November 4, 2018

Chairman Ajit Pai

Commissioner Michael O’Rielly

Commissioner Brendan Carr

Commissioner Jessica Rosenworcel

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

*RE: Second Further Notice of Proposed Rulemaking. 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.*

I am writing in strong opposition to the Further Notice of Proposed Rulemaking (FNPRM), which proposes to allow cable companies to deduct the fair market value for a wide range of public benefits from franchise fee obligations, namely public, educational, and government (PEG) Access channel capacity and transmission.

The proposed policy, *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*, and implementation of the *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, will cause serious and potentially catastrophic local regulatory and funding problems for cities and community media across the nation. The policy proposes three major changes that will hurt cities and community media are outlined by public policy advocate, Bea Bedard:

1. “The City’s ability to regulate businesses using the public rights of way will be severely reduced.
2. The City’s ability to charge reasonable fees for access to the public rights of way for cable television, mixed use services, and ISPs would be eliminated resulting in millions of dollars in lost revenue in our community alone, and billions of lost revenue nationwide.
3. The City’s ability to negotiate cable television franchises that include public benefits at no cost to the City will be eliminated, and may result in lost revenue for the City, or the elimination of Public, Educational and Government (PEG) community media services.”[[1]](#footnote-1)

These three changes will do more than restrict community media organizations ability to serve their communities, they threaten their existence. The first two changes put more control into the hands of ISPs and Cable companies by stripping them of any [accountability] to citizens who need their services for work, school, etc. Service providers would be free to determine service by profitability. The third change threatens Cities abilities to negotiate cable franchises which fund PEG Access providers across the nation. Local Franchise Authority (LFA) negotiates the remaining aspects of the agreement which results in added in-kind benefits for the city, as Bedard lists out:

* “The I-Net (a low cost, municipal information network that provides high speed internet and data services to Governments and Schools)
* Community Capital Grants program - which allows the City to provide technology grants to schools and nonprofits
* The Electronic Program Guide - allows for inclusion of community media channel listings in the cable operators program guide
* Live feeds from locations such as City Hall that transport the live program through the PEG cable channels

The proposed policy will allow the cable operator to put a fair market value on the ‘in-kind’ services and subtract that value from the 5% of gross funds derived from cable services. This means, these in-kind services are no longer in-kind.” [[2]](#footnote-2) This ultimately will force Cities to decide whether community media infrastructure is worth the loss to revenue to the general budget. Many community media advocates are not hopeful they will, exhibited by many of the prior comments to the FNPRM.

Community media centers play an important role in local communities nationwide. Not only are they a legacy platform for free speech, they are a sites of community development. I have been personally involved with PEG Access for several years. In high school, I did some event coverage for my local station. I became more engaged in community media later in college when I interned, and eventually worked for, Saint Paul Neighborhood Network (SPNN), focusing on adult media education. It was there that I learned the significance of media-education in low-income neighborhoods. SPNN members, adult and youth alike, learned how to communicate issues dear to them. This creates confident politically engaged individuals as well as strong, localized communities. This was a deeply enriching experience. I was able to witness SPNN members grow, not only as media-makers, but also as community leaders and activists. Many of these people rely on PEG Access as the only way to receive media-production tools as well as the education to use them. Sadly, my hometown station cut its public access programming, a rapidly growing trend.[[3]](#footnote-3)

For these reasons, I recommend the FCC reject the FNPRM.

**Sincerely,**

Thomas Hackbarth

1. Bedard, Bea “Read All the Details on the FCC’s Proposed Policy” <https://www.opensignalpdx.org/news/fcc-policy-update-the-full-story/> [↑](#footnote-ref-1)
2. Bedard, Bea “Read All the Details on the FCC’s Proposed Policy” <https://www.opensignalpdx.org/news/fcc-policy-update-the-full-story/> [↑](#footnote-ref-2)
3. Benton Foundation, “PEG Access Centers Closing at Alarming Rate” <https://www.benton.org/headlines/peg-access-centers-closing-alarming-rate> [↑](#footnote-ref-3)