

**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 PUBLIC MEDIA NETWORK

Public Media Network appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. We 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.

Public Media Network is a media access center empowering people through media to amplify creative expression, community dialogue, and cultural understanding. For more than 35 years, our organization has provided cable access services to the public on behalf of our member municipalities. These services include the programming and operation of five cable channels, access to media production resources, media training, vocational education, and production services for area nonprofit organizations and local governments.

Programming on the five cable channels is community driven and provides access for diverse voices to share ideas, explore our local community, and stay connected and informed. Our government access channel increases transparency of local governments by providing gavel coverage of local meetings. This coverage helps people to stay engaged and informed

on the deliberations and actions of their local elected representatives, even when they are unable to attend a meeting. More than twenty (20) local government meetings are covered live and replayed each month. Meetings include local townships, city council/commissions, county board of commissioners, school boards of education, and the county road commission.

The two public access channels feature content that is diverse and truly local. For example, *The Local Scene*, produced and hosted by the owner of a local bookstore, recently featured a historian from the public library talking in detail about the history of one of our local neighborhoods and former sites of an amusement park. *Critical Issues, Alternative Views* is produced by a group of professors from a local university featuring interviews with global experts on a variety of topics. Other programs feature local sports, nonprofit organizations, local leaders, spiritual messages, and local church services. Our educational access channel partners with the local school system and post-graduate programs to feature educational programming, high school sports, graduation ceremonies, and youth voices. Local arts programming, such as Kalamazoo Symphony Orchestra concerts and Gilmore International Keyboard Festival Rising Stars Series, extends the arts beyond the concert hall into the homes of people throughout the community. Some of these people are homebound and unable to attend arts events, while others may first experience the arts through media.

This is programming that is as local as it gets. In the last month, programming has included the inauguration ceremonies for Kalamazoo Valley Community College's third president, local government meetings lasting more than four hours as members of the public commented on the need to address homelessness, holiday parade coverage, interviews with foreign journalists about the role of the press in a democracy, and candidates running for office. This programming

is not available anywhere else in our community. Commercial media outlets and shrinking newsrooms do not have the resources to produce this content.

In a recent viewership survey, more than 30% of cable subscribers watch this community programming. Public Media Network receives a percentage of the franchise fees paid to our local municipalities to support our operations. Based on this percentage, Public Media Network receives approximately \$25 per year of the average cable subscriber's franchise fee line item. Currently, this revenue from cable franchise fees accounts for more than 90% of our overall budget. While we are developing a long-range plan to replace decreasing cable TV funds, a sudden loss of this funding would be detrimental to our ability to continue providing media access services to our community. This funding provides access to media production equipment and resources for disenfranchised voices and people in our community. This funding also supports training and education programs for youth and adults, including Education for Employment classes, an out-of-school youth media program, and summer programming.

It has been a long-standing agreement to include the provision of cable access channels as part of the public interest obligation for a cable company's use of the public right-of-way, in addition to the franchise fee payment. Without these funding provisions and PEG Channel capacity, people outside of the commercial broadcast industry would not have the ability to use professional production studios and equipment to help share their stories, increase civic engagement, and share local media that matters to their community.

Public Media Network rejects the notion in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third party PEG provider like Public Media

Network. PEG programming directly benefits the cable consumer and the larger public. In many communities, PEG Channels and their respective Community Media Centers are the only source for locally produced content. In other communities with more local broadcast affiliates, PEG Channels remain the only source for locally produced content that is not commercially viable and that provides opportunities for all people to have an equal voice on a multichannel video distribution platform.

The 2011 FCC Report, “The Information Needs of Communities: The Changing Media Landscape in a Broadband Age”, notes, “In a 2004 survey, 79 percent of the public television licensees indicated, ‘the amount of local programming they currently produce is not sufficient to meet local community needs.’” The report further states that, in terms of local TV news, “Topics like education, health care, and government get minimal coverage. In a 2010 study of Los Angeles TV news by the Annenberg School of Communications, such topics took up just a little over *one minute* of the 30 minute broadcast.....In another study – of local broadcasters in 175 cities – coverage of city government was found to be about one-third as common as crime stories. Other studies have discovered the same pattern.”

Local Public, Education, and Government access channels provide curated channels for people to engage with and watch locally produced programming about their community. The 2009 Knight Commission on the Information Needs of Communities in a Democracy Report “Informing Communities: Sustaining Democracy in the Digital Age” states “Information is essential to community vitality.....Local information systems should support widespread knowledge of and participation in the community’s day to day life by all segments of the community. To achieve the promise of democracy, it is necessary that the creation, organization,

analysis, and transmission of information include the whole community”. PEG Channels remain a vital component of meeting the information needs of our communities and democracy.

In order to provide their service and operate their business models, cable communications companies rely upon the access to the public right-of-way. Without the ability to use the public right-of-way, these companies could not operate. The public interest provision of PEG Channels is a minor cost for the ability of these companies to conduct business through use of the public right-of-way. Public Access Channels are the only means for anyone and everyone in our communities to have an equal voice and ability to participate in the creation and transmission of information over multi-channel video distribution systems.

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

¹ FNPRM ¶ 21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Schuster". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Matt Schuster
Executive Director, Public Media Network

November 12, 2018