



AMERICANS for TAX REFORM

May 08, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 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 Second Further Notice of Proposed Rulemaking, MB Docket No. 05-311*

Dear Ms. Dortch:

On September 18th I joined with a coalition of 13 consumer advocacy organizations in support of MB Docket No. 05-311.

Consistent with the goal of encouraging competition and broadband deployment, the FCC issued rules in 2007 and 2015 clarifying that in-kind contributions count towards the 5% franchise fee cap established by Congress, and local franchising authorities (LFAs) cannot use their video franchising authority to regulate non-cable video services. The 2018 Second Further Notice of Proposed Rulemaking reaffirms this authority.

Since our letter, the **Phoenix Center** published an economic study demonstrating that **the proposed limits on local franchise authorities to exempt in-kind contributions from the 5% cable franchise fee cap will promote infrastructure investment by both incumbents and new entrants.**

I have included *Infrastructure Investment and Franchise Fee Abuse: A Theoretical Analysis* by T. Randolph Beard, PhD; George S. Ford, PhD; and Michael Stern, PhD; for consideration in MB Docket No. 05-311 to express further empirical support for the Federal Communications Commission's efforts to clarify that LFAs only have authority over video service and not the other services that cable operators provide

Regards,

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