

**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 San Jose Media Access Corp. DBA CreaTV San Jose

CreaTV San Jose appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. CreaTV San Jose is a nonprofit Community Media Center in San Jose, CA that contracts with the City of San Jose to provide Public and Educational Access services to the community. We manage 2 educational channels in partnership with local colleges, public schools and other educational institutions which provide valuable and socially critical content via the cable system. The partnerships we have built also provide irreplaceable educational opportunities through out of school time programming and summer opportunities. We also manage 2 public access channels, allowing community members, nonprofits and community groups the ability to share information relevant to the City, that would otherwise not be accessible. Through those relationships, CreaTV provides educational and production services at little to no cost, helping to foster a more educated and informed citizenry. 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.

These fees have allowed our 10-year-old organization the ability to uniquely serve the City of San Jose and its residents with truly local information services and educational opportunities. If the order is to pass, the impact on our financial position would be dire. Funding for CreaTV affords community members, nonprofits, and local governments access to vital technology tools and educational opportunities needed to create and distribute content that commercial media outlets and ever shrinking newsrooms have no resources to cover. The funding allows us to reach out and work with communities who are most effected by the deep digital divide that exists in San Jose, presenting unique community based solutions to youth and adults to gain necessary 21st Century workforce skills and technical self-confidence.

While CreaTV has a long term financial plan to replace decreasing cable TV funds over the next decade, the FCC's redefinition of in-kind services against Franchise Fees would immediately devastate our ability to serve the community.

In 2017, CreaTV served 198 nonprofit organizations in San Jose and Silicon Valley through education and affordable media production. We helped create 150 media projects, on a sliding scale, for nonprofits, community groups and City and County departments, helping tell the story of our community and providing valuable information necessary to participate in civic and cultural life. In 2017, our state of the art studios and professional staff facilitated 320 community productions and helped create 50 Public Service Announcements for nonprofits and government agencies. We offered our 451 members nearly 150 hours of educational programs and community events in our facility and throughout the City of San Jose. We distributed 2,734 hours of original content through our four cable TV channels of locally produced content.

As demonstrated above, CreaTV San Jose 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 appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C Johnston', is positioned above the typed name and address.

Chad A. Johnston – CEO
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¹ FNPRM ¶ 21.