

March 28, 2019

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The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

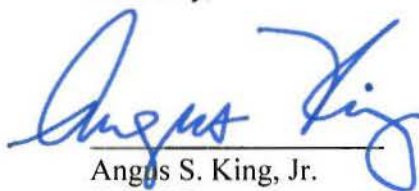
Dear Chairman Pai:

I write regarding the Second Further Notice of Proposed Rulemaking (FNPRM) in MB Docket No. 05-311, which proposes to include within the statutory five percent cap on franchise fees cable-related, in-kind services provided by cable companies under the terms of a franchising agreement. As you know, the FNPRM's definition of these services would include support provided to public, educational, and government (PEG) stations. We urge the Commission's careful consideration of how the FNPRM, if adopted, could adversely impact PEG stations and force local franchising authorities (LFAs) to make difficult decisions about whether to discontinue this important content.

As the Commission reviews the record in this proceeding, I encourage you and your colleagues to take steps to mitigate the impact of the FNPRM on PEG stations and their viewers. Given that Congress created a framework in the Communications Act for LFAs to require cable companies to provide services to PEG stations, it seems illogical that Congress would have simultaneously intended to disincentivize LFAs from availing themselves of that right by compelling them to offset the value of PEG-related in-kind services against their franchise fees. With this in mind, the FCC should amend any final rule to exclude PEG channel capacity and equipment from the definition of "cable-related, in-kind contributions."

Should the Commission nonetheless include this support within the fee cap, the FCC must recognize the potential conflict of interest inherent in allowing cable companies to unilaterally determine the cost of providing such support. Any cost determinations should be capped at evidence-based levels. Thank you for your consideration of these requests. Please be in touch with any questions about this letter.

Sincerely,



Angus S. King, Jr.
United States Senator

CC: The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner