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# Committee Report

**CONSENT CALENDAR**

**March 7, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to  
which was referred HB 203,**

**AN ACT relative to options in cable television franchise  
products. Having considered the same, report the same  
with the following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Richard Abel**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 203
Title:	relative to options in cable television franchise products.
Date:	March 7, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill would require cable system television operators to offer a basic tier of programming and an economy-customer option that allows subscribers to choose a limited number of additional channels a la carte. The committee felt that this might be an attractive option for many consumers but is impractical at the state level since all programming matters are preempted by federal law. For this reason, the committee found the bill Inexpedient to Legislate.

Vote 20-0.

Rep. Richard Abel  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Commerce and Consumer Affairs

**HB 203**, relative to options in cable television franchise products. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill would require cable system television operators to offer a basic tier of programming and an economy-customer option that allows subscribers to choose a limited number of additional channels a la carte. The committee felt that this might be an attractive option for many consumers but is impractical at the state level since all programming matters are preempted by federal law. For this reason, the committee found the bill Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

## Stapler, Carol

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**From:** Bernerabelaol <bernerabel@aol.com>  
**Sent:** Thursday, February 21, 2019 2:51 PM  
**To:** Butler, Ed; Stapler, Carol  
**Subject:** Re: Committee Report HB 203, Consent Calendar

Sent from my iPhone

On Feb 19, 2019, at 7:12 PM, Bernerabel <[bernerabel@aol.com](mailto:bernerabel@aol.com)> wrote:

**HB 203**, relative to options in cable television franchise products. **INEXPEDIENT TO LEGISLATE.** Rep. Richard Abel for Commerce and Consumer Affairs. This bill would require cable system television operators to offer a basic tier of programming and an economy-customer option that allows subscribers to choose a limited number of additional channels a la carte. The committee felt that this might be an attractive option for many consumers but is impractical at the state level since all programming matters are preempted by Federal law. For this reason, the committee found the bill inexpedient to legislate. **Vote 20 - 0.**

OK  


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# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 203

**BILL TITLE:** relative to options in cable television franchise products.

**DATE:** February 13, 2019

**LOB ROOM:** 302

**MOTIONS:** INEXPEDIENT TO LEGISLATE

Moved by Rep. Abel

Seconded by Rep. Williams

Vote: 20-0

CONSENT CALENDAR: YES

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 203

BILL TITLE: relative to options in cable television franchise products.

DATE: 2-13-19

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Abel Seconded by Rep. Williams Vote: 20-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Seconded by Rep. Vote:

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Seconded by Rep. Vote:

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Seconded by Rep. Vote:

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion:

Respectfully submitted: [Signature] Rep Rebecca McBeath, Clerk





2019 SESSION

Commerce and Consumer Affairs

Bill #: HB 203 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
Gidge, Kenneth M. <i>Town</i>	✓		
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
Weston, Joyce	✓		
Hunt, John B.	✓		
Sanborn, Laurie J.	✓		
Osborne, Jason M.	✓		
Costable, Michael	✓		
Plumer, John R.	✓		
Barnes, Arthur E.	✓		
Potucek, John M.	✓		
Warden, Mark	✓		
<b>TOTAL VOTE:</b>	<i>20</i>	<i>0</i>	

# Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

**SUBCOMMITTEE WORK SESSION** on HB 203

**BILL TITLE:** relative to options in cable television franchise products.

**DATE:** February 13, 2019

**Subcommittee Members:** Reps. Williams, Abel, Herbert, Indruk, Plumer and Warden

**Comments and Recommendations:**

**MOTIONS:** INEXPEDIENT TO LEGISLATE

Moved by Rep. Rep. Indruk                      Seconded by Rep. Rep. Plumer                      Vote: 6-0

Respectfully submitted,

Rep. Kermit Williams  
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 203

BILL TITLE: relative to options in cable television franchise products.

DATE: 2-13-19

Subcommittee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plummer, Barnes, Potucek and Warden

Comments and Recommendations:

Three horizontal lines for handwritten comments and recommendations.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Indruk / Plummer Secoded by Rep. Warden / Plummer AM Vote: 6-0

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. \_\_\_\_\_ Subcommittee Chairman/Clerk

# Hearing Minutes





HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 203 (Continued from 1-17-19)

**BILL TITLE:** relative to options in cable television franchise products.

**DATE:** January 29, 2019

**LOB ROOM:** 302                      **Time Public Hearing Called to Order:** 10:51 am

**Time Adjourned:** 10~~4~~<sup>2</sup> am

**Committee Members:** Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

**Bill Sponsors:**  
Rep. Somssich

TESTIMONY

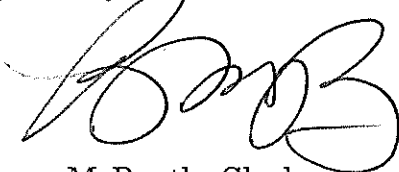
\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Peter Somssich, prime sponsor** – Rep Somssich is not present but had spoken to the Chair and asked to postpone the hearing until his primary witness can attend.

**Hearing Recessed at 10:52.**

**Blue Sheet: Pro, 0; Con, 1**

Respectfully Submitted:



Rebecca McBeath, Clerk



#2

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 203 (continued from 1-17-19)

& cont from 1-29

BILL TITLE: relative to options in cable television franchise products.

DATE: 1-29-19

ROOM: 302

Time Public Hearing Called to Order:

10:51 AM

Time Adjourned:

10:52 AM

Recessed at

(please circle if present)

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:  
Rep. Somssich

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

~~Rep. Butler, Indruk, Sanborn, J. Osborne, Costable~~

\* No Witness or Written Testimony

Public Hearing on HB 203, Prime Sponsor Rep. Somssich – Rep Somssich is not present but had spoken to the Chair and asked to postpone the hearing until his primary witness can attend.

Opened at 10:51 recessed at 10:52



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 203

BILL TITLE: relative to options in cable television franchise products.

DATE: January 17, 2019

LOB ROOM: 302 Time Public Hearing Called to Order: 10:02 am

Time Adjourned: 10:42 am

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatek, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:  
Rep. Somssich

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Vice Chairman Kermit Williams** - announced schedule for the week:

Tuesday January 22, 2019

9:30 Business Subcommittee

11:00 Insurance Subcommittee

(Caucus' may meet in this time frame)

2: 00 pm Afternoon Executive Session

70 bills assigned to Commerce & Consumer Affairs so far

Next week also:

Wednesday – Insurance bills

Thursday - Alcohol bills

Vice Chairman Williams opened the hearing on HB 203.

HB 203, relative to options in cable television franchise products.

**Rep. Christy Bartlett** - Introduced HB 203 because prime sponsor Rep. Peter Somssich not available. Bill Allows narrower selection of cable channels to consumers.

**\*Tim Wilkerson NE Cable and Telecommunications Assn.** - Opposes; see written testimony. This bill is preempted by federal law. Both pricing and structuring of product is preempted. To date no state has passed a similar bill, and if passed it is likely that a case would be filled in federal court.

**Q: Vice Chair Williams** - Whatever control over cable there is delegated to the municipalities. Institutional networks definition?

What can the Municipality do?

**A:** I m not an expert on code – I do not know the definition of “Institutional Code. As for the franchise contract negotiation by town in NH. In that process it’s an open negotiation between town and cable provider and a host of other people.

**Q:** Rep. Greg Indruk - Would the cable providers agree to narrow the scope of



channels offered....to ...??

**A:** No. Because of discrimination. We are required by federal law to provide a certain criteria of content – so limiting consumers options like you suggest would be a violation of fed law.

**Q: Rep. Indruk** - Would you speak to the competition of cable industry in this state?

**A:** Robust completion in the market. Where there is cable there is broadband, there is Hulu, Netflix, and many non-traditional methods of getting services.

**Q:** Indruk; So there is not competition in the cable industry, but any competition is in the boarder industry as far as ability to receive services?

**A:** I can't speak to that. In the west we have head-to-head – Comcast vs. Verizon.

**Rep. Williams** - Competition between cable companies there is competition in the phone services.

**Mr. Wilkerson** - We you see all of the representatives in our industry, we are together in opposition to this bill

**Q: Rep. Richard Abel** - Is there is nothing that would prevent a provider to set this up voluntarily?

**A:** In this day of "cord cutting" the competition, providers are getting creative

**\*Chris Hodgdon, Attorney, Comcast** - Opposed; see written testimony.

Right now is a product like this in our product offerings? Voice activated remote – Purchase an offering content individual by subscription basis. We are a distributor We are able offer more choices as contracts expire. Basic channel package for \$30, "Institutional Network" We are required to provide access to producers that are not owned by us. Shopping channels are required commercial channels. Channels that provide school or fire department content. Right now there is an incentives for diverse producers to create programing for a niche audience. So here is a pressure to put these programs within he package so that an audience is created. I recommend this bill ITL.

**Q: Rep. Williams** - Now consumers are paying for access to public channels?

**A:** Yes. In the beginning cable was the "community antenna" – now the industry has changed, there is a fee agreement that are negotiating for this service.

**Q: Rep. John Hunt** - Is public and educational channels are not a problem because they are required y federal government?

**A: Mr. Hodgdon-** Yes.

**Q:** Do all companies have a basic service?

**A:** Yes. "PEG" is required – (Public, Education and ?) and then some commercial channels.

There is an obligation to negotiate "carriage", but whether or not local channels are offered is negotiated by municipalities. (Rindge – may get the NY news instead of the Boston news. Also occurs in Northern NH. VT news vs. NH.) This is the DMA's Digital Media Area geographically based determined by the FCC.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read "RMB", with a long horizontal flourish extending to the right.

Rebecca McBeath, Clerk

Commerce and Consumer Affairs Committee  
Public Hearings  
Thursday, January 17, 2019

Chair Williams opens the public hearing at 10:02 pm

Announcements Regarding Next weeks schedule

Tuesday January 22, 2019  
9:30 Business Subcommittee  
11:000 Insurance Subcommittee  
(Caucus' may meet in this time frame)  
2: 00 pm Afternoon Executive Session

70 bills assigned to Commerce & Consumer Affairs so far

Next week also:  
Wednesday – Insurance bills  
Thursday – Alcohol Bills

HB 203, relative to options in cable television franchise products.

#1 Witness Rep Christine Dolat Bartlett introduces the bill  
(because prime sponsor Rep Somssich not available)  
Bill Allows narrower selection of cable channels t consumers.

#2 Tim Wilkerson NE Cable and Telecommunications Assn.

- Written testimony provided
- Opposition to this bill

This bill is preempted by federal law.

Both pricing and structuring of product is preempted.

To date not state has passed a similar bill, and if passed it is likely that a case would be filled in federal Court.

Question Chair Williams: Whatever control over Cable there is delegated o the municipalities. Institutional networks definition?  
What can the Municipality do?

Answer: I m not an expert of code – I do not know the definition of “Institutional Code. As for the franchise contract negotiation by town in NH. In that process it’s an open negotiation between town and cable provider and a host of other people.

Question Rep Indunk: Would the cable providers agree to narrow the scope of channels offered....to ...??

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 203

BILL TITLE: relative to options in cable television franchise products.

DATE: 1-17-19

ROOM: 302

Time Public Hearing Called to Order: 10:02 am

Time Adjourned: 10:42

(please circle if present)

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:  
Rep. Somssich

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

#1 ~~Tim Wilkerson~~ Rep. Christine  
\* #2 Tim Wilkerson, NE Cable  
#3 Chris Hodgdon, Com Cast



Answer: No. Because of discrimination. We are required by federal law to provide a certain criteria of content – so limiting consumers options like you suggest would be a violation of fed law.

Question Indruck: Would you Speak to the competition of cable industry in this state?

Answer – Robust completion in the market. Where there is cable there is broadband, there is Hulu, Netflix, and many non-traditional methods of getting services.

Follow-up Indruk; So there is not competition in the cable industry, but any competition is in the boarder industry as far as ability to receive services?

Answer: I can't speak to that. In the west we have head-to-head – Comcast vs. Verizon.

Comment Williams: Competition between cable companies there is competition in the phone services.

Comment Wilkerson: We you see al of the representatives in our industry, we are together in opposition t this bill

Question Rep Abel; Is there is nothing that would prevent a provider to set this up voluntarily?

Answer – In this day of “cord cutting” the competition, providers are getting creative

#3 Chris Hodgdon, Attorney Comcast  
Opposed to Bill  
Written testimony provided

Right now is a product like this in our product offerings?  
Voice activated remote –  
Purchase an offering content individual by subscription basis.  
We are a distributor  
We are able offer more choices as contracts expire.

Basic channel package for \$30,

“Institutional Network” – We are required to provide access to producers that are not owned by us. Shopping channels are required commercial channels. Channels that provide school or fire department content.

Right now there is an incentives for diverse producers to create programing for a niche audience. So here is a pressure to put these programs within he package so that an audience is created.

I recommend this bill ITL.

Question Williams: Now consumers are paying for access to public channels?

Answer: Yes. In the beginning cable was the "community antenna" – now the industry has changed, there is a fee agreement that are negotiating for this service.

Question Hunt: Is public and educational channels are not a problem because they are required y federal government?

Answer Hodgdon Yes.

Follow-up Hunt: Do all companies have a basic service?

Answer Hodgdon Yes. "PEG" is required – (Public, Education and ?) and then some commercial channels.

Hunt follow up – (Antidotal statements.)

There is an obligation to negotiate "carriage", but whether or not local channsl are offered is negotiated by municipalities. (Rindge – may get the NY news instead of the Boston news. Also occurs in Northern NH. VT news vs. NH.) This is the DMA"s Digital Medial Area geographically based determined by the FCC.

Hearing suspended by Chair Williams at 10:42 am



# Testimony

\* |

## Testimony to House Committee/ Commerce and Consumer Affairs

In Support of HB 203 regarding Cable TV, by Rep. Peter Somssich, District 27, Portsmouth

Thank you, Chair Butler and committee members, for giving me this opportunity to introduce HB 202. This bill is an attempt to prod cable TV providers to pay more attention to the wishes of their customers.

Approximately 1 year ago a former Portsmouth City Councilor, navy veteran and good friend approached me with the idea for this bill and asked that I consider submitting such a bill in this session. After giving ~~some~~ it some consideration and talking to others about the bill, I decided to introduce it to your committee today.

I am sure that it is not "Breaking News" to anyone, that many cable customers are not happy with their options regarding cable packages. They feel helpless to have any input regarding the cable choices they may want, and local cable commissions in our NH towns and cities likewise find very little that they can do to address their citizen's wishes. According to the chair of the Portsmouth Cable Commission who negotiates with cable providers, the number 1 issue that cable customers share with the commission, is their wish to have an a la carte (customer chosen channels) option when choosing cable channels to select. I too find myself questioning why my cable option has to include 6 or more Spanish-speaking channels, 3 or more home shopping channels and at least 3 religious channels. I do speak and understand German and Hungarian, but those are not among my options. I also do not have any prejudice against home shopping or religion, but it should be my choice and not chosen for me.

My good Portsmouth friend pointed out to me that while he is retired and on a limited fixed budget, he still would like to watch the limited number of channels he is interested in, at a price that he can afford. On the other hand, I have spoken to a number of friends who are willing to pay a premium for cable television providing that they too can choice the channels that they actually watch. I don't quite see why, even if the federal laws do not require cable companies to provide such a la carte options, the companies do not respond to customer needs to voluntarily do it. Nothing prohibits them from doing so, and there would be much in the way of good public will to be gained. When was the last time that they undertook a customer survey asking their customers, if they wanted a la carte options, and how much would they be willing to pay for it ?

I believe our state should send a message to the cable providers that our citizens may be your hostage-customers, but they are not cattle to be ignored by any business.

Thank you for allowing me to address you today.





#2

**New England Cable & Telecommunications Association, Inc.**

**Ten Forbes Road • Suite 440W • Braintree, MA 02184**

**TEL: 781.843.3418 • FAX: 781.849.6267**

*New England Cable & Telecommunications Association, Inc.*

**NECTA Testimony in Opposition to HB 203 - relative to options in cable television franchise products**

**January 17, 2019**

Good afternoon, Chairman Butler and esteemed members of the Committee. My name is Tim Wilkerson, and I am Vice President and General Counsel for the New England Cable and Telecommunications Association (NECTA).

**Introduction**

NECTA is a five-state regional trade association representing substantially all private cable telecommunications companies in New Hampshire, Connecticut, Massachusetts, Rhode Island and Vermont. For more than four decades, NECTA has represented the interest of the cable telecommunications industry before state and federal regulatory agencies, in the Legislatures, the Courts, and before the United States Congress. In New Hampshire, NECTA represents Atlantic Broadband, Charter Communications, and Comcast.

I am testifying today in opposition to HB 203 because it is preempted by federal law. States and their municipalities are not able to regulate the products and services in the manner envisioned in HB 203.

**I. HB 203 is preempted by federal Law**

The FCC and Congress have preempted state regulation of cable pricing and programming to help remove barriers to investment in infrastructure by telecommunications providers and in recognition of a vibrant, competitive telecommunications marketplace. Promoting innovation through a uniform and predictable regulatory scheme has been a goal of Congress, the FCC and to date, the State of New Hampshire. No state has enacted a law mandating cable pricing or television lineups similar to what HB 203 proposes. Any state enacting such a law would face the strong likelihood of a lawsuit challenging the state law on the grounds of federal preemption.

Although at first blush, the Federal regulations may appear complex it is clear that neither states nor municipalities can regulate the manner in which a provider constructs its offerings or determines the price of that offering in the manner proscribed by HB 203.

#13



**Testimony of Chris Hodgdon, Vice President Government Relations  
Commerce and Consumer Affairs Committee  
HB 203 - relative to options in cable television franchise products**

**January, 17 2019**

Chairman Butler and distinguished members of the Committee; thank you for the opportunity to offer comments in opposition to HB 203. My name is Chris Hodgdon I am Comcast's Vice President of Government Affairs in New Hampshire.

Consumers now enjoy a greater variety of programming on more devices by a greater diversity of competitors than ever before. When it comes to variety and choice, this is truly the era of TV Everywhere. The increasing availability of broadband networks has led to an explosion of streaming options and many different programming models from targeted niche programming to offers seeking to replicate traditional products. In addition to streaming options, consumers can choose from satellite delivered television services by multiple companies everywhere. In virtually every New Hampshire community fully half the households choose a TV provider other than their local cable company. Millions more American households choose to receive video through broadcast distributed over the air via an antenna.

HB 203 seeks to regulate the way one provider delivers its products and services to the market. Singling out one type of provider in a highly competitive and quickly evolving marketplace will result in government picking winners and losers, limiting not expanding choice and stifling innovation. **Efforts like HB 203 to regulate provider's service offerings are preempted by federal law and therefore illegal.** Even if HB 203 were not preempted it would be unnecessary for the following reasons:

1. **Comcast is responding to a new age of television and distribution by developing industry leading technology offerings and choices which appeal to any consumer.** We intend to be nothing less than be the platform of choice for consumers. To respond to the dizzying amount of content available to consumers Comcast developed the first Voice Controlled Remote to allow consumers to search by title, actress, genre or even common dialogue across live TV, streaming options and On Demand. Additionally, we have introduced X1, a service which integrates a rich visual interface with an app based platform. We have added Pandora, Netflix, Prime Video, Youtube and NPRnow along with dozens of other individual channels available for a separate monthly subscription. We have also evolved our video offerings to customer demand with themed

channel packages which allow customers to customize their video service based on their preferences called ChoiceTV. Comcast is evolving to meet customers technological preferences as well by offering a full streaming option called InstantTV; this service provides a rich video experience in and outside the home on a range of devices. Lastly, we have developed software and security protocols which allow us to serve customers using certain smartTVs and devices like Roku, allowing them to receive our service without a cable box. All of these innovations are responding to consumer demand for choice and options.

2. **Our ability to deliver video programming is subject to negotiation with content owners and subject to contractual agreement.** Comcast must negotiate the right to carry, on our network, video content our customers view. Beyond our investment in our employees these agreements constitute the biggest annual expense of the company. This expense is also the fastest growing expense borne by the company and therefore our consumers. In addition to negotiating cost to offer this content, these agreements include provisions related to everything from where channels will be located to in which packages they will be included. Channel owners frequently insist as part of this negotiation that all or many of their channels are included together when we offer our packages. When negotiating these agreements our priority is securing content our customers demand for a reasonable price.
3. **Legislation like HB 203 risks harming specialty or niche programming for diverse and minority audiences.** Developing programming and attracting an audience is enormously expensive. Video offerings which include multiple channels that are widely distributed allow creators to take risks and focus on smaller audiences. This allows new and innovative programming to be developed and tested through distribution which already exists encouraging more creativity and risk taking. HB 203 would make this impossible.

Customers are accustomed to finding their preferred programming anywhere any time and all providers are evolving and responding to these changes. Even if HB 203 were not preempted by federal law it is unnecessary and uncalled for to impose such obligations on one type of provider among the many competitors in the industry.

Thank you for the opportunity to address the Committee regarding this legislation. We would ask you to recommend this legislation ITL. I would be pleased to address any questions that the committee may have.

Chris Hodgdon  
Comcast NBCUniversal  
603-628-3380  
chris\_hodgdon@comcast.com



HB 203

**Stapler, Carol**

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**From:** staterep27@myfairpoint.net  
**Sent:** Friday, January 25, 2019 11:05 AM  
**To:** Butler, Edward; Butler, Ed  
**Cc:** Stapler, Carol  
**Subject:** HB 203 Continued

Dear Chairman Butler,

I greatly appreciate your accommodation of my request to continue testimony on HB203 from the initial hearing on 1/17/2019.

This was requested by me because my witness, a 90 year old navy veteran who was planning to car-pool with me to Concord on the day, was having some surgery done, that very day.

He has since recovered and would have been available to testify on 1/29/2019, however, I would not be able to introduce the bill, because my STE Chairman Backus has scheduled a day trip to ISO-New England on 1/29/2019. Without me, my witness has no means of getting to Concord.

*After  
1st week in Feb*

I therefore humbly ask that you continue the hearing at a later date, and I'll make every effort to make sure that both my witness and I will be there.

Sorry for the inconvenience to your committee.

Best Regards, Peter Somssich, tel. 603-436-5382

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Bill as  
Introduced

HB 203 - AS INTRODUCED

2019 SESSION

19-0206  
05/04

HOUSE BILL        **203**

AN ACT            relative to options in cable television franchise products.

SPONSORS:        Rep. Somssich, Rock. 27

COMMITTEE:       Commerce and Consumer Affairs

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ANALYSIS

This bill requires cable system television operators to offer a basic tier of programming and an economy-customer select option that allows subscribers to choose a limited number of additional channels.

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Explanation:      Matter added to current law appears in *bold italics*.  
                     Matter removed from current law appears [~~in brackets and struck through.~~]  
                     Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                   relative to options in cable television franchise products.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Franchising and Regulation of Cable Television Systems by Cities and Towns;  
2 Cable Television Service Options. Amend RSA 53-C by inserting after section 3-g the following new  
3 section:

4           53-C:3-h Cable Television Service Options. Each cable system television operator doing  
5 business in this state shall offer, at a reduced price, a basic tier of programming that includes local  
6 broadcast stations and public, educational channels. The cable system television operator shall also  
7 offer an economy-customer select option that includes a limited number of additional channels that  
8 may be selected by the customer.

9           2 Effective Date. This act shall take effect December 1, 2019.