

**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 FALL RIVER COMMUNITY MEDIA

Fall River Community Media appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Fall River Community Media is the public communications organization housed at Bristol Community College in Fall River, MA. We operate the city’s public access cable television channel telecast over the Comcast cable television system. The over 26,000 cable subscribers in our city access our channel to glean impactful community information from local residents and non-profit organizations. 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.

Our operation, as well as of our colleagues across the country, rely on locally negotiated franchise fees to pay for the creation and distribution of vital community information. We feel any change to broaden the definition of in-kind contributions will negatively impact speech within our communities. If this rule were to become enacted, it is likely that our budget would be cut and we would not be able to adequately provide service to our residents. We have a long-standing agreement from the cable operator that such in-kind contributions are not considered part of the

franchise fee. The intent to use fair market value to determine the amount in-kind contributions can be considered a franchise fee will lead to arbitrary deductions from our funding base that, we feel, was not the intent in the definition of franchise fees in the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992.

Our operation has been recognized as a leader, regionally and nationally, in the community media industry, providing an outlet for local organizations to share how they serve our city; providing context on local election initiatives; and providing a voice for local residents to comment on how our city is governed. Our diverse community of Portuguese, Hispanic, and Cambodian ethnic neighborhoods, among others, have little opportunity to share their news and interests with others in Fall River. Social media has become mired in its vastness. Our resources are focused and local. We disagree with the implication in the FNPRM that local community television 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. Fall River Community Media provides valuable local programming that is not otherwise available on the Comcast 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, including what we do here at Fall River Community Media, fits

¹ FNPRM ¶ 21.

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, reading "Keith J. Thibault". The signature is written in a cursive, flowing style.

Keith J. Thibault
Director, Fall River Community Media
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Fall River, MA

November 13, 2018