



For Producers, Writers & Directors

An Alliance of Television & New Media Content Creators

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PUBLIC RELATIONS

DALE OLSON

December 10, 2008

To: Attorney General Jerry Brown
Attorney General's Office California Department of Justice
Attn: Public Inquiry Unit P.O. Box 944255
Sacramento, CA 94244-2550

URGENT ACTION REQUESTED

Dear Attorney General Brown;

The following copy was sent by letter and e-mail today to Mayor Antonio Villaraigosa and each of the Los Angeles City Council Members. We feel this important matter should also be brought to your attention.

As Time Warner Cable has announced it will be closing fourteen Public Access studios and channels on December 31, 2008, the welfare of those who produce, participate and view Public Access television will be gravely impacted.

We represent The Caucus for Producers, Writers & Directors, an organization whose membership includes the top 150 Television producers, writers and program directors of Primetime, Daytime and Children's programming. As the 'Creative Conscience' of the Television Industry, and the only group to include members of all 4 guilds (WGA, DGA, PGA, SAG), our chief concern is protecting the artist's inherent creative rights.

Since the wave of media consolidation that began after the deregulation of the media in the early 90's we have been prime advocates for media issues that affect the creative community. We also recognize the ways in which these issues deeply affect the public at large and our ability to preserve our democracy.

The fate of Public Access is of grave concern to us because we believe it is a valuable tool for the creative artists and the public interests. Public Access has been an important step for many young filmmakers and independent producers and access studios have provided training for countless individuals now working in the entertainment industry. Public Access is also a vital community service that we need now more than ever because it provides a forum for important local issues too often overlooked by the mainstream media and allows for discussion of these issues by members of the affected communities.

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We are writing to you today to urgently request that as Mayor and City Council members you take the formal steps necessary to request the Los Angeles City Attorney to file for emergency injunctive relief. We do so because the public debate and resolution of this issue have not been resolved and the matter has now been referred to the Budget and Finance Committee for hearing and re-evaluation, with no date set for hearing.

It is our suggestion that the City adopt a resolution to initiate and support the legislative amendments to the DIVCA 2007 to allow the use of cable franchise fees for not only capital expense but operational expense to support local Public Access systems. Furthermore, we ask the City to request the City Attorney to seek the following:

FILE FOR INJUNCTIVE RELIEF under California Business & Professions Code 17200 section 3. The basis for this action is as follows:

- 1) Injury to cable subscribers and PA producers who are left without First Amendment Rights and Freedom of Expression as intended by the FCC and DIVCA Legislation.
- 2) Legislative INTENT: DIVCA left the Franchise fees to be paid to the Cities, in place, indicating a legislative intent for the Public Access facilities to be provided to the public.
- 3) TIME WARNER: By selecting December 31, 2008 to cease operation of the facilities and channel service to the public Time Warner is knowingly injuring their subscribers and Public Access Producers.
- 4) Court should grant a Temporary/Restraining order so that Time Warner does not discontinue the service until such time as the City has provided alternative & EQUAL facilities.

In addition, the issue has moved forward from committee without the benefit of either a Financial Impact Report or Community Impact Report. As the City will be responsible for establishing the Public Access facility/capacity, no action can be taken without the proper evaluation and assessments for the financial resources needed to implement and sustain such an operation.

The same can be said for the impact on the public welfare. Without a community impact report, our Council members cannot determine with any accuracy the full extent of the loss to the community.

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We realize the process is in motion and there will be a resolution at some point but for now, we are faced with the clear and immediate fact that the studios will be closing in less than 2 weeks with no process or procedure in place to insure the transition does not adversely impact the residents of Los Angeles. The studios should not close until the public's rights are secured.

Sincerely,



Dennis Doty,
Chair



Sally Hampton,
Member, Government Affairs Committee

DD/SH/psr

cc: Vin Di Bona, Co-Chair, The Caucus
Chuck Fries, Executive Secretary
LA County Supervisor Mark Ridley-Thomas (2nd District)
Congresswoman Diane Watson
U.S Senator Barbara Boxer
U.S. Senator Dianne Feinstein
Attorney General Jerry Brown
AP Wire Service