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

Re: 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

COMMENTS OF ELK GROVE VILLAGE, ILLINOIS

The Village of Elk Grove Village, Illinois and Elk Grove Television - EGTV appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. Under the direction of the Village Manager's Office, EGTV administrates, produces, programs and promotes the Village's municipal access cable channel, EGTV. Primary activities include:

- Creation, production, post-production, promotion and scheduling of programming highlighting Village policies, procedures and events including live coverage of Village Board Meetings, Park Board Meetings, high school sports community events and other community programming.
- Creation and scheduling of Village and community messages on the channel's Announcements Board and Village News, which are shown when programming is not being cablecast.
- Posting and maintenance of EGTV and other Village content on EGTV's webpage
- (www.eg-tv.org), on-demand (egtv.viebit.com), Facebook and Twitter pages.



Elk Grove Village strongly opposes 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.

Elk Grove Village repurposes its entire franchise fees to the operation of EGTV to make sure that residents are provided with complete transparency about Village government, how it works and how tax dollars are used. Franchise agreements made with cable operators in Elk Grove Village have always been based on gross system revenues which we collect as payment for the use of the Village's right-of-ways, and using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions based on what that fair market value is believed to be. EGTV provides live coverage of Village Board and Park Board Meetings, community events such as the Memorial and Veterans Day ceremonies, programming from Grove Junior High School, Elk Grove High School and Conant High School such as graduations, sports and arts programming. EGTV provides programming on the Comcast and AT&T U-verse systems as well as live streaming on the internet and through the Roku streaming appliance.

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, EGTV 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. We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video showing the different variety of local programming available only through EGTV for local residents:

<https://www.youtube.com/watch?v=LeRE91VCY7o>.

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

Respectfully submitted,

Craig Johnson
Mayor, Elk Grove Village, IL

November 6, 2018

¹ FNPRM ¶ 21.

