

Before the
Federal Communications Commission
Washington, DC 20554

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DEC 7 1992

In the matter of

Implementation of Section 10 of)
the Cable Consumer Protection)
and Competition Act of 1992)
Indecent Programming and)
Other Types of Materials on)
Cable Access Channels)

FCC - MAIL ROOM

MM Docket No. 92-258

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To the Commission:

COMMENTS OF
Ann Arbor Community Access Television

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ann Arbor Community Access Television (AACAT) submits these comments in response to the above captioned proceeding and in support of the comments filed in this proceeding by the Alliance for Community Media, Alliance for Communications Democracy, American Civil Liberties Union and the People for the American Way.

In particular, AACAT agrees that the provisions of Sections 10(c) and 10(d) and the proposed rules all will be unconstitutional. Assuming that the Commission decides to adopt rules to implement either Section 10 (c) or 10(d):

a. The rules should be specific and as narrowly drawn as possible, and must contain limitations that prevent cable operators from hampering use of access channels by those who wish to produce live or cablecast taped programming under the guise of applying the rules. For example, would FCC rules prohibit a program such as "Sexy Minutes", which is produced by a University of Michigan professor with the intent of providing critical

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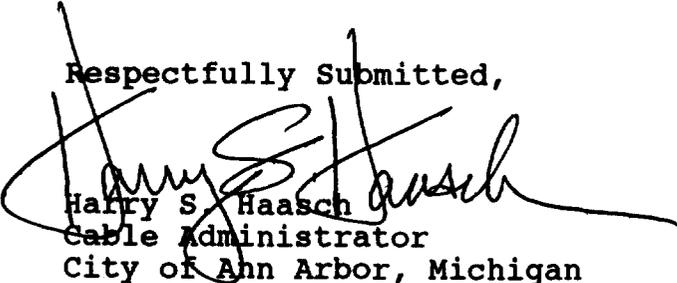
questions of human sexuality in a "live call-in" format?
This would undoubtedly be a detriment to the community!

b. Access centers have very limited resources. The FCC rules should make it clear that any actions taken by an operator under Section 10 must be undertaken at the operator's own expense.

c. Approximately 240 hours of video and 240 hours text programming are cablecast each week on the (3) access channels in my community. Much of the programming is produced by volunteers, and experience shows that it must be as easy as possible for these volunteers to use. The rules must recognize that any roadblocks that are placed in the way for production will result in a reduction in speech.

We believe that the rules must be developed in a manner that the first amendment rights of our volunteer community producers are not abridged. The issue of prior restraint and the appropriate legal remedies should also be addressed in this proceeding.

Respectfully Submitted,



Harry S. Haasch
Cable Administrator
City of Ann Arbor, Michigan

DATE: December 7, 1992