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**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 Berwick Community TV**

Berwick Community TV appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Berwick Community TV (BCTV,) is located in Berwick, Maine. We are a small Public, Educational, and Governmental Channel (PEG) currently operating on Comcast Channel 22. Our services go out to approximately 3000 homes in Berwick and we Stream live on our webpage reaching another 2000-3000 people. In our newest agreement, we were granted a second channel enabling us to separate our Government programming from our Educational and Public programming. We record and replay all governmental meetings – Selectmen, Planning Board, Board of Appeals and special Town meetings. We cover school board meetings, concerts, sporting events, and budget votes. With the addition of a few volunteers, we now record all Berwick Public Library speakers and musicians. We work closely with non-profits such as The Berwick Historical Society, the American Legion Post #79, the Berwick United Methodist Church, and Berwick Youth Soccer. We also assist Town departments such as police and fire by recording and replaying events held on the Opioid Epidemic, Community Drug Watch program, and Salmon Falls Emergency Spill Exercise. All of these programs inform and educate residents on what is happening in their town. This community access station brings our community together.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. The 1984 Cable Act was designed to help towns and cities promote activism – by covering town meetings. It was a way for the cable industry to meet their civic responsibility.

BCTV has a few videographers receiving a minimal stipend per event, one broadcast technician and a director. The franchise fees we receive provide enough for each of these positions along with operating costs such as our subscriptions to Comcast, NOVA Music, Microsoft, and Telvue. We put money aside for equipment and repairs as well. If cable giants can make cash purchases in the billions, do they really need to nickel and dime small stations like ours for every last penny? When will they have enough money? When will they become real partners with our communities?

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, BCTV provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then 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 the LFA and therefore should not be considered contributions to an LFA.”1 PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

I invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video, “Discussions With District #5 Candidates Forum.” This was a public forum organized in partnership with the Berwick Public Library, the Falls Chamber of Commerce, and BCTV. This partnership has been forged over the last year and half where we have worked together to promote each organization.

This program went out live to our viewers on both channel 22 and streaming. It will be played periodically over the next several weeks for viewers who missed it. It is available On-Demand and was posted to our social media site. This video is a public forum where candidates running for the Representative seat in District 5 were asked questions by residents. It was moderated by the President of The Berwick Historical Society and it was well attended. Before it was posted to our On-Demand site, I had people asking where they can view the video.

I appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

Terri Wright, Director

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