

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF VILLAGE OF GLENVIEW**

The Village of Glenview appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. We oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators’ use of the rights of way to provide non-cable services.

The Village of Glenview is a suburb of Chicago with a population of almost 47,000. It is served by two cable operators – Comcast, which is franchised locally, and Wide Open West, which is franchised through the State of Illinois – and a Web-based video service offered by AT&T. Altogether, these three entities provide almost \$849,000 annually in franchise fees.

The Village relies on these fees to fund operation of a government-access cable station, which, among other services, allows residents to watch government meetings and proceedings and locally-produced programs that highlight events, people and historical information.

The franchise agreement with Comcast in particular mandates it provide four community access channels in exchange for permission to use local right-of-way for its infrastructure needs.

By allowing cable companies to deduct in-kind expenses, there is no certainty these channels would continue to be available to the Village under the current agreement.

Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not government benefits, and should not be considered a deductible in-kind expense. The new rules effectively rewrite cable franchise agreements to reduce the franchise fee payments and services the cable operator provides in exchange for the same use of right of way, which we oppose.

Respectfully submitted,

James R. Patterson, Jr.  
Village President