

AMENDMENTS TO ASSEMBLY BILL NO. 2987
AS AMENDED IN SENATE AUGUST 7, 2006

Amendment 1

On page 3, line 19, strike out "5800.1." and insert:

5810.

Amendment 2

On page 5, line 2, strike out "article" and insert:

division

Amendment 3

On page 5, line 7, strike out "5800.2." and insert:

5830.

Amendment 4

On page 5, line 7, strike out "article" and insert:

division

Amendment 5

On page 6, strike out line 3, in line 4, strike out "county" and insert:

(g) "Local franchising entity" means the city, county, city and county, or joint powers authority

Amendment 6

On page 6, line 6, strike out "the" and insert:

a

Amendment 7

On page 6, strike out line 7, and insert:

serving cable subscribers under a franchise in a particular

Amendment 8

On page 6, line 12, strike out "article" and insert:

division

Amendment 9

On page 6, line 30, strike out "article" and insert:

division

Amendment 10

On page 7, strike out line 10, and insert:

service.

Amendment 11

On page 7, strike out line 12, in line 13, strike out "Commission" and insert:

5840. (a) The commission

Amendment 12

On page 7, line 14, strike out "article" and insert:

division

Amendment 13

On page 7, line 15, strike out "department" and insert:

commission

Amendment 14

On page 7, line 19, strike out "article" and insert:

division

Amendment 15

On page 7, line 23, strike out "department" and insert:

commission

Amendment 16

On page 7, line 26, after "state" insert:

for which a franchise has not already been issued

Amendment 17

On page 7, lines 27 and 28, strike out "department. The department" and insert:

commission. The commission

Amendment 18

On page 7, line 32, strike out "department" and insert:

commission

Amendment 19

On page 8, line 6, strike out "5800.7" and insert:

5890

Amendment 20

On page 8, line 9, strike out "5800.8" and insert:

5900

Amendment 21

On page 8, line 11, strike out "5800.5" and insert:

5870

Amendment 22

On page 8, line 13, after "channels" insert:

and the required funding

Amendment 23

On page 8, line 14, strike out "5800.5" and insert:

5870

Amendment 24

On page 9, line 9, strike out "department" and insert:

commission

Amendment 25

On page 9, line 14, strike out "department" and insert:

commission

Amendment 26

On page 9, line 17, strike out "department" and insert:

commission

Amendment 27

On page 9, line 20, strike out "department" and insert:

commission

Amendment 28

On page 9, line 23, strike out "department" and insert:

commission

Amendment 29

On page 9, line 28, strike out "department" and insert:

commission

Amendment 30

On page 9, line 34, after "rights-of-way" insert:

, in exchange for the franchise fee adopted under subdivision (o),

Amendment 31

On page 10, line 3, strike out "department" and insert:

commission

Amendment 32

On page 10, line 4, strike out "article" and insert:

division

Amendment 33

On page 10, line 8, strike out "department" and insert:

commission

Amendment 34

On page 10, line 10, strike out "department" and insert:

commission

Amendment 35

On page 10, line 19, strike out "department" and insert:

commission

Amendment 36

On page 10, line 29, strike out "article" and insert:

division

Amendment 37

On page 10, line 34, strike out "article" and insert:

division

Amendment 38

On page 10, strike out lines 38 to 40, inclusive, on page 11, strike out lines 1 to 5, inclusive, and insert:

(j) Prior to offering video service in a local entity's jurisdiction, the holder of a state franchise shall notify the local entity that the video service provider will provide video service in the local entity's jurisdiction. The notice shall be given at least 10 days, but no more than 60 days, before the video service provider begins to offer service.

Amendment 39

On page 11, line 24, strike out "article" and insert:

division

Amendment 40

On page 11, strike out lines 29 to 39, inclusive

Amendment 41

On page 12, line 1, strike out "(m)" and insert:

(l)

Amendment 42

On page 12, line 5, after "expiration" insert:

, prior to any renewal or extension,

Amendment 43

On page 12, line 12, strike out "10 days" and insert:

all or part of that jurisdiction

Amendment 44

On page 12, line 17, after "terminate" insert:

and be replaced by a state franchise

Amendment 45

On page 12, lines 22 and 23, strike out "a video service provider" and insert:

an incumbent cable operator

Amendment 46

On page 12, line 26, strike out "terminated" and insert:

expired

Amendment 47

On page 12, strike out lines 28 to 30, inclusive, and insert:

(m) When a video service provider that holds a state franchise provides the notice required pursuant to subdivision (j) to a local entity, the local franchising entity may require all incumbent cable operators to seek a state franchise and shall terminate the franchise issued by the local franchising entity when the commission issues a state franchise for the video service provider that includes the entire service area served by the video service provider and the video service provider notifies the local entity that it will begin providing video service in that area under a state franchise.

Amendment 48

On page 12, line 31, strike out "(o)" and insert:

(n)

Amendment 49

On page 12, line 33, strike out "article" and insert:

division

Amendment 50

On page 13, between lines 4 and 5, insert:

5850. (a) A state issued franchise shall only be valid for 10 years after the date of issuance, and the video service provider shall apply for a renewal of the state franchise for an additional 10-year period if it wishes to continue to provide video services in the area covered by the franchise after the expiration of the franchise.

(b) Except as provided in this section, the criteria and process described in Section 5840 shall apply to a renewal registration, and the commission shall not impose any additional or different criteria.

(c) Renewal of a state franchise shall be consistent with federal law and regulations.

(d) (1) The commission shall not renew the franchise unless the video service provider can demonstrate that it is in compliance with all of the requirements of this division and has no outstanding financial obligations or penalties payable to the state or any local entity that are expressly allowed under this division.

(2) If any requirements of this division, financial obligations, or penalties payable to the state or any local entity are in dispute at the time of the renewal of the franchise, and there are no other outstanding financial obligations or penalties, the commission shall renew the franchise for a period of two years.

Amendment 51

On page 13, line 10, strike out "5800.4." and insert:

5860.

Amendment 52

On page 17, strike out lines 33 to 40, inclusive, on page 18, strike out lines 1 to 7, inclusive, and insert:

(j) The commission may not permit a telephone corporation that is providing video service pursuant to a state-issued franchise to increase rates for residential, primary line, basic telephone service above the rate as of July 1, 2006, until January 1, 2009, unless that telephone corporation is regulated under rate of return regulation. However, the commission may allow rate increases to reflect increases in inflation as shown in the Consumer Price Index published by the Bureau of Labor Statistics. This subdivision does not affect the authority of the commission to increase rates for basic telephone service that is bundled with other services and priced as a bundle.

Amendment 53

On page 18, line 8, strike out "5800.5." and insert:

5870.

Amendment 54

On page 18, lines 11 and 12, strike out "that the incumbent cable operator has activated and provided" and insert:

as are activated and provided by the incumbent cable operator that has simultaneously activated and provided the greatest number of PEG channels

Amendment 55

On page 18, line 27, after "advertising" insert:

, underwriting,

Amendment 56

On page 19, line 4, after "may" insert:

initially

Amendment 57

On page 19, line 14, after "nonduplicated" insert:

video

Amendment 58

On page 19, line 33, after "is" insert:

compatible with the holder's network, if the local entity produces or maintains the PEG programming in that manner or form. If the local entity does not produce or maintain PEG programming in that manner or form, then the local entity may submit or provide PEG programming in a manner or form that is

Amendment 59

On page 19, line 37, after the period insert:

If the holder is required to change the form of the transmission, the local entity shall permit the holder to do so in a manner that is most economical to the holder.

Amendment 60

On page 20, strike out lines 1 and 2, and insert:

or programming. The holder may carry the transmission, content, or programming outside of the local entity's jurisdiction if the holder agrees to pay the local entity or its designee any incremental costs incurred by the local entity or its designee associated with that transmission.

Amendment 61

On page 20, line 20, after the period, insert:

The cost of any interconnection shall be born by the holder requesting the interconnection unless otherwise agreed to by the parties.

Amendment 62

On page 21, line 3, strike out "capital"

Amendment 63

On page 21, line 29, strike out "capital"

Amendment 64

On page 21, lines 30 and 31, strike out "and to support institutional network facilities" and insert:

consistent with federal law

Amendment 65

On page 21, line 34, strike out "5800.4" and insert:

5860

Amendment 66

On page 21, line 38, strike out "the" and insert:

an

Amendment 67

On page 22, line 1, strike out "2008" and insert:

2009

Amendment 68

On page 22, line 21, strike out "5800.6." and insert:

5880.

Amendment 69

On page 22, line 24, after the period insert:

Any provision in a locally issued franchise authorizing local entities to provide local emergency notifications shall remain in effect for the duration of the locally issued franchise notwithstanding any abrogation of this franchise in favor of a state-issued franchise.

Amendment 70

On page 22, line 31, strike out "5800.7." and insert:

5890.

Amendment 71

On page 22, between lines 36 and 37, insert:

(b) Nothing in this article shall be construed to change existing law regarding the permitting process or compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for construction projects by a holder of a state franchise.

Amendment 72

On page 22, line 37, strike out "(b)" and insert:

(c)

Amendment 73

On page 23, line 2, strike out "5800.8." and insert:

5890.

Amendment 74

On page 23, line 3, strike out "article" and insert:

division

Amendment 75

On page 23, line 7, strike out "500,000" and insert:

1,000,000

Amendment 76

On page 23, line 8, strike out "this section" and insert:

subdivision (a)

Amendment 77

On page 23, line 11, strike out "article" and insert:

division

Amendment 78

On page 23, line 14, strike out "article" and insert:

division

Amendment 79

On page 23, between lines 15 and 16, insert:

(3) Holders provide service to community centers in underserved areas, as determined by the holder, without charge at a ratio of one community center for every 10,000 video customers.

Amendment 80

On page 23, line 16, strike out "500,000" and insert:

1,000,000

Amendment 81

On page 23, line 37, strike out "500,000" and insert:

1,000,000

Amendment 82

On page 24, line 4, strike out "article" and insert:

division

Amendment 83

On page 24, line 11, strike out "article" and insert:

division

Amendment 84

On page 24, between lines 12 and 13 insert:

(3) A holder shall not be required to meet the 40 percent requirement in paragraph (1) or the 50 percent requirement in paragraph (2) until two years after at least 30 percent of the households with access to the holder's video service subscribe to it for six consecutive months.

Amendment 85

On page 24, line 18, strike out "If" and insert:

(4) If

Amendment 86

On page 24, line 21, strike out "shall" and insert:

may

Amendment 87

On page 24, line 22, strike out "is satisfied" and insert:

finds

Amendment 88

On page 24, line 27, after "households" insert:

for six consecutive months

Amendment 89

On page 24, line 29, strike out "a waiver of" and insert:

an extension to meet

Amendment 90

On page 25, line 10, strike out "waiver" and insert:

extension

Amendment 91

On page 25, line 12, strike out "a waiver" and insert:

an extension

Amendment 92

On page 25, line 13, strike out "new requirements" and insert:

a new compliance deadline

Amendment 93

On page 25, line 16, strike out "article" and insert:

division

Amendment 94

On page 25, line 20, strike out "article" and insert:

division

Amendment 95

On page 25, line 26 and 27, strike out "the holder's state franchise shall immediately terminate" and insert:

the court may immediately terminate the holder's state franchise,

Amendment 96

On page 26, line 20, after "providing" insert:

similar

Amendment 97

On page 26, line 21, strike out "capability and" and insert:

accessibility and similar

Amendment 98

On page 26, line 32, strike out "5800.9." and insert:

5900.

Amendment 99

On page 28, line 15, strike out "may, by ordinance," and insert:

shall

Amendment 100

On page 29, strike out lines 5 and 6

Amendment 101

On page 29, line 7, strike out "(1)" and insert:

(d)

Amendment 102

On page 29, line 11, strike out "(2)" and insert:

(e)

Amendment 103

On page 29, between lines 15 and 16 insert:

(f) Any penalty shall be divided equally between the local entity and the Digital Divide Account established in Section 280.5.

(g) Any interested person may seek judicial review of a decision of the local entity in a court of appropriate jurisdiction.

Amendment 104

On page 29, line 16, strike out "(e)" and insert:

(h)

Amendment 105

On page 29, line 20, strike out "For this purpose, a court" and strike out line 21

Amendment 106

On page 29, line 23, strike out "5800.10." and insert:

5910.

Amendment 107

On page 30, line 17, strike out "5800.11." and insert:

5920.

Amendment 108

On page 31, line 9, strike out "5800.12." and insert:

5930.

Amendment 109

On page 31, line 9, strike out "article" and insert:

division

- 0 -