**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 PLYMOUTH AREA COMMUNITY ACCESS TELEVISION (PACTV**)

Plymouth Area Community Access Television, Inc. (PACTV), the designated PEG provider for the Towns of Plymouth, Kingston, Duxbury and Pembroke, MA, and a non-profit 501(c) 3 organization appreciates the opportunity to file comments on the Second Further Notice and Proposed Rule-making (“FNPRM”) in the above referenced docket. We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operator's use of the rights of way to provide non-cable services.

Technology has surpassed the platform initially designed to fund PEG services. That is a simple fact that we acknowledge and understand. Trends in society to select what is watched, how it’s watched and where it’s watched are dictating many changes from traditional cable delivery. Citizens have more choices, and that is a good thing. However, their choice for local PEG programming is not included in that new blend of options and remains the backbone and passion of PEG media centers and distributors of that content. This Rule change would be an endgame for hyper-local content. We have been planning on a funding deterioration as more and more citizens opt to “cut the cord” of traditional cable television. Our strategy to replace traditional PEG funding is ensconced in our business plan, which, by our best estimation, would be a four to eight-year period before the total replacement of our funding would be necessary. We believe it is reasonable to expect a transition period to allow us the ability to raise funds, so we can continue our mission and responsibility- providing local government, educational and public programming of all kinds and protecting and preserving free speech. To change the funding formula in the licensing agreements Cable Operators signed with towns, cities and municipalities is highly suspect. Whereas cable subscribers have been paying the bulk of PEG funding, suddenly it will be another line item to add to municipal budgets that are already stretched incredibly thin or PEG funding simply ceases to exist. The motivation behind such a drastic change is neither clear nor warranted. We need time to adjust; simply the time that would have organically occurred.

PACTV manages 6 cable channels and serves approximately 107,750 residents with 38,318 cable households (according to the Commonwealth of Massachusetts in 2017.)

PACTV provides services that residents cannot get anywhere else. We connect people to their communities and each other. We provide public, education and government access to our towns. Plymouth and Duxbury manage their own educational programs.

Residents create their own television shows including church services, talk shows, shows featuring artists, local theater, cooking shows, travel, seniors, local businesses, town events, sports programs, music and so much more. Shows are also created by organizations such as the Arc of Greater Plymouth, helping them achieve their mission of empowering and supporting people with disabilities and their families to belong, contribute and thrive. PACTV's public access channel is a first amendment forum and displays community notices in between programming 24/7 educating people about what is happening in their local communities. PACTV produces a news show featuring the good news of our four towns. Stories include local nonprofit organizations, town information from construction projects to town events, profiles of community members, health information and more. Residents say that by watching PACTV Community News they feel closer to each other and their communities. PACTV provides free promotion to nonprofit organizations, community organizations and town departments in the form of public services announcements (PSAs). These are held 4-5 times a year and help organizations promote their services, events and find volunteers through the PSAs. In addition, PACTV provides event coverage of two Memorial Day parades, two Independence Day parades and America's Hometown Thanksgiving Parade in Plymouth. PACTV also hosts the Plymouth Rotary Club's annual live television auction, helping the Rotary raise money that is given to nonprofit organizations and scholarships to local students. To date, PACTV has helped the Rotary raise over One Million Dollars in this effort.

PACTV provides video production training throughout the year and an award-winning summer documentary program that is offered to middle-school aged children. Students in Kingston and Pembroke take part in after school programs managed by our dedicated staff. We provide support to independent study students, train students to record events in their schools and help students tell their own stories about themselves and their schools. Our staff also records events taking place in our schools from STEM (science, technology, engineering and math) week programs, a thank you video to veterans shown on Veterans Day, sporting events such as the high school Thanksgiving football game, school concerts from elementary school to high schools, creative writing videos, coverage of school events and public service announcements for school fundraisers and events.  Our staff help augment learning through video, engaging students.

PACTV manages robust government access services including eleven informational programs: "Breaking the Cycle" about opioid addiction, "Delicious and Nutritious" providing healthy recipes to seniors, "Pembroke Today" with the town administrator, "Register's Report" featuring the Plymouth County Register of Deeds, "Primetime at the Duxbury Senior Center", "Safe Communities" with the Plymouth County Sheriff, "Scales of Justice" with the Plymouth County District Attorney, "State Matters" with State Representative Matt Muratore, "Healthy Kingston", "Good Day Kingston" with a member of the Kingston Board of Selectmen, and "Nook News" featuring the Plymouth Council on Aging. These programs provide information to residents and are hosted by local, state and county elected officials. PACTV offers candidate services to candidates running for local offices, county and state offices in the form of candidate forums and candidate statements that are recorded in our studios, helping residents make informed decisions when they vote. PACTV provides meeting coverage in our four towns, covering over 350 government meetings each year. This service keeps local government transparent and importantly, gives residents who cannot attend meetings in their local town halls the opportunity to find out what is happening in their town.

In this day and age of sparring between sides- issues, parties, platforms- there remains a neutral voice and that is PEG. By design, we are neither tied to any political party nor religious ideology. By design, we are non-commercial and thus not beholden to business or corporate influence, but to the citizens that we serve. By design we keep our communities connected in the one safe place where all voices are respected and treated equally.

We are not afraid of change, and embrace all the possibilities that it brings. We ask you to reconsider the timing of this Rule change so that Access Centers everywhere can work with our municipalities and schools, local businesses and organizations, to come up with a viable plan to continue our work, within the ever-changing continuum of technological advancement.

Let us keep the community connections alive and well. We are from America’s hometown and the principals that brought our forefathers here are still intact. Neighbors and neighborhoods are the tapestry of this great country and their singular voices need a fair and honest platform free of influence of anything other than themselves.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (FLS) or the PEG provider, rather than the public. As demonstrated above, Plymouth Area Community Access provides the valuable local programming that is not otherwise available of the cable system, 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 LFA’s 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 [by] 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 and cable subscribers.

[[1]](file:///C:\Users\cmcgilvray\Desktop\cable-franchising-fnprm-comment-template-peg.docx#_ftnref1) FNPRM ¶ 21.

Respectfully submitted by:

Julie Thompson, Executive Director

For the entire Staff and Board of Directors

PACTV

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