
Introduced by Senator Escutia

February 22, 2005

An act to amend Section 53066.3 of the Government Code, relating to cable television franchises.

LEGISLATIVE COUNSEL'S DIGEST

SB 909, as introduced, Escutia. Local cable television franchises.

Existing law requires that if a city, county, or city and county elects to grant an additional cable television franchise in an area where a franchise has already been granted, it shall first conduct a noticed public hearing at which specified issues are considered.

This bill would make a technical, nonsubstantive change in that requirement.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53066.3 of the Government Code is
2 amended to read:
3 53066.3. (a) If a city, county, or city and county elects to
4 grant an additional cable television franchise in an area where a
5 franchise has already been granted to a cable television operator,
6 it shall do so only after a public hearing noticed pursuant to
7 Section 6066, in a newspaper of general circulation as defined in
8 Section 6000, where all of the following have been considered:
9 (1) Whether there will be significant positive or negative
10 impacts on the community being served.

1 (2) Whether there will be an unreasonable adverse economic
2 or aesthetic impact upon public or private property within the
3 area.

4 (3) Whether there will be an unreasonable disruption or
5 inconvenience to existing users, or any adverse effect on future
6 use, of utility poles, public easements, and the public
7 rights-of-way contrary to the intent of Section 767.5 of the Public
8 Utilities Code.

9 (4) Whether the franchise applicant has the technical and
10 financial ability to perform.

11 (5) Whether there is any impact on the franchising authority's
12 interest in having universal cable service.

13 (6) Whether other societal interests generally considered by
14 franchising authorities will be met.

15 (7) Whether the operation of an additional cable television
16 system in the community is economically feasible.

17 (8) ~~Such~~ Any other additional matters, both procedural and
18 substantive, as the franchising authority may determine to be
19 relevant.

20 (b) Nothing in this section prevents any city, county, or city
21 and county from considering the approval or denial of an
22 additional cable service franchise in any area of the city, county,
23 or city and county, subject to compliance with subdivision (d), or
24 the imposing of additional terms and conditions upon the
25 granting of the franchise, as the city, county, or city and county
26 determines is necessary or appropriate.

27 (c) The city, county, or city and county shall make a final
28 determination as to whether to grant the additional franchise
29 within six months of the application date unless the jurisdiction
30 can establish that the applicant has unreasonably delayed
31 proceedings designed to consider the matters set forth in
32 paragraphs (1) to (8), inclusive, of subdivision (a).

33 (d) Any additional franchise granted to provide cable
34 television service in an area in which a franchise has already
35 been granted and where an existing cable operator is providing
36 service or certifies to the franchising authority that it is ready,
37 willing, and able to provide service, shall require the franchisee
38 to wire and serve the same geographical area within a reasonable
39 time and in a sequence which does not discriminate against lower
40 income or minority residents, and shall contain the same public,

1 educational, and governmental access requirements that are set
2 forth in the existing franchise. This subdivision does not apply
3 where all existing cable operators certify to the franchising
4 authority that they do not intend to provide service within a
5 reasonable time to the area to be initially served by the additional
6 franchise.

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