

**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 THE TOWN OF CHELMSFORD

The Town of Chelmsford, MA appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We strongly 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 Town of Chelmsford, MA is a community of 35,000 people. We have approximately 13,000 cable subscribers served by two operators, Comcast and Verizon. Our PEG access department, Chelmsford TeleMedia (CTM,) uses cable franchise fees to provide invaluable services to our community. To help our citizens stay informed, CTM provides live broadcasts of most municipal meetings. To help our citizens exercise their first amendment right of free speech, CTM provides technical assistance and facilities to create community television programming. To help our public school department enrich its educational experience, CTM broadcasts important school events and conducts classes in media production and literacy.

The FNPRM will effectively reduce CTM's operating budget which will adversely impact CTM's ability to serve our community. The FNPRM also contradicts the contracts we

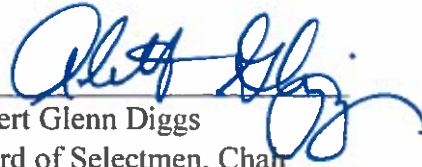
have entered into with our cable providers – which did not include language regarding using cable-related in-kind contributions as a substitute for franchise fees. Furthermore, deducting the value of cable-related in-kind contributions runs counter to the intention of the *Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992* by reducing the ability of our community to access the means of communication provided by cable TV – the very community access that is intended by this legislation.

The FNPRM requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated [by] the LFA and therefore should not be considered contributions to an LFA.”¹ We support the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The same reasoning should be applied to other cable-related contributions the Commission tentatively concludes are franchise fees. Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not contributions to LFAs, and, like build-out obligations, should not be considered franchise fees.


In conclusion, we strongly oppose the FNPRM. By using cable-related in-kind contributions to count against franchise fees, thus effectively reducing the operating budget of our PEG department, the benefit to our community will be greatly diminished.

¹ FNPRM ¶ 21.

Respectfully submitted,



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Board of Selectmen, Chair



Kenneth Lefebvre
Board of Selectmen, Vice Chair



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October 29, 2018