

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF [NAME OF ORGANIZATION]

Larchmont Mamaroneck Community Television Inc. (herein referred to as "LMCTV") appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. LMCTV is the Community Media Center serving the Sound Shore area of Southern Westchester County, NY. We offer educational instruction to our residents, access to media making equipment, host a news show, Varsity Sports program, as well as broadcast local government meetings. LMCTV is known as a "PEG Station" serving public, education, and government in our community of approximately 12,000 households. Our goal of "creating community through media" is heavily reliant upon cable franchise fees. Taking this into consideration, we strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

As noted above, a decrease in franchise fees would put an end to the educational resources that our center offers. Further, we would not have the budget to provide our community with our news program, which keeps our residents informed. Many local residents who work in LMCTV's various video departments would be put out of work as well. Local

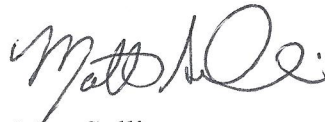
businesses would not be able to benefit from the opportunities we provide them, such as educational classes and one-on-one training that demonstrates how to market their business. Government transparency and the showcasing of strong local democracy through the recording of government meetings is also in jeopardy, should cable companies be allowed to deduct “in-kind” donations from the franchise fees.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, LMCTV provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

¹ FNPRM ¶ 21.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Sullivan". The signature is fluid and cursive, with the first name "Matt" and last name "Sullivan" clearly distinguishable.

Matt Sullivan
Executive Director, LMCTV
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October 29, 2018