

**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 THE TOWN OF ANDOVER, MASSACHUSETTS

The Select Board of the Town of Andover, Massachusetts, acting as issuing authority over licenses granted to Comcast & Verizon, strongly oppose the proposed rulemaking referenced above. If adopted, these rules will negatively impact local control over rights of way and will cause irreparable harm to a thriving community media presence in the Town.

As stated, Andover is currently under contract with both Comcast and Verizon for cable services. These licenses both expire in 2027 and 2024 respectively. Of Andover's population of over 35,000 there are just over 12,000 cable subscribers – that is nearly 90% of all households. The Town currently benefits from receiving 5% of gross annual revenue from Verizon and 5% of gross annual revenue from Comcast. These funds are vital to the operation of Andover's designated access corporation – Andover Community Access & Media Inc. (AndoverTV) as well as for the fiber infrastructure in town that makes their live broadcasts possible.

AndoverTV is a non-profit, membership-based organization founded in 2008 to provide cable related services and access to technology in the town. This organization has trained hundreds of community members over the years in the art of video / multimedia production and

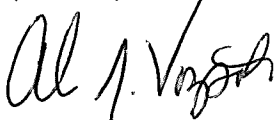
has fostered the production of hundreds of thousands of hours of local content. AndoverTV is extremely active within the public-school system, working closely with High school students, teachers and specialists across the district. They provide equipment and a state of the art studio at the high school in which to learn media production. The high school video classes that AndoverTV supports enrolls over 250 students each year alone. That doesn't include the countless opportunities that AndoverTV provides through their community media outreach and classes. The organization is also responsible for providing accessibility to government operation through coverage of Town Meetings, Elections and many municipal meetings. In FY '17 AndoverTV staffed, broadcast and live streamed over 250 municipal meetings and special events for the residents of Andover. This coverage is vital as far as providing transparency and communication between the residents and government of Andover. AndoverTV also maintains and adds daily to a high definition "VOD" or video on demand website containing every piece of video, both community and municipal, that has been produced since 2008. Reduction in franchise fees would cripple the operation of this organization and undermine its mission. The FCC is attempting to disrupt long-standing local control over privately negotiated contracts without jurisdiction or understanding of the negative impact. The Town of Andover views public access television not as a luxury, but a necessity in the fabric of the town. Non-profits, schools, government departments and residents utilize the services of AndoverTV on a daily basis. The dissemination of emergency information, access to local government meetings and hearings, helping students to prepare for future education and career opportunities – these are not frivolous activities in the opinion of this body. These are tasks performed every day by AndoverTV and the Town can ill afford to lose that service.

Respectfully, the Commission has concluded inaccurately that that monies and services returned to the Town are for the benefit of the municipality when it is far more appropriate to classify these as benefits to the community. Public rights of way are public property and the public should be compensated for their use. Since cable subscribers are already required to pay franchise related costs, these rule changes would reduce their rights and benefits in a time of increasing subscription cost.

Andover also desires to retain the right to have input on the placement of equipment such as small cells, in an effort to safeguard the health and beauty of the Town. Massachusetts has long cherished the notion of local franchising for cable related services because each municipality is unique. The FNPRM disregards this belief and allows cable companies to make decisions from afar that may well impact the quality of life in Andover.

In a time where locally produced media is quickly disappearing, the local community media center provides irreplaceable service to the city or town it serves. That city or town should retain the right to determine what is beneficial to its residents. The Second Further Notice of Proposed Rulemaking by the FCC is a benefit to multi-billion dollar corporations and a great loss to the Town of Andover and its residents. As the franchise issuing authority, we officially submit this statement of opposition in the sincere hope that these rules shall not be enacted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex J. Vispoli", written over a horizontal line.

Alexander J. Vispoli
Chair, Board of Selectmen




Laura M. Gregory
Vice Chair, Board of Selectmen



Christian C. Huntress
Secretary, Board of Selectmen



Paul J. Salafia
Selectmen



Ann W. Gilbert
Selectwoman