

NOTICE OF EXEMPTION**To:** Office of Planning and Research

P.O. Box 3044, Room 113

Sacramento, CA 95812-3044

From: County of Riverside

4080 Lemon Street

Riverside, CA 92501

To: Office of the County Clerk Recorder

Project Title: Ordinance No. 946 Regulating Holders of State Video Franchises granted by the Public Utilities Commission pursuant to the Digital Infrastructure and Video Competition Act of 2006

Project Applicant: Riverside County Information Technology

Project Location – Specific:

The unincorporated areas within Riverside County

Project Location- City: N/A **Project Location- County:** Riverside

Description of Nature, Purpose and Beneficiaries of Project:

Ordinance No. 946 is a new ordinance that establishes local regulations applicable to state video franchise holders. Historically, cable franchises were issued and regulated at the local level in California. However, the California Legislature enacted the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"), which went into effect on January 1, 2007. Under DIVCA, the Legislature created a new regulatory scheme for cable and video franchising in California that essentially shifted franchising authority away from local government to the State level. Under this new regulatory scheme, only the California Public Utilities Commission ("CPUC") may issue video franchises under DIVCA, and as locally granted franchises expire, the video service provider operating under a local franchise must obtain a State DIVCA franchise to continue to serve the local community.

Although the CPUC now has most of the regulatory authority over the holders of state video franchises under DIVCA, DIVCA preserves some local government regulatory authority, including the collection of franchise and "PEG" fees, right-of-way management, and enforcement of state and federal customer service requirements. This regulatory authority is addressed in Ordinance No. 946. In particular, the Ordinance will enable the County to collect a fee from the state video franchise holders to support Public, Educational, and Governmental ("PEG") channel facilities.

Name of Public Agency Approving Project: County of Riverside

Name of Person or Agency Carrying Out Project: Riverside County Information Technology

Exempt Status: (check one):☐ Ministerial☐ Declared Emergency☐ Emergency Project☐ Categorical Exemption☒ Statutory Exemption: State CEQA Guidelines Section 15061(b)(3)

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Reasons why project is exempt:

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) specifically by the State CEQA Guidelines as identified below. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact.

Section 15061 (b)(3)- "Common Sense" Exemption. The adoption of Ordinance No. 946 is exempt from CEQA pursuant to State CEQA Guidelines section 15061 (b)(3), the "Common Sense" exemption. In accordance with CEQA, the use of the Common Sense Exemption is based on the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. The use of this exemption is appropriate if it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The adoption of Ordinance No. 946 pertains to the regulation of holders of State Video Franchises granted by the Public Utilities Commission pursuant to the Digital Infrastructure and Video Competition Act of 2006. It can be seen with certainty that there is no possibility that the ordinance may have significant effect on the environment. Approval of proposed Riverside County Ordinance No. 946 does not approve any development project. The proposed ordinance would not individually or cumulatively result in the possibility of creating significant effects on the environment and not direct or reasonably foreseeable indirect environmental impact would occur. Therefore, the use of the "Common Sense" exemption is appropriate for this project.

Lead Agency**Contact Person:** Dave Rogers**Phone Number:** 951 955-3700**Signature:** **Title:** Asst. County Exec. Officer, CIO**Date:** 4-23-2020

For County Clerk's Use Only

Governor's Office of Planning & Research

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