

**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 Rutland Region Community Television

Rutland Region Community Television (RRCTV) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. RRCTV is a non-profit Public, Educational and Governmental (PEG) Access television facility located in Rutland Vermont. We are the designated AMO for 17 towns in Rutland County, reaching approximately 20, 000 cable subscribers over three channels and a streaming portal on our website. Our website is viewed by many local individuals as well as folks outside of our viewing area.

RRCTV 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 our channel as franchise fees. The majority of RRCTV’s funding is received through franchise fee payments and a reclassification of in-kind contributions, which may lead to a great reduction or elimination of that funding, could be devastating to our organization, the services we provide, and the 12 people currently employed by RRCTV. Our agreements with cable operators have always stated that certain services, including, but not limited to complimentary cable and internet for schools, libraries and municipalities, remote origination, reverse feeds and channel capacity are separate

and distinct from franchise funding. To change such classifications now would go against decades of established structure, which currently provide a great benefit to our immediate region and surrounding communities. It would also jeopardize the hyper-local programming we cablecast and possibly disrupt the flow of local content provided to us by community members. RRCTV itself contributes a great portion of programming, including, municipal and school board meetings, live Halloween parades and election night coverage. Our viewing audience enjoys a selection of over 30 town or city meetings per month. The free cable access we provide is used by many non-profit agencies in our service area and we are often the sole outlet for their messages. A loss of funding could quite possibly change our media landscape by reducing RRCTV's capability. Our community depends on us and we cannot afford to be a less viable resource.

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, RRCTV 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

¹ FNPRM ¶ 21.

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.

RRCTV invites the Commission to view for themselves the important benefits provided by local content in our programming at www.peg.tv . We also have a large collection of written accolades received from appreciative members of the community which can be made available upon request.

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

Respectfully submitted,

Thomas Leypoldt

Thomas Leypoldt
Executive Director,
RRCTV
1 Scale Avenue, Suite 108
Howe Center, Building # 24
Rutland, VT 05701

November 8, 2018