



*Tim Rogers, Mayor*

*KT Tobin, Deputy Mayor*

*Trustees: Don Kerr, Dennis Young & William Wheeler Murray*

*Nancy Branco  
Treasurer*

*Gene Bleu Terwilliger  
Superintendent Public Works*

*Alberta G. Shaw  
Village Clerk*

**November 8, 2018**

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311*

Dear Ms. Dortch,

The Village of New Paltz appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of our public right-of-ways.

Municipalities have been entitled to a percentage of gross revenues from cable TV operators who place their facilities in our right-of-ways. This revenue source is already contracting as consumers cut the cable TV cord. The Village of New Paltz franchise fee has dropped (9%) since 2015 to \$35,529 for 2017. There is no franchise fee for cable internet even though it also relies upon the public's right-of-ways.

Franchise obligations for public, educational, and government access television channels and local customer service obligations are more appropriately considered community benefits and should not be considered franchise fees. For example, our franchise agreement requires the cable operator to provide records to the municipality regarding complaints and outages which aids us in consumer protection. This is a benefit we receive through our agreement that cannot substitute for the franchise fees or vice versa. These agreements protect our constituents.

We urge you to protect communities and small municipalities like ours by holding cable operators accountable and continuing to contribute franchise fees.

Respectfully submitted,

Mayor Tim Rogers  
Village of New Paltz

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