

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings, Meeting of September 14, 2021

ORDINANCE NO. _____

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTION 855-7 OF CHAPTER 5 OF DIVISION 5 OF TITLE VIII OF THE HUMBOLDT COUNTY CODE RELATING TO PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION AND SIGNAL CARRIAGE

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 855-7 of Chapter 5 of Division 5 of Title VIII of the Humboldt County Code is amended as shown on the attached pages.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2021.

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

Chair of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:

KATHY HAYES, Clerk of the Board of Supervisors
County of Humboldt

855-7. Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage.

(a) The following elements shall be required of all state franchise holders serving more than 1000 subscribers. The County may exempt a state franchise holder who provides service in an area that is defined as “isolated rural”. For purposes of this section, isolated rural area shall mean an area with 1000 cable subscribers or less in which there is only one state video franchise holder or one local cable franchise holder and which area is located 30 miles or more from the headend of the nearest other state video franchise holder or local cable franchise holder. (Ord. 2500, § 1, 5/14/2013)

(b) *PEG Channel Capacity.* (Ord. 2500, § 1, 05/14/2013)

(1) A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of Section [5870](#) of the California Public Utilities Code, within the time limits specified therein. (Ord. 2443, § 1, 1/25/2011)

(2) A state franchise holder shall provide an additional PEG channel when the County satisfies the standards set forth in Section [5870\(d\)](#) of the California Public Utilities Code or any entity designated by the County to manage one or more of the PEG channels. (Ord. 2443, § 1, 1/25/2011)

(c) *PEG Support.* (Ord. 2500, § 1, 05/14/2013)

(1) Amount of PEG Support Fee. Any state franchise holder shall pay to the County -- or if directed by the County, to the County’s designated PEG provider -- a PEG fee equal to one and four hundred one thousandths (1.401%) percent of gross revenues. (Ord. 2500, § 1, 5/14/2013; Ord. 2539, § 1, 11/17/2015)

(2) The PEG support fee shall be used for PEG activities, in a manner that is consistent with the terms of the incumbent cable operator’s franchise during the period of January 1, 2006 to December 30, 2006 and settlements. (Ord. 2443, § 1, 1/25/2011)

(3) A state franchise holder shall remit the PEG support fee quarterly, within forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated. (Ord. 2443, § 1, 1/25/2011)

(4) In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law. (Ord. 2443, § 1, 1/25/2011)

(5) The County reauthorizes the PEG support fee established hereunder. The PEG support fee shall not change and is applicable to any state franchise holder operating within the unincorporated area of Humboldt County. The PEG support fee shall continue to apply to any new or existing state franchise operating in the unincorporated area of Humboldt County and shall be automatically reauthorized upon the expiration of any existing or future state franchise(s) held by any state franchise holder(s) operating within the unincorporated area of Humboldt County. (Ord. _____, § 1, 9/ /2021)

(d) *PEG Carriage and Interconnection.*

(1) As set forth in Sections [5870\(b\)](#) and [5870\(g\)\(3\)](#) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest cost tier of service. PEG access capacity provided by a state

franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), shall be capable of carrying a National Television System Committee (NTSC) television signal, and shall be carried on the state franchise holder's lowest cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the County unless federal law requires the change. (Ord. 2443, § 1, 1/25/2011)

(2) Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code Section [5870\(h\)](#). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the County may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the County and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties. (Ord. 2443, § 1, 1/25/2011)