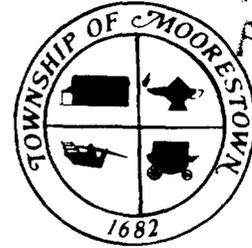


The Township of **MOORESTOWN**

111 W. SECOND ST. • MOORESTOWN • NEW JERSEY 08057-2480



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December 28, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 92-259

Dear Ladies and Gentlemen:

Enclosed is an original and nine copies of the formal comment of the Township of Moorestown, New Jersey in response to Proposed Rule Making in the Implementation of the Cable Television Consumer Protection and Competition Act of 1992 -- Broadcast Signal Carriage Issues.

Thank you for your consideration.

Very truly yours,

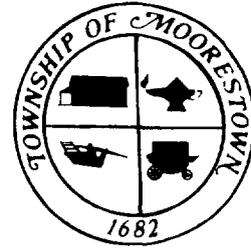
James E. Palmer, Chairman
Moorestown Cable TV Advisory Committee

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TO: The Federal Communications Commission
Washington, D.C.

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JAN 4 1993

In the Matter of)
)
Implementation of the Cable Television)
Consumer Protection and Competition)
Act of 1992)
)
Broadcast Signal Carriage Issues)

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MM Docket No. 92-259

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FORMAL COMMENT ON PROPOSED RULE MAKING

JAN 5 1993

BY: The Moorestown Cable TV Advisory Committee

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ADOPTED: December 28, 1992

SUMMARY

The Township of Moorestown, New Jersey, vigorously supports the Commission's interpretation of the Channel Positioning requirement as set forth in Paragraph 33 of the Notice of Proposed Rulemaking: "...Congress intended that stations be entitled to their over-the-air channel position ONLY (emphasis added) when that channel is encompassed by the basic service tier on the system." We strongly contend that any regulatory provision which imposes the need for a converter or de-scrambler to receive either the basic service tier OR THE EXTENDED SERVICE TIER NEXT ABOVE IT, is not in the public interest and is contrary to established regulatory practice and precedent. Converters or de-scramblers should be required only for a small number of premium channels.

BACKGROUND

Moorestown, New Jersey is located in the Philadelphia market area and is served by Garden State Cable TV. The Moorestown Cable TV Advisory Committee is appointed by the municipal governing body to supervise delivery of cable television service within the community, to monitor compliance with the provisions of the Cable Television Franchise, to

renegotiate that franchise from time to time, to solicit public opinion regarding cable television service in the municipality, and to offer comments and recommendations, based on such public opinion, to various governing and regulatory bodies. The Committee serves without compensation.

In the past, Garden State Cable TV's predecessor arbitrarily imposed scrambling on Moorestown and required all subscribers to use a converter/de-scrambler supplied by the cable company. Many citizens reacted strongly to this inconvenience and expense, some to the extent of installing or recommissioning roof antennas. The converter/de-scrambler issue was salient in negotiating the present franchise with Garden State.

COMMENT

We comment here, only on "the relationship between the 'on-channel' carriage provisions and the obligations of system operators to establish a 'basic service tier' containing, at a minimum, all of the signals of stations entitled to mandatory carriage", as set forth in the latter portion of Paragraph 33 of the Notice of Proposed Rulemaking.

We vigorously support the Commission's "assumption that Congress intended that stations be entitled to their over-the-air channel position only when that channel is encompassed by the basic service tier on the system." To interpret otherwise would imply the requirement that all channels OTHER than those in the basic service tier be scrambled, since a simple band-pass trap can admit only a compact and contiguous group of channels. This, in turn, would require the widespread use of programmable converters for all services above the basic tier.

Such a requirement for converter/de-scramblers is not only contrary to the expressed preference of most Moorestown subscribers but also would violate the terms of the present Moorestown franchise. More importantly, such a requirement would unfairly add cost to higher level services in order to keep the basic service cost low. It is this very kind of cross-subsidy that figured strongly in the break-up of the Bell System. To assume that Congress intended it is to assume a paradox.

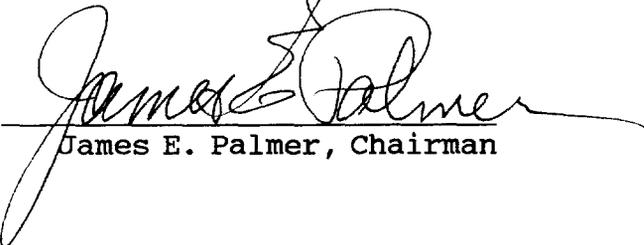
Therefore, we strongly contend that any regulatory provision which imposes the need for a converter or de-scrambler to receive either the basic service tier or the extended service tier next above it, is not in the public

Federal Communications Commission
December 28, 1992
Page 3

interest and is contrary to established regulatory practice and precedent. Converters or de-scramblers should be required only for a small number of premium channels.

Respectfully submitted,

MOORESTOWN CABLE TV ADVISORY COMMITTEE



James E. Palmer, Chairman

Members of the Moorestown Cable TV Advisory Committee:

Katherine Bowen
Charles Lehman
James Palmer
Margaret Valinote
Steven Weidemann