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March 13, 2019

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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

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

Dear Ms. Dortch,

The Marin Telecommunications Agency (MTA), a Joint Powers Authority (JPA) comprised of the County of Marin and nine cities/towns, including San Rafael, Belvedere, Corte Madera, Fairfax, Mill Valley, Ross, San Anselmo, Sausalito and Tiburon, oversees the cable franchise agreements under DIVCA, California's state franchise, and the region's PEG channels through its Direct Access Provider (DAP) agreement with the Community Media Center of Marin (CMCM).

The Marin Telecommunications Agency of Marin County, California submits this Reply to the NCTA's November 14, 2018 comments filed in the above referenced docket.

The MTA is obligated to correct the misrepresentations, inaccuracies and generalizations presented in the NCTA comments. It is the MTA's hope that, by submitting these Reply comments, the Commission will have a better understanding of how the CMCM accurately and properly administers its PEG funding in accordance with Federal and State law.

NCTA makes reference to the Community Media Center of Marin ("CMCM") and its alleged misuse of the 1% PEG fee, indicating as follows:

*"The Community Media Center of Marin manages PEG access programming for Marin County and nine incorporated cities. Their activities report for fiscal year 2017-2018 indicates they have collected (from the member communities via a 1% PEG fee) \$822,798. Their capital spend for the same period was only \$105,228. The difference appears to go toward other expenses."*

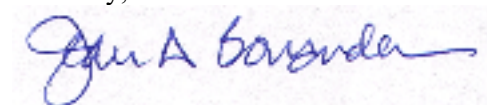
The MTA notes that NCTA appears to lack financial acumen and perspective regarding accounting practices, and revenues and expenditures related to capital spending. MTA and the CMCM well understand that PEG are capital funds. NCTA took a clip of information from the CMCM's November 2018 annual informational report and then made erroneous assumptions about allocation of funds not based on any financial reporting.

Indeed, like any well managed, prudent and independently audited non-profit agency, CMCM collects its PEG revenues in its capital reserve fund. CMCM then allocates the accumulated revenue in accordance with its multi-year capital expenditure plan. The revenues are invested in capital assets over time, and include purchases of new equipment, replacement of outdated equipment and facility improvements needed for the continued operation of the PEG services.

Unfortunately, NCTA chose to excerpt information to support its contention that "*The difference appears to go toward other expenses.*" implying that those expenses are not capital expenditures. To clarify our position, please find attached the relevant reply comments In the Matter of MB Docket No. 05-311, dated December 14, 2018, Section II (C), pages 6 – 8 from the document titled as follows: **REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE UNITED STATES CONFERENCE OF MAYORS, THE NATIONAL LEAGUE OF CITIES, THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS AND THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS.**

MTA and CMCM take exception to NCTA's erroneous aspersions and thank the FCC for the opportunity to submit these Reply comments.

Sincerely,



Jean A Bonander, Executive Officer  
Marin Telecommunications Agency (MTA)

Attachment: In the Matter of MB Docket No. 05-311, dated December 14, 2018, Section II (C), from the document titled as follows:

**REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE UNITED STATES CONFERENCE OF MAYORS, THE NATIONAL LEAGUE OF CITIES, THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS AND THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS.**

C: Michael Eisenmenger, Executive Director, Community Media Center of Marin  
MTA Board of Directors