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July 25, 2019

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Communication of ACA Connects – America's Communications Association: 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:

ACA Connects—America's Communications Association ("ACA Connects") hereby files this letter in support of the public draft Third Report and Order in the above-captioned proceeding.¹

ACA Connects agrees with the Public Draft's determination to prohibit franchising authorities from regulating or imposing fees on non-cable services, provided over a cable system – other than with regard to I-Nets – and to treat, with limited exception, cable-related, in-kind contributions required by franchising authorities as franchise fees subject to the five percent cap.² ACA Connects members find that most franchising authorities understand the limits of their authority and do not impose unlawful requirements on them. However, as the record in the proceeding indicates, some franchising authorities overstep their bounds and impose fees or requirements that are inconsistent with federal law and that undermine the ability of cable operators to invest in their networks and upgrade their services. Furthermore, it takes time and resources for cable operators to contest these unlawful actions, which can be particularly burdensome for smaller cable operators with limited resources, such as those ACA Connects

¹ See *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, Third Report and Order, FCC-CIRC1908-08 (rel. July 11, 2019) ("Public Draft").

² See *id.*, ¶ 1.

represents. Accordingly, ACA Connects supports the actions proposed in the Public Draft to rein in practices of franchising authorities that are inconsistent with federal law.

* * *

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.³

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Lieberman". The signature is fluid and cursive, with a large initial "R" and "L".

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³ 47 C.F.R. § 1.1206.