

**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 MAD RIVER VALLEY TELEVISION

MAD RIVER VALLEY TELEVISION (MRVTV) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. MRVTV is the sole access management organization serving the Mad River Valley community in Central Vermont, including Waitsfield, Warren, Fayston, Moretown, Duxbury and Buels Gore. MRVTV operates two standard definition and two high definition channels hosted by Waitsfield Cable, a company with 2700 subscribers. MRVTV provides public, educational and governmental coverage as well as additional community focused content. MRVTV offers 24/7 programming 365 days a year.

We write to express our concern about and disapproval of the proposals and tentative conclusions set forth in the FCC’s September 25 Further Notice of Proposed Rule Making in 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 05- 311. 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.

MRVTV's budget is 90 percent reliant on pass through fees from Waitsfield Cable. We would not be able to continue to operate in our role of connecting and communicating with the community under those circumstances. MRVTV was founded in 1998 by a handful of citizens who reached out to Waitsfield Cable and the Vermont Public Service board to create the Access Management Organization. Since that time, Waitsfield Cable and MRVTV have enjoyed a cooperative, cordial and successful relationship. MRVTV provides the only gavel to gavel, unfiltered access into local municipal boards and commissions, including select boards, planning commissions, development review boards, intra-municipal planning boards, school boards and more. This provides visibility, transparency and creates a permanent public record for the communities. Additionally, this allows the elderly and infirm as well as the housebound to stay engaged and have access to the action of elected officials in real time. This helps all in the community stay informed and make informed decisions.

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, MRVTV 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.

For example: MRVTV invites the Commission to view one of these clips (<https://mrvtv.com/category/school-board-meetings/>) for themselves to better understand the important benefits provided by local content in PEG programming. These are video clips of the six-town unified school board that governs six towns and seven schools. Prior to the consolidation of seven school boards, MRVTV was instrumental in providing extensive coverage of plans to consolidate, the consolidation process and its subsequent roll out in the community. These unified union school district board meetings are the single most watched programming on MRVTV.

Additionally, please consider the following comments from community leaders on the importance of MRVTV in communicating their work to the public. "I used to be concerned that so few residents attend our Select Board meetings on a regular basis. I am always heartened when someone approaches me with a question that was discussed at one of these meetings, and to learn they took the time to watch it on Mad River Valley TV (MRVTV). This happens so often, the Select Board has taken to use the phrase ‘...and for those of you watching back

¹ FNPRM ¶ 21.

home...' while we are being filmed, because we know that so many people are watching. MRVTV has certainly increased the potential for civic awareness and involvement in our community.” Chuck Martel, Town of Fayston Select Board

"MRVTV is an invaluable resource for our communities. Its regular coverage of local municipal and school board meetings keeps people informed and up to date, allowing many who may not have access to such information to participate in the process.” Kari Dolan, Town of Waitsfield Select Board member and newly elected Vermont state representative.

"Mad River Valley Television is an integral part of our rural community and plays a critical role in the communication of the work we do for the Harwood Unified Union School District. Living in a rural community, which covers many square miles, it can be difficult for community members to attend our public meetings. MRVTV provides accessibility to our meetings for the people we represent in six towns, and seven schools, so they can stay informed of the important work we are completing on their behalf.” Rosemarie White, Harwood Unified Union School District board member from the Town of Warren.

"Over the years I have been able to see first hand the important role that MRVTV occupies in the Valley community. Years ago I inquired about producing my own public access TV show. From the beginning MRVTV supported my show, "Open Season," by not only encouraging my continued production of it but also by providing a space for taping and a road camera crew for "away" interviews. For years this was a seamless, cooperative effort of extraordinary value. I am grateful to MRVTV for not only their support for "Open Season" but also for the broader good work they perform for the Valley towns and beyond.” Sal Spinoso, Town of Waitsfield Select Board

“The value of MRVTV to the Mad River Valley community is immeasurable. This great community service allows much broader participation in not only local government meetings but many events throughout the community. Without this community asset the public would not be able to get the information needed to understand the workings of their local community. It is not news but providing real access to the workings of local government.” Bob Ackland, Town of Warren Select Board

“MRVTV has tremendous value for the Harwood Unified Union School District Board in helping us communicate about our work with the community. It provides people both near and far the opportunity to watch meetings via public access television programming or online at their convenience. MRVTV provides a service that allows countless members of the community to stay informed about what is happening at our meetings and in our school district. Without MRVTV, it would be incredibly challenging to keep the community informed about our work as a board, and the events happening in many of our local schools.” Christine Sullivan, Chair of the Harwood Unified Union School District Board

“Healthy and engaged communities depend upon the informational and educational opportunities public access television provides. The plethora of local programming is unmatched and always much appreciated. The Waitsfield Select Board truly appreciates the efforts of MRVTV, and hopes they can continue for a very long time.” Paul Hartshorn, Chair Town of Waitsfield Select Board

"Mad River Valley TV is one of the most important media resources in our community. They've helped us expand our audience for informational community programs through their videotaping and live-streaming services. In turn, this has made us a more locally-known and

respected organization. Beyond a local audience, MRVTV's creative programming is content that we share with visitors to tell the unique stories and highlight the tremendous assets of our Mad River Valley. Having the support of MRVTV's services and programming is critical the success of our organization.” Jasmine Bigelow, Executive Director of the Mad River Valley Chamber of Commerce

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

Respectfully submitted,

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Director

Tony Italiano, MRVTV Media/Program
Manager

Lisa Loomis, MRVTV Board Chair

Liz Levey, MRVTV Board Vice Chair

Dan Eckstein, MRVTV Board Member/
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Rob Williams, MRVTV Board Member

Brian Shupe, MRVTV Board Member

John Daniell, MRVTV Board Member

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