVTV Grant Application\*
- TV ETC Grant Application\*

\*PEG Grant Applications are available on file at the City/County Cable Television Office.