

Testimony of

The Honorable Robert M. Hartwell

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United States Senate Committee on the Judiciary

Testimony of State Senator Robert M. Hartwell, Bennington Senatorial District, Vermont

Home Viewer Extension Act Reauthorization

Good morning. Thank you Senator Leahy and Members of the Judiciary Committee for allowing me to testify today with regard to the reauthorization of the Satellite Home Viewer Extension Act.

My name is Robert Hartwell; I am State Senator from the Bennington Senatorial District in southwestern Vermont and represent the 17 towns located in Bennington County and the Town of Wilmington located in Windham County immediately to the east of Bennington County. I serve on the Senate Committee of Natural Resources and Energy and the Senate Committee on Finance. I reside in the Town of Dorset.

I am testifying as to the importance providing local television access to residents in rural areas in rural states such as Vermont; these areas are exemplified by Bennington and Windham counties in Vermont. I am requesting the Committee to assure that Vermont commercial and public television will be available to Bennington and Windham Counties.

Many towns in the two southern counties are small towns and villages surrounded by the working landscape. Nine towns in my district have populations of less than 1,000 people. For many of these people, satellite is their only access to television news, weather and advertising. Most of these towns are located in mountainous areas accessible by one state secondary highway and many local rural and, in many instances, dirt roads.

My constituents inform me that they are unable to receive cable television due to the prohibitive cost of bringing cable to their rural homes; in fact, even those who are living within a few hundred feet of a road served with cable can not access the service due to the expense, often thousands of dollars to construct cable to their homes. These same people have access to

television only through satellite but many have no access to any Vermont television, commercial or public due the fact that these areas are parts of the Boston DMA or the Albany DMA.

Thanks to the Leahy provision added in connection with the 2004 reauthorization, DirecTV subscribers in Bennington and Windham counties have access to Vermont television stations; however, many viewers in the two counties are Dish Network subscribers which does not provide Vermont stations to its subscribers and cannot because of the injunction issued against it in 2006.

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I have constituents who are relegated to leaving home in search of a newspaper to attempt to learn what happened a day or two or three before, information freely available through television to people in less rural areas. A good example of this lack of access to news about their state, I believe, is lack of access to election returns until two days after the election when those returns become available in newspapers. This search is frustrated further by the absence of a state wide newspaper in Vermont.

Many of my constituents have served on their town select boards and school boards over the years and are now retired. Many of the proceedings of these boards and commissions are now carried on local cable access television. These people, in many instances are unable to attend these proceedings or have misgivings about driving at night. They are therefore cut off entirely from an important part of their lives of service to the community. The absence of coverage of these very localized proceedings is problematic, but the absence of any television connection to their home state is difficult for them to comprehend and, as a result, appears discriminatory to them.

Furthermore, my constituency is older than the state as a whole. This demographic factor renders access to Vermont commercial television and Vermont public television an even more critical need.

The placement of Windham County in the Boston DMA and the placement of Bennington County in the Albany DMA precludes the receipt of any Vermont news, weather and advertising. By way of specific example, when one watches the weather channel at my home and homes of many of my constituents, one finds out about the weather around the country, but there is no local weather status and no local forecast such as that routinely viewed by cable subscribers.

I believe that all residents including those in rural areas have a reasonable expectancy of access to news weather and other programming relative to their home states and, therefore, of interest to them. Therefore, I urge the Committee to work to assure that residents of rural areas such as the area I represent receive satellite television at reasonable cost with programming relevant to the states in which they live.

Again, thank you, Mr. Chairman and Members of the Judiciary Committee, for allowing me to testify on this important matter of public policy.