

**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 NORTHWEST ACCESS TV

Northwest Access TV appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Northwest Access TV, located in the rural northwestern corner of Vermont, provides diverse media services to our community, including cablecasting Channels 15 and 16. 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.

With a budget under \$400,000 we serve a population of 40,000 and produce 2,000 hours of local programming every year. Franchise fees are currently 90% of our budget and their reduction will devastate our ability to provide the local media services envisaged in the 1984 Cable Act. In addition to our cable programming, we provide training for residents of all ages, including pre-teens producing positive media messages for peers and octogenarians gathering local, living history. In rural America, access media centers like ours are beacons. We are one of very few STEM employers and training centers in our area. In towns with limited means, we are an affordable, creative outlet that combats negative substance-based escapism. And in an era of

depleted local media coverage, we provide residents with information directly from their municipalities and elected officials.

With only one cable provider in our area, this corporation will be free to determine their own fair market value for deductions from franchise fees. Throughout our contract negotiation process, independent audits of our finances and even the cable provider's Certificate of Public Good renewal, many of their finances have been veiled behind "proprietary information." This repeated lack of clarity seems likely to again occur in determining the proposed deductions.

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, Northwest Access TV 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.

¹ FNPRM ¶ 21.

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

Respectfully submitted,

Elizabeth Malone,
Executive Director, Northwest Access TV

11/9/2018