

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1716*

Short Title: Supplemental PEG Support. (Public)

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

Referred to: Appropriations/Base Budget.

May 21, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE DISTRIBUTION OF SUPPLEMENTAL PEG
3 SUPPORT FUNDING, AS REQUESTED BY THE LEAGUE OF
4 MUNICIPALITIES AND THE SOUTHEAST ASSOCIATION OF
5 TELECOMMUNICATIONS OFFICERS AND ADVISORS.

6 The General Assembly of North Carolina enacts:

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

8 "(b) Supplemental PEG Support. – The Secretary must include the applicable
9 amount of supplemental PEG channel support in each quarterly distribution to a county
10 or city. The amount to include is one-fourth of twenty-five thousand dollars (\$25,000)
11 for each qualifying PEG channel ~~operated~~ certified by the county or city. The amount of
12 money distributed under this subsection may not exceed two million dollars
13 (\$2,000,000) in a fiscal year. If the amount to be distributed for qualifying PEG
14 channels in a fiscal year would otherwise exceed this maximum amount, the Secretary
15 must proportionately reduce the applicable amount distributable for each PEG channel.
16 If the amount to be distributed for qualifying PEG channels in a fiscal year is less than
17 two million dollars (\$2,000,000), the Secretary must credit the excess amount to the
18 PEG Channel Fund established in G.S. 66-359.

19 A county or city must certify to the Secretary by July 15 of each year ~~the number of~~
20 ~~qualifying each of the qualified PEG channels it operates.~~ provided for its use by a cable
21 service provider under either G.S. 66-357 or an existing agreement. A qualifying PEG
22 channel is one that meets the programming requirements under G.S. 66-357(d). A
23 county or city must include the name of the PEG channel operator for each qualifying
24 PEG channel it certifies and any other information required by the Secretary. If a
25 qualifying PEG channel has more than one PEG channel operator, then a county or city
26 must include each operator of the PEG channel on its certification. A county or city may
27 not receive PEG channel support under this subsection for more than three qualifying
28 PEG channels.

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

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

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

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

39 **SECTION 2.** Notwithstanding G.S. 105-164.44I(b), certifications of
40 qualifying PEG channels for use in distributing fiscal year 2008-2009 supplemental
41 PEG channel support may be submitted to the Secretary on or before September 15,
42 2008. The distribution of supplemental PEG channel support that must be made within
43 75 days after June 30, 2008, shall be based on the qualifying PEG channel certification
44 in effect for the prior distribution.

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SECTION 3. This act is effective when it becomes law.