



August 24, 2016

Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Michael O’Rielly  
Commissioner Ajit Pai  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12th Street SW  
Washington DC, 20554

Dear Chairman Wheeler and Commissioners Clyburn, O’Rielly, Pai, and Rosenworcel:

I am writing on behalf of CityLink, a small multichannel video programming distributor (MVPD) providing digital service in Ohio, about the Federal Communications Commission’s (Commission) Navigation Device proceeding (MB Docket No. 16-42/CS Docket No. 97-80).

CityLink is operated by the City of Wadsworth and provides cable, Internet and VoIP to Wadsworth residents and surrounding townships. We currently have over 3,600 cable and 4,100 Internet subscribers and offer direct fiber connections to local business. In a competitive market, and with less than 20 employees, we strive to keep our costs low in order to pass those savings along to our subscribers. Competition has greatly benefited all subscribers with low rates and better customer service than surrounding communities.

We are troubled by the Commission’s proposed rules and other potential substitute rules because, if adopted, the substantial implementation costs would force our city to cease offering video service and allow our competition to immediately increase rates in the community. Accordingly, we urge you not to apply new rules to smaller MVPDs.

Like other smaller MVPDs, CityLink faces major challenges in our pay-tv business. Programmers are demanding significant and growing fees and increasing carriage of “unwanted” networks. Our customers have more video choices both from much larger, traditional pay-tv providers and from over-the-top video sources, which often provide comparable services at lower costs. As a result, our margins are slim and continue to erode. Yet despite our troubles, our customers appreciate receiving video service from us because our offerings and customer service meets their needs. For instance, we continue to offer some of our programming in an unencrypted format that allows our customers to subscribe to service that does not require the leasing of a set top box. As a small municipality, we can service our subscribers in hours, not days or weeks as with our competitors. We can bundle all of our telecom services with our home energy program in order to save residents money on their monthly utility bills.

Given this daunting business environment, our company cannot afford the additional regulatory costs of the proposed Navigation Device rules, estimated to be at least \$1 million per system, or any other proposals that require such substantial costs.<sup>1</sup> Simply put, we could not offset or otherwise tolerate these costs even if we diverted our limited capital spending and spent our cash reserves. And, raising customer prices significantly is out of the question. Should the Commission mandate that small providers spend this much money to comply with such rules, we would be forced to cease offering video service. This outcome is certain even if the deadline for compliance is delayed because any solutions that the industry will, if ever, develop for smaller MVPDs are still going to be unaffordable for a company of our size.

On behalf of our customers and our employees, we urge the Commission not to apply any new Navigation Device requirements to smaller MVPDs. Forcing our company to cease offering video service does not advance the asserted purpose of the proposed rules – to promote innovation and lower consumer prices. Instead, it eliminates a local service option for consumers, and it means the loss of jobs and revenues for our community, among other harms.

Thank you for your consideration.

Sincerely,



Robert J. Patrick  
Director of Public Service  
City of Wadsworth

Cc: Senator Sherrod Brown  
Senator Rob Portman  
Representative Jim Renacci

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<sup>1</sup> This estimate covers those requirements that are known and sufficiently refined and are based on cable operators satisfying the Commission's proposal at the lowest overall cost possible (i.e. by deploying a gateway device in the customers' homes using third party devices). As others have explained, the Commission's proposal is more a framework with many elements still to be defined and fleshed out. Therefore, one cannot determine whether the predicted lowest cost means is ultimately technologically feasible, what additional costs are necessary and the size of those additional costs, and when this solution would be available to implement. Moreover, given that many larger cable operators are making investments to deliver their services in an all-IP format, there is doubt whether vendors will invest in developing this lowest cost solution when only mid-sized and smaller MVPDs would be utilizing it as a means of complying with the Commission's proposal. If such a solution does not materialize in the market, mid-sized and smaller MVPDs may need to incur far greater costs to satisfy the Commission's proposal by offering their services in all-IP.