



Town of Fairhaven
Massachusetts
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July 25, 2019

VIA ELECTRONIC FILING

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, Third Report and Order - MB Docket No. 05-311

Dear Ms. Dortch,

With the full support of the Fairhaven Board of Selectmen and the Fairhaven School Committee, we are writing to formally express our serious concerns and disagreement with the Federal Communications Commission's ("FCC") proposed Third Report and Order ("Order") requiring Local Franchising Authorities ("LFA") to treat cable-related, in kind contributions as franchise fees subject to the statutory five percent franchise fee cap.

If this order is approved by the FCC it will have a devastating impact on our ability to provide community and school based public access television to the residents of Fairhaven. Currently funding from our franchise fee revenue supports a robust community television production system and an award winning education program that supports and encourages our public school students learning experience in media production. In addition, we rely on our local PEG channels to keep our residents informed of their government and school activities including broadcasting all public meetings, notice of upcoming community events and probably most important; our local broadcasts are a critical component of our emergency management system. All of these services would be severely compromised if this order were to be implemented.

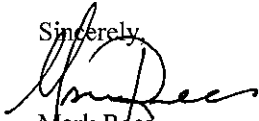
Furthermore, the Town of Fairhaven just recently completed a long and arduous negotiation with our local cable television provider, Comcast, for a franchise renewal agreement extending to 2028. Based on this mutually negotiated agreement, the Town of Fairhaven has made long term commitments regarding our communications infrastructure. For the FCC to allow for our cable company to unilaterally and substantially change the terms of our agreement is not only patently unfair but also financially disruptive to our municipality.

In addition, private sector cable operators in Massachusetts are set up for an FCC-granted windfall. Because cable operators pass through the costs they incur by paying franchise fees, they recoup the costs from cable subscribers. This Order would also allow them to subtract the "fair market value" from the franchise fee, but does not require any change in what is charged to subscribers, essentially allowing cable operators to double recover.

Finally, this Order further preempts LFAs from regulating non-cable services and equipment of franchised cable operators, including the imposition of any fees on non-cable services. This regulation effectively impacts the exercise of municipal authority to regulate placement of facilities in their own rights-of-way. The FCC's position would not only mandate an unjustified public subsidy of private commercial interests but would also be an unwarranted Federal Government interference in state and local government regulatory authority.

For these reasons, we join the thousands of other municipalities in Massachusetts and across the country in opposing this Third Report and Order and ask you to reconsider. We need the FCC not to succumb to private interests of the cable television industry but to safeguard the public interest by maintaining the current franchise fee structure and honoring the authority of cities and towns to control their public rights-of-way. If you have additional questions or need further information on this matter, please do not hesitate to have your office contact us.

Sincerely,



Mark Rees
Town Administrator



Dr. Robert Baldwin
School Superintendent

Cc: Senator Elizabeth Warren
Senator Edward Markey
Congressman William Keating
State Senator Mark Montigny
State Representative William Straus
Fairhaven Board of Selectmen
Fairhaven School Committee
Fairhaven Cable T.V. Advisory Committee
Massachusetts Municipal Association, Attn: Brittney Franklin