

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE DRS85409-RBz-40B* (04/26)

Short Title: Supplemental PEG Support. (Public)

Sponsors: Senators Clodfelter, Dalton, Hartsell, Hoyle, and Kerr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DISTRIBUTION OF SUPPLEMENTAL PEG SUPPORT FUNDING, AS REQUESTED BY THE LEAGUE OF MUNICIPALITIES AND THE SOUTHEAST ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-164.44I(b) reads as rewritten:

"(b) Supplemental PEG Support. – The Secretary must include the applicable amount of supplemental PEG channel support in each quarterly distribution to a county or city. The amount to include is one-fourth of twenty-five thousand dollars (\$25,000) for each qualifying PEG channel ~~operated~~ certified by the county or city. The amount of money distributed under this subsection may not exceed two million dollars (\$2,000,000) in a fiscal year. If the amount to be distributed for qualifying PEG channels in a fiscal year would otherwise exceed this maximum amount, the Secretary must proportionately reduce the applicable amount distributable for each PEG channel. If the amount to be distributed for qualifying PEG channels in a fiscal year is less than two million dollars (\$2,000,000), the Secretary must credit the excess amount to the PEG Channel Fund established in G.S. 66-359.

A county or city must certify to the Secretary by July 15 of each year the number of qualifying each of the qualified PEG channels it operates, provided for its use by a cable service provider under either G.S. 66-357 or an existing agreement. A qualifying PEG channel is one that meets the programming requirements under G.S. 66-357(d). A county or city must include the name of the PEG channel operator for each qualifying PEG channel it certifies and any other information required by the Secretary. If a qualifying PEG channel has more than one PEG channel operator, then a county or city must include each operator of the PEG channel on its certification. A county or city may

1 not receive PEG channel support under this subsection for more than three qualifying
2 PEG channels.

3 The amount included under this subsection in a distribution to a county or city is
4 intended to supplement the PEG channel support available in the amount distributed
5 under this section. ~~The money distributed to a~~ A county or city must use the money
6 distributed to it under this subsection must be used by it for the operation and support of
7 each of the qualified PEG channels. channels it certified by allocating the amount it
8 receives equally among each of the qualified PEG channels. A county or city must
9 distribute the money received under this subsection to the PEG channel operator of the
10 qualified PEG channel within 30 days of its receipt of the supplemental PEG support
11 funds from the Department, or as specified in an interlocal agreement. If a qualified
12 PEG channel has more than one PEG channel operator, then the county or city must
13 distribute the amount allocated for that PEG channel equally to each PEG channel
14 operator, or as specified in an interlocal agreement. For

15 If a county or city determines that it certified a PEG channel in error, the county or
16 city must submit a revised certification to the Secretary, and it must return all
17 supplemental PEG channel support distributed to it as a result of the error. The
18 Secretary must add the funds returned to the total amount to be allocated under this
19 subsection in the following fiscal year. The amount distributed under this subsection for
20 the following fiscal year may exceed the two million dollars (\$2,000,000) limit by the
21 amount of funds returned in the prior fiscal year.

22 For purposes of this subsection, the term "PEG channel" has the same meaning as in
23 G.S. 66-350. following definitions apply:

- 24 (1) Existing agreement. – Defined in G.S. 66-350.
25 (2) PEG channel. – Defined in G.S. 66-350.
26 (3) PEG channel operator. – An entity that does one or more of the
27 following:
28 a. Produces programming for delivery on a PEG channel.
29 b. Provides facilities for the production of programming or
30 playback of programming for delivery on a PEG channel.
31 (4) Qualifying PEG channel. – A PEG channel that meets all of the
32 following programming requirements for at least 120 continuous days:
33 a. The PEG channel must deliver at least eight hours of scheduled
34 programming a day.
35 b. The PEG channel must deliver at least six hours and 45 minutes
36 of scheduled, non-character-generated programming a day.
37 c. The programming content of the PEG channel must not repeat
38 more than fifteen percent (15%) of the programming content on
39 any other PEG channel provided to the certifying county or
40 city."

41 **SECTION 2.** Notwithstanding G.S. 105-164.44I(b), certifications of
42 qualifying PEG channels for use in distributing fiscal year 2008-2009 supplemental
43 PEG channel support may be submitted to the Secretary on or before September 15,
44 2008. The distribution of supplemental PEG channel support that must be made within

- 1 75 days after June 30, 2008, shall be based on the qualifying PEG channel certification
2 in effect for the prior distribution.
3 **SECTION 3.** This act is effective when it becomes law.