

**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 AVON LAKE COMMUNITY TELEVISION

Avon Lake Community Television appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Avon Lake Community Television, located in Avon Lake, Ohio, has three cable access channels (Government, Public and Education). We serve the residents of Avon Lake who subscribe to cable television with programming such as council meetings, church services and civic events. 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.

The impact on our budget of reduced franchise fees will negatively effect our ability to provide programming to our residents. These people count on watching religious services because they cannot travel, keeping up with legislation passed by Council, and learn what is going on in the city by watching government ward and water meetings. Our channels enable our citizens to maintain a connection to their community by watching shows that run the gamut, from drug forums building awareness of the opioid crisis in our community to an astronomy

expert sharing what can be seen in the sky every month. We also produce public service announcements with our police and fire departments; these are customized to address specific issues in our community.

It is thought that the internet is a great communication medium, but it isn't for everybody. There is a large population, mostly the elderly, who rely on television to get their information. So for every announcement we post on Facebook (discounted meals, library events, government meeting schedules, traffic pattern changes, etc.), we also post to our bulletin boards on all our channels. We average about 50 unique postings per month that has real value to the people who are watching us. There is so much information available in the market today but not when it come to the basic hyper-local content. The information we convey isn't driven by large marketing budgets, it is free and is supplied to us by the local non-profits, organizations and government departments who are offering services to help and inform the people our town. We give them a voice.

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, Avon Lake Community Television 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,

Barbara Cagley
Digital Media Director,
Managing Avon Lake Community TV

November 13, 2018

¹ FNPRM ¶ 21.